

APPROVED

CRAIG PAEPRER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS

KIM KUGLER
RAYMOND COTE
ROBERT FRENKEL
VICTORIA CAUSA
JOHN NUCULOVIC

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 **APRIL 27, 2022**

PRESENT: CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, ANTHONY GIANNICO,
KIM KUGLER, RAYMOND COTE, ROBERT FRENKEL, VICTORIA CAUSA,
JOHN NUCULOVIC

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Western Bluff Subdivision	66.14-1-20	Public Hearing	1	Public Hearing Closed & Planner To Prepare Resolution.
Shallow Stream Properties	87.8-1-4,5,&6	Resolution	1	Resolution Adopted.
Demag & Ademi	75.12-2-1&2	A. Site Plan	2-3	No Board Action.
Mahoven LLC (Kineti)	75.42-1-13	Spec. Site Plan	4-5	No Board Action.
Minutes – 03/10/22 & 03/23/22			5	Approved.
Executive Session			5	Pending Litigation.

The meeting was adjourned at 7:47 p.m.

Respectfully submitted,

Rose Trombetta

WESTERN BLUFF SUBDIVISION – 350 WEST SHORE DRIVE – TM – 66.14-1-20 – OPEN PUBLIC HEARING

Mr. Carnazza had no comments.

Mr. Franzetti stated he had no comments on what was submitted, but we had general comments that were not addressed last time. He said I will confirm with the applicant to see what is needed.

Mr. Cleary stated at the last meeting some of the public hearing comments were related to construction management issues, so the drawing that was submitted is in response to that.

Mr. John Kellard of Kellard Sessions, representing the applicant addressed the board and stated I thought we addressed those comment on our January 6th submission. If we haven't we will address anything that's missing.

Mr. Franzetti stated we just have to confirm the bond and engineering estimates.

Chairman Paeprer stated a lot of the comments from the last meeting were about logistics and traffic management and I think Mr. Kellard did a great job showing it on the drawing.

Mr. James Carmody of Carmel addressed the board and stated he doesn't like any development which destroys our natural plants. He said given the climate crisis we face and the local beauty of our trees, he asked if a greater planting effort can be planned for this project. That would be good way to offset the damage it would cause.

Mr. Kellard stated that, as the board is aware, instead of having three individual driveways, we used common driveways to reduce the disturbance to the site. We avoided the steep slopes, so all of the trees will remain on the steep slopes. The area of disturbance of the site is about 15 to 20%. All the home sites will have their landscape plans. The stormwater basins will be landscaped as per NYCDEP review and approvals. We have proposed screening to the neighboring lot adjacent to lot #3.

Mr. Cleary stated a landscaping plan and tree removal has been submitted for this project.

Hearing no other comments from the audience, Vice Chairman Giannico moved to close the public hearing. The motion was seconded by Mrs. Kugler with all in favor.

Chairman Paeprer asked the Planner to prepare a resolution.

SHALLOW STREAM PROPERTIES INC – 145 & 153 SHINDAGEN HILL ROAD – TM – 87.8-1-4, 5 & 6 – PUBLIC HEARING

Mr. Carnazza had no further comments.

Mr. Franzetti had no further comments.

Mr. Cleary stated you have a resolution in front of you to be voted on with a minor typographical error.

Mr. Cote moved to adopt Resolution #22-08, subject to the correction, dated April 27, 2022; Tax Map #87.8-1-4, 5 & 6 entitled Shallow Stream Properties Subdivision (Lot Line Adjustment). The motion was seconded by Mrs. Kugler with all in favor.

DEMAG & ADEMI – 552 ROUTE 6 – TM – 75.12-2-1 & 2 – AMENDED SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to convert the Delicatessen/Restaurant-Bar into a Restaurant/Market. The applicant should define “market” for their purposes. There are 39 seats proposed in the restaurant area. This is a number that must be adhered to as the parking calculation is dependent on it. I met with the owner of the business on 4/25/2022, he claims he is adding a walk-in box to the rear left of the building and some outdoor dining. This needs to be shown on the plat. (I DO NOT THINK IT IS A GOOD IDEA TO PUT THE WALK-IN BOX OVER THE GAS AND ELECTRIC TO THE BUILDING). Where are the storage buildings that were shown in the back of the building on the last submission? They should be shown if they exist and labeled “TO BE REMOVED”. Are both bathrooms accessible? Provide details. (NO FLOOR PLANS SUBMITTED WITH THIS SUBMISSION). Provide details of the signage. Measurements? The trash enclosure is now shown. Provide an easement that they have the okay to access the dumpster from the neighboring lot.

Mr. Franzetti read his memo which stated this application involves converting an existing delicatessen to a restaurant. Per the cover letter no site changes are being proposed. Based upon our review of this submittal, the Engineering Department offers the following preliminary comments

I. General Comments

1. The following referrals are required:
 - a. Putnam County Department of Health (PCDOH)
 - b. Mahopac Fire Department

Applicant has noted this comment.

2. The following permits are required:
 - a. PCDOH for water/sewer/restaurant

Applicant has noted this comment.

3. There appears to be a stormwater line passing through the property. The easement for this line should be provided.
4. Provide documentation that the monitoring wells are terminated.
5. Signs (e.g., stop, yield, etc.) and pavement markings (e.g., do not enter, etc.) should be provided at the ingress and egress of the site.
6. The applicant
 - a. Must provide a separate water and wastewater use report.
 - b. Should note that the water lines to the building were recently relocated.
 - c. Must provide the location of the sewer lines are not provided on the drawing
 - d. Must install a subsurface grease trap.

Mr. Cleary stated the applicant has clarified that the “Stonehouse Market” is affiliated with the restaurant, and will sell goods produced in the restaurant. The applicant has agreed to a total limit of 39 seats. This number includes the outdoor patio, which may be used during warmer weather. Outdoor seating would replace indoor seating, but in no case will the number of seats exceed 39.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated the Health Department was at the site and has approved all of the equipment in the kitchen. He said when this was previously approved as the Brooklyn Café the Health Department approved the site for 50 seats. For this project, it will be 39 seats because of the parking spaces.

Mr. Carnazza asked will there be outdoor dining?

Mr. Greenberg replied yes. He said at any given time it will only be 39 seats.

Vice Chairman Giannico stated parking is dictating what's happening indoor and outdoor.

Mr. Carnazza replied that's correct.

Vice Chairman Giannico stated in this day and age everybody likes to dine outdoors. Is there anyway to get more seating?

Mr. Greenberg said we are maxed out on the site.

Mr. Carnazza asked what about across the street. Can you get an easement for the vacant lot?

Vice Chairman Giannico stated it might worth exploring the possibility of an easement.

Chairman Paeprer stated I don't see anyone carrying tables in and out. I personally think there will be an outdoor patio furniture and it's there to stay as well as indoor furniture. He said it will definitely help to see if you could acquire more parking.

Mr. Cleary stated restaurants are very fragile businesses and sometimes it's the one or two extra tables that makes all the difference in the world. So, if we could help a business prosper, so be it.

Chairman Paeprer stated I don't think it's a good idea to put the walk-in box over the gas and electric to the building.

Mr. Greenberg stated that's not our attention. The gas and electric line will be moved so it doesn't interfere with the walk-in box.

At which time, a discussion ensued regarding stormwater and drainage easements.

Chairman Paeprer stated there are a lot more details from the engineer that needs to be clarified.

Mr. Greenberg asked if we at least go to the Zoning Board.

Mr. Carnazza stated we have seen the map with the table.

Chairman Paeprer stated there are too many unanswered questions.

The board members were in agreement with the Chairman.

MAHOVEN LLC (KINETI) – 737 SOUTH LAKE BLVD – TM – 75.42-1-13 – SPECIAL SITE PLAN

Mr. Carnazza read his memo which stated the applicant received conditional site plan approval to add a boathouse, extend dock to 25' long and a pergola along with a parking area to an existing vacant lot on South Lake Blvd. in Mahopac. The State DOT will not approve the curb cut for the driveway. They now propose zero parking spaces. In my opinion, this can/will cause an unsafe situation on Rt. 6N. This is right by the intersection with Baldwin Place Rd. and Rt. 6N. A variance was granted to allow 1 parking space, however, zero, without being able to deed restrict it to an adjacent residence with plenty of parking, is not a good idea.

Mr. Frenkel asked if there's no parking on the property, where will parking occur?

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated Mr. Kineti is trying to work with the adjacent properties which are larger in size and he is trying to get a perpetual agreement to park one car.

Mr. Franzetti read his memo which stated this application encompasses adding to existing dock, adding a pergola and storage building. The amenity will require the creation of parking on the site per §156.27 of the Town Code. Based upon our review of this submittal, it is unclear if the following Engineering Department (Department) preliminary comments have been addressed:

1. The applicant provided a Town of Carmel Flood Plain permit application.
 - a. This will need to be signed by the applicant once approved by planning board.
 - b. There is information missing on the application (i.e., FEMA map panel number).
 - c. Approvals from Planning Board and ECB will be needed.
 - d. A report or the drawings need to provide the information required as part of this application (i.e. elevations as related to flood plain)
2. The following referrals would appear to be warranted:
 - The Town of Carmel Environmental Conservation Board
 - New York State Department of Transportation
3. Additional details should be provided regarding:
 - The plans should specify the total area to be disturbed, as well as the extent of new impervious areas to be created, so that applicable SWPPP requirements can be defined.

Mr. Cleary stated we spent a great deal of time with this application. According to Mr. Greenberg the DOT will not allow the applicant to do this. We haven't heard from the DOT. We need some sort of correspondence from the DOT saying no. He said if DOT is preventing access into private property, that is unprecedented and fairly significant and it's also fatal to the use of a private property with no principle structure that has an accessory recreational structure on it. How do you get there, where do you park? People aren't going to walk there with their coolers, etc. What will happen is they will jump the curb and park on the property. Now, we have a condition that's an illegal curb cut. This is a problem. We need to hear from DOT.

Chairman Paeprer asked for an overview of the project.

Mr. Greenberg stated this property is along Route 6N. He said the code allows a dock to go 25 feet from shoreline, so we are extending the dock to the 25 feet. We are also putting in a pergola, bathhouse and rain garden.

Chairman Paeprer asked what are the dimensions of the property.

Mr. Greenberg replied the property is 68 feet from the road to the shore and the width is 15 feet.

Mr. Frenkel asked will any of the structures have access to the roof?

Mr. Greenberg replied no.

At which time, a discussion ensued regarding the dock width and docking (parking) of boat.

Chairman Paeprer said it's not normal that the DOT will not provide access to a property. If, they say no, we need some documentation from them.

Mr. Frenkel asked what was the basis of the denial.

Mr. Greenberg stated it's about sight distance. In my opinion, you could get out of that sight with enough site distance. He stated we removed a telephone pole and replaced it further back. He said we offered to put a speed bump and mirror across the street, but they wouldn't accept that.

Chairman Paeprer said you need to give it another try with the DOT.

Mr. Cleary stated we had another example of a driveway access issue and DOT with the fuel facility. We met with DOT at the site. This is a state highway and the ASHTO site distance requirement is a certain number and it probably doesn't meet that. When the DOT hears our issues, they may have a different opinion. Also, if they realize that they are preventing access onto property, that's a significant decision. Basically, the state is saying you can't use your property. We need to hear from them directly and I think we should meet at the site.

Chairman Paeprer was in agreement.

MINUTES – 03/10/22 & 03/23/22

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

EXECUTIVE SESSION – PENDING LITIGATION

Mr. Cote moved to go to Executive Session at 7:47 pm. The motion was seconded by Mr. Frenkel with all in favor.

Respectfully submitted,

Rose Trombetta