

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 **SEPTEMBER 9, 2021**

PRESENT: CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, ANTHONY GIANNICO,
KIM KUGLER, RAYMOND COTE, ROBERT FRENKEL

ABSENT: MARK PORCELLI, VICTORIA CAUSA

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
DPL Realty LLC.	44.14-1-22	Resolution	1	Resolution Adopted.
Hirsch, Stacy	66.13-1-7	Resolution	1	Resolution Adopted.
Delamere-Fitzpatrick Family Chiropractic	75.59-1-2	Special Site Plan	1-3	No Board Action.
Fante Subdivision	87.7-1-22	Sketch Plan	4-5	Sketch Plan Approval Granted & Denied to the ZBA.
Yankee Development	76.15-1-12	Extension	5	180 Day Extension Granted.
MCSS Self-Storage	55.16-1-8.1	Waiver of Site Plan Application	5-6	Waiver of Site Plan Application Granted.
Minutes – 07/28/21			6	Approved.

The meeting was adjourned at 7:38 p.m.

Respectfully submitted,

Rose Trombetta

DPL REALTY LLC – 102 GLENEIDA AVE – TM – 44.14-1-22 – 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 tonight. The bond amount of \$63,000 and engineering fee of \$3,150 needs to be added to the resolution.

Mr. Cote moved to adopt Resolution #21-10, dated September 9, 2021; Tax Map #44.14-1-22 entitled DPL Realty LLC Final Approval to include the bond amount of \$63,000 and the engineer fee of \$3,150. The motion was seconded by Mr. Frenkel with all in favor.

HIRSCH, STACY – 311 DREWVILLE ROAD – TM – 66.13-1-7 – RESOLUTION

Mr. Carnazza had no comments.

Mr. Franzetti had no comments.

Mr. Cleary stated you have an approval resolution to be voted on tonight.

Vice Chairman Giannico moved to adopt Resolution #21-09, dated September 9, 2021; Tax Map #66.13-1-76 entitled Stacy Hirsch Final Site Plan Approval. The motion was seconded by Mrs. Kugler with all in favor.

DELAMERE-FITZPATRICK FAMILY CHIROPRACTIC – 87 ELLEN AVE – TM – 75.59-1-2 – SPECIAL SITE PLAN (HOME OFFICE)

Mr. Carnazza read his memo which stated the applicant proposes to legalize an existing chiropractic practice in the residential zone. According to my records, there are two one-family dwellings on this lot. If so, a use variance is required. I think it might be beneficial to do a site inspection with board members to see what is on this site. Who owns the chicken coop on the adjacent property? If it is part of this application, it must be 15 ft. from the property line and provide an easement. The Code allows "Office of a Professional in a Residence". This Professional office is not in the residence, it is in a detached accessory structure. Use variance required. What is the area of the residence? The practice can only be 25% of the habitable floor area of the Principal structure. Variance may be required. Provide # of employees, parking calculation (must include the residence as well), and all notes from 156-21 of the Zoning Code. Remove "Pre-Existing- Non-Conforming" from the zoning table. It is not clear what you mean by that. What is the existing building you mention in the zoning table? They are all existing buildings. There are several area variances required from the ZBA:

Lot area, Depth, Side Yd. (Workshop), Rear Yd. (Existing building????), Rear yd. (workshop), Rear yd.(office), Rear Yd. (garage). I need to discuss this list with the Architect. I can't figure out which building is the "existing building".

Mr. Franzetti read his memo which stated the applicant looking to create a chiropractic office in an existing building located at 87 Ellen Ave. The site is 1.59 acres in size. Based upon our review of this submittal, the Engineering Department offers the following **preliminary** comments:

I. General Comments

1. The following referrals would appear to be warranted:
 - a. Mahopac Fire Department
 - b. Putnam County Department of Health
2. Permits from the following would appear necessary:
 - a. Putnam County Department of Health for Septic.
3. The drawing indicates a proposed one-story frame building; however, the application says the office will be in an existing building. This should be clarified.
4. The drawing indicates 400 sf of disturbance. This area must be identified on the drawing.
5. It is unclear if the proposed/existing building is serviced by water and sewer. This information must be provided.
6. The applicant did not provide details related to the following:
 - a. Stormwater control
 - b. Water (location of service line, is there sufficient capacity in system)
 - c. Septic (location of fields)
 - d. Paving (parking area)
7. 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.
8. The applicant will be required to supply a stormwater maintenance agreement and maintenance guarantee per Town Code (§156-85 and §156-87 B respectively) to assure long-term maintenance of all stormwater management practices (SWMP) proposed for the site.

II. Detailed Comments

1. Provide a legend on the drawing.
2. The amount of traffic entering the site should be provided.
3. Graphic representation of vehicle movements through the site should be provided to illustrate that sufficient space exists to maneuver all types of vehicles anticipated at the site.
4. All turning radii for the site should be graphically provided.
5. Available sight distances at each driveway location should be specified on plan. Any clearing along the edge of the roadway R.O.W. that may be necessary to assure appropriate sight distances are provided, should be identified.
6. As the intended use is a medical office a driveway profile and conditions of the driveway must be provided.
7. Due to safety concerns there may be a need for guide rails along the driveway.
8. All plantings shall be installed per §142 of the Town of Carmel Town Code.
9. Erosion and sediment controls for the site must be provided.
10. It is unclear if any additional electric utilities are being installed.
11. A lighting spill plan must be provided.

Mr. Cleary stated this use is a permitted conditional use in this zone. The use is described as office of a professional in residence. The chiropractor must be the principal resident this site. He stated for the conditional use provisions for an office of a professional in residence, there are five criteria that must be met in order for this to be classified as a permissible use. The first one is the office needs to be within the principal structure, that's not the case. It's in a separate building (shed) as you come up the driveway, so that will require a use variance. Signage requirements need to be clarified. The number of employees need to be clarified. He said there is an off-street parking requirement, which I believe is wrong. That also needs to be clarified. The principal issue is this is going from a private residence where the driveway is not an issue for somebody who lives there. Now that it is changing to a prohibited use which requires a use variance for a public use, is the driveway adequate?

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated as far the criteria under §Section 156-21, except for the office which is not part of the house, which will require a use variance. The sign will meet the 2 square feet requirements. The husband and wife are both doctors, so there will not be any employees. He said I will double check the off-street parking. He stated with regards to the driveway, it isn't in good condition, but will be paved once we meet the Town Engineer's criteria. He said we will incorporate the guard rails along the driveway. He said as far as the site is concerned, I believe we have enough parking as per the code which will be a total of nine spaces.

Chairman Paeprer asked can a fire truck get up the driveway?

Mr. Greenberg stated he will send the application to the Fire Department for their review. He stated the practice only receives one patient at a time with fifteen-minute interval.

Chairman Paeprer asked how will two-way traffic be handled. The Town Engineer will have to review it.

Mr. Frenkel also commented on the poor condition of the driveway and safety concerns.

Vice Chairman Giannico asked if there was room to install a pull off spot along the access to the driveway in the event there are two vehicles, one coming in and one coming out.

At which time, Mr. Greenberg points to map to show the parking and driveway. He replied yes, I think we could do it.

At which time, the board continued to discuss the one lane driveway and what could be done to make it safer.

Chairman Paeprer stated there are a lot of comments that need to be addressed.

**FANTE SUBDIVISION – 419 UNION VALLEY ROAD – TM – 87.7-1-22 – SKETCH PLAN
(2 LOTS)**

Chairman Paeprer asked Mr. Cleary for clarification on what's required for sketch plan.

Mr. Cleary stated our subdivision requirements involve a three step process generally. There is an initial plan which is a sketch plan involves the designations of the physical improvements such as the location of the buildings and driveways. As the application advances there is a preliminary review stage and a final review stage. In the case of a minor subdivision, you could advance all the way to final without doing the preliminary stage. In any event, the sketch plan stage remains the same. In that review, you are fixing the location of the improvements. The sketch plan stage doesn't require all the analyses and the details on the drawings, for example, a size of a pipe, it doesn't have to be specified at the sketch plan stage. A sketch plan is more a conceptual plan and gives you the opportunity to fix the improvements in place and the application could then move forward with a detailed review. For many applications we see, it gives the application an opportunity to go to the Zoning Board.

Mr. Carnazza said this is just for subdivisions. With site plans you get all your comments up front. He stated two variances are required from the ZBA. All sketch details have been provided and the application can be referred to the ZBA for the necessary variances.

Mr. Franzetti stated the applicant has met the requirements of a sketch plat as defined in §131-11, however, the board should be aware it does not contain information regarding areas proposed to be reserved for open space. The applicant in his prior submittal said this would be discussed with the board prior to preliminary plan approval. That's part of sketch plan approval. It needs to be identified at this time.

Mr. Cleary stated the applicant needs to 280A approval for this. Also, the home was being sided in an area of steep slopes on the property. An area that we typically would want to avoid improvements on. The applicant wants to put the home there for a nice view of the pond and walk-out basement. It was the applicant's choice to put the home in that location. It wasn't a haphazard location, so it's your job to determine if that's an acceptable location.

Mr. Jack Karell, applicant's engineer addressed the board and stated the Fante's want to overlook the lake and they want a 2-story walk out building. The driveway is at minimal slope and minimal disturbance. The whole disturbance for the house, driveway and septic is half of an acre. This is a 12-acre parcel of land. He said since the last meeting we had the wetlands flagged (points to map). He said the disturbance limit is 200 feet from the pond.

Mr. Cote asked wasn't there a question about how many trees were going to be cut down?

Mr. Karell stated we requested a tree waiver. At which time, Mr. Karell pointed to the map showing where the house is proposed. He said where the house and septic are proposed is all brush with one big tree and a couple of little trees.

Mr. Cote said part of the putting the house where its proposed, will any trees come down for a view of the lake?

Mr. Karell replied no. He stated if the board wants us to locate the trees in the area of disturbance, we will.

Chairman Paeprer stated when you come back from the Zoning Board, we want more details on the trees.

Mr. Karell replied okay.

Chairman Paeprer stated he was fine with them going to the Zoning Board. If they get their approvals then we will go further.

Mr. Cleary said the only risk is that the Zoning Board could conceivably condition variances. They may say we will give you the 280A, but the house needs to be here.

At which time, a discussion ensued with regards to different and best areas of the property to build the house.

Mr. Frenkel moved to grant sketch plan approval. The motion was seconded by Mr. Cote with all in favor.

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

YANKEE DEVELOPMENT – PIGGOTT ROAD – TM – 76.15-1-12 – EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL

Mr. Carnazza stated during the Comprehensive Plan discussion we talked about Native American artifacts and one of the neighbors had artifacts on their property and they further investigated and it went onto the applicant's property. They should be located and the EAF should be corrected.

Mr. Franzetti had no objection to the extension.

Mr. Cleary had no objection to the extension. He stated as far as what Mr. Carnazza referenced is not issue in case of a preliminary approval. If this application comes back in its current form for final approval, that's when they would have to deal with that.

Vice Chairman Giannico moved to grant extension of preliminary subdivision approval for 180 days. The motion was seconded by Mr. Cote with all in favor.

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

Mr. Carnazza read his memo which stated the applicants 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. The applicant submitted a plan showing the necessary parking on the lot. I have no objection to the granting of a waiver of site plan approval.

Mr. Franzetti had no comments.

Mr. Cleary stated at the last meeting there was a question about the parking. The applicant modified the plan and the parking is shown with 72 parking spaces on the site and I have no objection to the waiver.

Mr. Frenkel moved to grant waiver of site plan application. The motion was seconded by Mrs. Kugler with all in favor.

MINUTES – 07/28/21

Mr. Frenkel moved to approve the minutes. The motion was seconded by Mr. Cote with all in favor.

Vice Chairman Giannico moved to adjourn the meeting at 7:38 p.m. with all in favor.

Respectfully submitted,

Rose Trombetta