

# **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** **AUGUST 12, 2021**

**PRESENT:** VICE CHAIRMAN, ANTHONY GIANNICO, RAYMOND COTE, ROBERT FRENKEL,  
MARK PORCELLI

**ABSENT:** CHAIRMAN, CRAIG PAEPRER, KIM KUGLER, VICTORIA CAUSA

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<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>TYPE</u></b>	<b><u>PAGE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
House of Prayer & Worship	64.6-1-14	P.H./Reso.	1	Public Hearing Closed & Resolution Adopted.
NY Fuel Distributors LLC (Coco Farms)	55.11-1-40	P.H.	1	Public Hearing Closed & Bond Sent to Town Board.
DPL Realty LLC.	44.14-1-22	R. Site Plan	1-2	Public Hearing Scheduled.
Hirsch, Stacy	66.13-1-7	Site Plan	2	Public Hearing Scheduled.
MCSS Self-Storage	55.16-1-8.1	Waiver of Site Plan Application	2-5	No Board Action.

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Rose Trombetta

**HOUSE OF PRAYER & WORSHIP – 365 HILL STREET – TM – 64.6-1-14 – PUBLIC HEARING/RESOLUTION**

Mr. Carnazza had no comments.

Mr. Franzetti had no comments.

Mr. Cleary stated you have an approval resolution before you to be voted on this evening.

Vice Chairman Giannico asked if anyone in the audience wished to be heard on this application.

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

Mr. Cote moved to adopt Resolution #21-08, dated August 12, 2021; Tax Map #64.6-1-14 entitled House of Prayer and Worship Final Site Plan Approval. The motion was seconded by Mr. Porcelli with all in favor.

**NY FUEL DISTRIBUTORS LLC – (COCO FARMS) – 1923 ROUTE 6 – TM – 55.11-1-40 – PUBLIC HEARING**

Mr. Carnazza read his memo which stated I inspected the property on July 20, 2021. All signs that were installed on the pylons were removed. I have no objection to the return of the bond.

Mr. Franzetti had no comments.

Mr. Cleary had no comments.

Vice Chairman Giannico asked if anyone in the audience wished to be heard on the bond return.

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

Mr. Franzetti stated the next step is to send this to the Town Board for release of the bond.

**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 2<sup>nd</sup> and 3<sup>rd</sup> 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 and area variances were granted by the ZBA and are noted on the plat.

Mr. Franzetti stated all engineering comments have been addressed.

Mr. Cleary stated all site planning issues have been addressed. The next step in this process would be to schedule a public hearing.

Vice Chairman Giannico asked if the parking was squared away.

Mr. Cleary stated the site plan has been revised. The space sizes have been clarified and the new parking area has been clarified on the plan as well.

Mr. Carnazza stated the Zoning Board preferred the number of parking spaces to be compliant and allowed it to go down to the 9 foot width at that point. So, the spaces will be 9x18.

Mr. Adam Thyberg of Insite Engineering, representing the applicant stated for clarity the three parking spaces off the side of the driveway will be new proposed parking spaces. Those are designed to meet the zoning standard. It's just the existing parking spaces that have been there forever will be 9x18 dimension.

Mr. Cote moved to schedule a public hearing. The motion was seconded by Mr. Porcelli with all in favor.

#### **HIRSCH, STACY – 311 DREWVILLE ROAD – TM – 66.13-1-7 – SITE PLAN**

Mr. Carnazza stated at the last meeting we discussed the cleaning/disinfecting of the kennels. Everything was discussed but we need to get those details on the plans. Variances were granted for two-way aisle width, lot area, parking spaces and lot width. The Engineer needs to provide floor plans for the structure. Site plan is not specific which areas are house and which are kennel.

Mr. Franzetti stated all engineering comments have been addressed.

Mr. Cleary stated all site planning issues have been addressed. He said the next step would be to schedule a public hearing.

Mr. Frenkel moved to schedule a public hearing. The motion was seconded by Mr. Porcelli with all in favor.

#### **MCSS SELF-STORAGE – 155 HUGHSON AVE – TM – 55.16-1-8.1 – WAIVER OF SITE PLAN APPLICATION**

Mr. Richard O'Rourke of Keane and Beane Law Firm, representing the applicant addressed the board and stated the application before you is for the repurposing of an existing building that has already received site plan approval which was a warehouse. We are proposing to make it into a self-storage facility. He said we believe the parking requirements are different for self-storage as opposed to what was previously approved for a warehouse. Your code provides for the requirement that if it is a self-storage, it's one parking spot for every 10,000 square feet of self-storage. If it was another use, such as the warehouse the requirement is one parking spot for every 1,000 square feet. That makes sense, because with self-storage there is very limited parking. He said we are not changing the building at all or the

footprint of the building. We are installing interior renovations with an elevator so we could accommodate space that we will be building internally. Internally, we will double the floor space because we are putting in a second floor. He cited the code and said in the event of a change of the use of the site plan from self-storage to a permitted use, provisions must be shown for parking of one space for every 1,000 square feet. He said we're not moving from self-storage to a warehouse or another use, we're proposing the previously approved site plan for a warehouse that pursuant to your code there is a provision for waiver of site plan review if there is no exterior renovation. He said we are asking for a site plan waiver, but we are also requesting a waiver from the requirement of showing parking for a use that we are not proposing and is on property that was previously approved for a warehouse, so in essence we are going to have according to your code under self-storage, we are going to have more parking there than what is required.

Mr. Carnazza read his memo which stated the applicant propose to renovate the existing "Storage Building" in the C-BP Zoning District to a two-story, Self-Storage use which is allowed by right in the C-BP District. Section 156-33 G required that the applicant show the Board that this property can be developed and provide parking at a ratio of 1 space/1,000 s.f., I do not see that information.

***156-33G - Off-street parking shall be provided, and there shall be one parking space per 10,000 square feet of storage area. In addition, the owner shall submit a plan which establishes that in the event of a change of use of the site from self-storage to a permitted use, provision can be made for parking at a ratio of one space for every 1,000 square feet of building which parking shall be shown on both the areas the owner intends to pave as well as on areas not paved.***

Until this information is submitted, the waiver should not be granted.

At which time, a discussion ensued regarding parking regulations for self-storage facilities of one parking space per 10,000 square feet and one parking space per 1,000 square feet for other permitted uses.

Mr. Carnazza stated now that there will be an entire 2<sup>nd</sup> floor, they will have to show a few more parking spaces on the grass. It doesn't have to be developed, but they need to show us that they can develop them if need be.

Mr. Porcelli stated if they revert from self-storage back to a warehouse and have double the square footage, that's when you need to show the extra parking spaces, correct?

Mr. Carnazza replied that's correct.

Mr. O'Rourke stated we do not disagree with that, but what I'm focusing on is the language where it says a change of the use of the site from self-storage to a permitted use then we would have to show the spaces. We are moving from self-storage to a warehouse.

Mr. Cote stated as a board we do not look at what you are doing today, but we have to look at what could happen tomorrow with that property. I interpret this code to mean if that should happen down the road, will there be ample parking. It's not saying you need to provide that parking, but you need to have a drawing that shows that you could provide that parking.

Mr. Franzetti stated that since there are no changes being made to the site, the Engineering Department has no comments. He said in order to show the parking spaces, the applicant needs to understand that this went through a vigorous review with regulatory agencies in the past. You can't just show parking on a drawing, it will have to meet the criteria and the NYCDEP may have to weigh in on it.

Mr. Cleary stated I agree with Mr. Carnazza's interpretation of this. We may have seen this once before many, many years ago. The intention of this provision was self-storage facilities at the time were typically multi-building facilities with orange doors on them. He said it's "in addition" language that requires the applicant to provide this for you at this point. This is not an engineered site plan, it's a geometric site plan showing the parking spaces, so it's a relatively easy task to do. The applicant should provide that to you, but you could certainly consider waiving that provision. He said if it wasn't for this parking issue, I would recommend the waiver without any hesitation.

Mr. Carnazza stated he disagreed with one thing. I don't think they need to do the engineering and the DEP yet, because it says show them, but don't build them. They would have to come back here for an amended site plan if they change the use. They have to lay it out, but don't build it.

Mr. Cleary stated obviously it would have to be realistic. They couldn't show us those spaces in the middle of a wetland on a side of a cliff. They would have to put it in a reasonable location.

Mr. Franzetti stated while I agree with Mr. Carnazza and Mr. Cleary to show it geometrically, however, the site has constraints. Be aware of that, because in the future if this becomes something else that will be a restriction on that property. They should think about it now and do it wisely. Maybe they don't have to engineer it, but do it correctly now, so at least it's done and it has thought behind it now.

Mr. O'Rourke stated all storage will be in the interior, again we are not changing anything on the exterior at all. He said my point is this is a waiver for a site plan for self-storage and we are saying we comply with your code requirements with respect to parking and everything else. If anyone else comes along to change the use, they have to come back to the board for site plan approval. He said how do I tell the applicant, we know you're not proposing this and there is an approved site plan and they comply with the code, except for the provision that says you could prove that you could do the parking for the square footage, but you code says a change of use of the site from self-storage to a permitted use, that's when you would have to prove that. We are not changing from self-storage to a permitted use, we are going from a permitted use to a self-storage and that's my argument.

Mr. Frenkel said there is a change that's going on internally that could affect parking in the future if you change the use from self-storage.

Mr. O'Rourke stated if at a later point someone what's to change to this from self-storage, that person would have come back to this board and prove to you that they comply with all provisions.

At which time, a discussion ensued regarding parking calculations for self-storage and whether to show the extra parking spaces for a different use on a drawing.

Mr. Cleary stated this use is governed by six different standards. For this use you must comply with all of them. For us to say you have complied with all of the different standards you must show the board the parking. He addressed the board and stated you have a right to waive this. You have heard from us and you have heard from Mr. O'Rourke, you could choose to waive it or not.

Vice Chairman Giannico stated personally I would like to see a geometric type plan put together for this. He said I could put this to a vote for the board to grant the waiver you are seeking, but based on what you heard tonight, would you be willing to go back to your client for the geometric plan.

Mr. O'Rourke replied yes.

Mr. Cleary stated this does not have to be prepared by an architect or engineer. It could be prepared by someone who has a ruler. It's a conceptual layout. It's a very easy task to do.

Mr. O'Rourke stated he will speak to his client.

Mr. Frenkel moved to adjourn the meeting at 7:30 p.m. The motion was seconded by Mr. Porcelli with all in favor.

Respectfully submitted,

Rose Trombetta