

APPROVED

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Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS

KIM KUGLER
RAYMOND COTE
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MARK PORCELLI
VICTORIA CAUSA

TOWN OF CARMEL PLANNING BOARD



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PLANNING BOARD MINUTES

SEPTEMBER 16, 2020

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
The Teal Door Counseling Center	86.11-1-15	A. Site Plan	1	Public Hearing Closed & Resolution Adopted.
728 Route 6, LLC	76.22-1-54	A. Site Plan	1-6	No Board Action.
Melchner, Charles & Stephanie	66.-2-37	Special Site Plan	6	Public Hearing Scheduled & Planner To Prepare Resolution.
Mahoven LLC (Kaneti)	75.42-1-13	Special Site Plan	6-8	No Board Action.
Rudovic Bridal Shop	55.6-1-12	Site Plan	8-9	Denied to the ZBA.
Carmel Fire Department	44.14-1-24	Lot Line Adj.	9	Public Hearing Scheduled & Planner To Prepare Resolution.
Braemar at Carmel	55.10-1-3	Extension	10	1 Year Extension Granted.
70 Old Route 6, LLC	55.11-1-15	Extension	10	Applicant Did Not Show Up.
Minutes – 06/17/20, 07/15/20 & 07/28/20			10	Approved.

The meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Rose Trombetta

**THE TEAL DOOR COUNSELING CENTER – 18 MILLER ROAD – TM – 86.11-1-15 –
PUBLIC HEARING/RESOLUTION**

The consultants had no comments.

Chairman Paeprer 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 Vice Chairman Giannico with all in favor.

Mr. Cleary stated you have a draft resolution before you to be voted on tonight and there are no conditions associated with this resolution.

Mr. Cote moved to adopt Resolution #20-05, dated September 16, 2020; Tax Map #86.11-1-15 entitled Teal Door Counseling Center Final Site Plan Approval. The motion was seconded by Vice Chairman Giannico with all in favor.

728 ROUTE 6, LLC – 728 ROUTE 6 – TM – 76.22-1-54 – AMENDED SITE PLAN

Mr. Carnazza read his memo which stated the applicant was issued a permit to change the facade of the building but stay fully within the existing footprint. A stop work order was issued because the construction was extended off the footprint. They are here to legalize the extension and to change the use from a Restaurant/catering hall to a restaurant and four other retail spaces with a 1000 square foot office above. I have a copy of the variances granted in 1991. The site plan needs to reflect the variances granted on the zoning table. Provide lot depth and width lines on the plat. Provide aisle width measurements at the perpendicular parking. Aisle needs to be 24 ft wide at that point. The zoning table numbers do not match the site plan numbers (aisle width is 11 not 12, front yard is 11.6 not 15). Variances are required from the Zoning Board. You will need to delineate the parking area that is not on this parcel with a physical barrier. If a portion of the parking will be on an adjacent lot, easements must be submitted.

Mr. Franzetti read his memo which stated this application encompasses a proposal to renovate an existing restaurant building to a small retail strip. Per the applicant the existing parking and utilities will remain unchanged. Based upon 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. New York City Department of Environment Protection (NYCDEP)
 - c. New York State Department of Transportation (NYSDOT)

Applicant has noted the need for these referrals.

2. Permits from the following would appear necessary:
 - a. NYSDOT – depending on improvements to the ingress/egress along Route 6
 - b. Putnam County Department of Health – Grease Trap approval
 - c. NYCDEP – wastewater flows.

Applicant has noted the need for these permits with caveat “relative to approvals required” This should be further explained as all these permits/approvals are required.

3. Depending on the proposed intended change of use for the site, a traffic study should be considered.

The applicant has provided a Traffic study. This is currently under review. The study does not consider any potential future changes in use that could potentially increase traffic flows.

The applicant should forward this study to the NYSDOT for review and comment.

4. Vehicle Movement Plans should be provided which provide the following:
 - a. All turning radii for the site should be graphically provided. This includes the turning radii into the site ingress and egress.
 - b. It is unclear as to the type of vehicular traffic which will be entering the site and there is no definition regarding the delivery of goods to the site.

5. The applicant will need to show if any work is being performed in the NYSDOT Right of Way (R.O.W.). If so approval is required from the NYSDOT.

Applicant has stated that the NYSDOT has been contact for permitting requirements.

6. The number of employees should be provided so as to calculate the number of required parking spaces.

There are no seats provided for the carvel or coffee shop.

7. Provide the calculations for grease trap sizing.

The applicant should use the most recent version of the NYS Design Standards for Intermediate Sized Wastewater Treatment Systems dated March 5, 2014 for the sizing of the grease trap. The document also contains values for water use per type of facility (i.e., restaurant, etc.).

8. A note should be added to the drawing that all planting should be verified by the Town of Carmel Wetlands Inspector and that all plantings shall be installed per §142 of the Town of Carmel Town Code.

9. All curbs and asphalts should meet the specifications provided in the Town of Carmel Town Code.

Applicant has stated it is believed that the curbing and asphalt pavement are in accordance with the Town Code. This should be confirmed that it either is or is not in conformance with Town Code.

10. A note should be added to the drawing that all Sidewalks, manholes and guiderails should be installed per §128 of the Town of Carmel Town Code

11. The applicant should provide a separate water and wastewater use report.

The applicant should use the most recent version of the NYS Design Standards for Intermediate Sized Wastewater Treatment Systems dated March 5, 2014 for the this information.

12. A legend should be provided.

13. 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.

Applicant has stated that no sign is proposed at this time. This should be further explained.

14. The applicant does not address stormwater runoff from the site. All existing drainage should be provided. The applicant will need to provide where roof leaders are discharged to on the site. They are not to be directed into the sanitary sewer.

15. Design of retaining walls should be provided.

Applicant noted that the wall has been repaired. Details should be provided.

16. 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.

Applicant has note that this requirement is not required.

Mr. Cleary stated the applicant has clarified a number of comments that were originally delivered. He said the second floor is proposed to consist of a 1,000 square foot office. The coffee shop use has been clarified, and will be takeout only with no interior seating. The site plan reflects the parking stall striping plan that will be installed. The refuse and recycling enclosure has been added to the site plan in the rear (southwest) corner of the site. The applicant intends to continue to utilize the fenced patio area for outdoor seating. They have contacted the NYSDOT to obtain permission for the portion of this use within the State R.O.W. As recommended by the Board, the paved area to the south of the fenced patio will be reclaimed for a landscaped area. Landscaping is documented on the site plan. The landscaping plan notes new plantings in the State R.O.W. which will also require permission from the DOT. The applicant has clarified that the entire parking area would be repaved. Site lighting is now included on the site plan, including building mounted wall packs, and decorate lamp posts. With respect to the parking lot that extends off the site onto the school property adjacent to the site, it's either a license or an easement to allow that to be used in conjunction with this property or it's separated from the use of the property.

Mr. Charbonneau addressed the board and stated I will be having a conversation with the school district's counsel relative to the last issue Mr. Cleary raised.

Mr. Jack Karell, applicant's engineer addressed the board and stated most of comments that were previously raised have been addressed. He said this is an existing building and he's changing 20 square feet of it. He said I showed two scenarios for the parking for the aisle width, in case they can't get the easement from the school. The only difference between getting or not getting the easement is the aisle width coming in. The aisle width coming in is existing. The variances are on the plans. The variances were for an aisle width and parking space size. He said the design standard for the grease trap is the same in the old book as it is in the new book. He then asked the board if a public hearing could be scheduled for public comments.

Mr. Carnazza said you have to go to the Zoning Board first.

Mr. Karell stated not has changed with respect to the building and property lines.

Mr. Carnazza stated the only reason that things are changing is because we are getting the information as we request it. In the beginning we didn't have all the information. That's why we are asking you for all the details, so you could go to the Zoning Board if you need it, which you do at this point for front yard.....

Mr. Karell said the building is the same as it was for 50 years.

Mr. Carnazza said the building is not the same as it was for 50 years. The building has changed and come forward.

Mr. Cote asked Mr. Charbonneau when a property has a different use, does that still apply?

Mr. Charbonneau said the proposed uses are all conforming.

Mr. Karell stated the proposed uses will be much less than the Lantern Pub was. It was permitted by the Health Department for 171 seats which translates to 35 gallons by per day per seat. It's 10 times the amount of flow from the new proposed use. He said there was a variance granted for 51 parking spaces.

Mr. Carnazza said I didn't say you needed a variance for parking. You need a variance for front yard, one way aisle width and lot width.

Mr. Karell stated I think there was a variance granted for the one way aisle width.

Mr. Carnazza stated I don't see that it's the same parking layout that it was before.

At which time, a discussion ensued regarding parking layouts and aisle widths.

Mr. Cleary stated variances run with the land and it relates to a specific condition on the site, so if that condition is changed the variance needs to be modified or updated.

Mr. Cote stated my question is it went from a single business and it's now proposed for 5 retail spaces.

Mr. Carnazza said it doesn't change because the parking calculations are based on the total area. He said this was is actually lower than it was before.

Mr. Karell asked do we need a referral to the Zoning Board?

Mr. Carnazza said you can't get one until you give us all the information.

Chairman Paepre stated there are literally four pages of comments. He asked what is being proposed for the front of the property. Is an outside seating area proposed and if so, is some of it on the NYSDOT's property?

Mr. Karell replied that's correct. We met with the DOT and we need some kind of permit. They recognize that it's existing, but we will need a DOT permit.

Mr. Carnazza said I think you also have to have insurance for that area.

Chairman Paepre asked what happens if the DOT does not provide that letter.

Mr. Carnazza said they can't use it.

Mr. Karell said then it goes away.

Mr. Franzetti stated that's why that information is needed as part of this application package. So, you need either those approvals or permits from the other regulatory agencies.

Mrs. Kugler asked to explain the traffic flow that will be coming in and out of the small space.

Mr. Karell stated five stores are being proposed. He said the one on the right is a restaurant. There is a coffee shop, Carvel and two other retail spaces.

Chairman Paepre stated so there's a restaurant, four retail spaces and an office upstairs.

Mr. Karell replied that's correct and the restaurant has 42 seats compared to the Lantern Pub that had 171 seats. He said there will be no seating in the other stores except for the restaurant.

Mrs. Kugler stated that's still a lot of car and foot traffic.

Mr. Karell stated the parking spaces are laid out and the number is in accordance with the code and the variance that was granted.

Mr. Cleary stated the applicant has provided you with some traffic information with respect to the site. You may want to have a third party review that, because of the sensitivity of this issue. That's up to the board.

Mr. Franzetti stated you haven't provided to us how pedestrians are going to move in and around there and what the safety issues are for them. How are people walking in there amidst all the parking amidst all the cars coming in and out?

Mr. Karell stated it's an existing building, the access is from the front, there will be a sidewalk in the front just like there was when the Lantern Pub was there. You can't put sidewalks along the sides of the building.

Mr. Franzetti stated I understand it's an existing building, but it was a single use. You now have five uses now. How do you account for the safety of the pedestrians walking from their cars to anyone of those five businesses at any given time? That should be considered.

Mr. Karell reiterated it's an existing building with the same parking scenario. I'm not sure what you want us to do. Maybe we should go back and make it one big restaurant and put in the 170 seats and we wouldn't have to get anything.

Chairman Paepre asked about the architectural design of the building. He asked Mr. Karell if he had any renderings of what the building is going to look like.

Mr. Karell replied not yet. We will have renderings for the next meeting.

Mr. Frenkel asked with regards to the traffic flow are there expectations in terms of the times of operation and customer usage that would ameliorate the traffic flow.

Mr. Karell stated that was all factored into the traffic study that was provided by an outside consultant.

Vice Chairman Giannico stated there were a lot of comments going back and forth with the consultants. He said what I would like to see moving forward is to get these comments whittled down and I would like to see the architectural renderings and then from there we could make a recommendation to the Zoning Board.

Mr. Cote stated I would like to make a motion to have someone look at the traffic study and look at the traffic movement and give us an opinion on that as well. He then proceeded to make the motion. The motion was seconded by Vice Chairman Giannico with all in favor.

MELCHNER, CHARLES & STEPHANIE – 417 SEMINARY HILL ROAD – TM – 66.2-37 – SPECIAL SITE PLAN (BARN)

Mr. Carnazza stated all necessary variances were granted by the ZBA on the August 27, 2020 meeting and is noted on the plat.

Mr. Franzetti stated all engineering comments have been addressed.

Mr. Cleary stated all planning issues have been addressed.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated the applicant is proposing to provide a paddock and a barn for two horses. We were sent to the Zoning Board and the variances were granted at the August meeting. We are now asking for a public hearing and a resolution for the October meeting.

Mr. Cote moved to schedule a public hearing and a resolution provided there are no comments from the public hearing. The motion was seconded by Vice Chairman Giannico with all in favor.

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

Mr. Carnazza read his memo which stated the applicant proposes to add a bathhouse with raised deck above, extend dock to 25' long (width-from property line to property line) and pergola to an existing vacant lot on South Lake Blvd. in Mahopac. This is an intense use for this small lot. The State DOT has not approved the driveway that was added prior to the owner purchasing this lot. Check the site distance as the walls on the adjacent lots block the view when pulling out onto South Lake Blvd (State Rt. 6N). The lot is 13'6" wide and they are proposing a 9'W x12'D bathhouse w/deck above and attached pergola. The access to the property is now 3.5 feet on one side and inches on the other. The Parking Calculation is incorrect. 1.3 spaces does not round down to 1 space, it rounds up to 2 spaces. This project needs to be referred to the ECB for comments and seven variances are required by the Zoning Board.

Rich's memo said 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, the Engineering Department (Department) offers the following preliminary comments:

1. The short environmental assessment form identified the following that the project is located in 100-year flood plain. A Town of Carmel Flood Plain permit is required.

Applicant has noted the need for this permit.

2. The following referrals would appear to be warranted:
 - The Town of Carmel Environmental Conservation Board
 - New York State Department of Transportation – applicant has advised that they are responding to the NYSDOT comment letter of July 7, 2020.
3. Additional details should be provided regarding:
 - The construction sequence should provide additional detail
 - It is unclear if any machinery will be used to develop this site.
 - Provided details, planting and calculations for the proposed rain garden
 - Protection of the raingarden area should be provided on the drawing and in the construction sequence
 - Provide a boom/silt curtain in Lake Mahopac for the work being performed.
4. Plan information required pursuant to §156-27 (“Site Plans”) is currently lacking. These include, but are not limited to:
 - Lakefront is to be 50 feet, however only 15 feet is provided.

Mr. Cleary stated this is classified as water related facility; it's a special permit us. There are a series of criteria that must be addressed. That was delivered to Mr. Greenberg at the last meeting. He has made some revisions to the plan to address a number of those issues. He stated the board pointed out at the last meeting is that it is a 900 square foot property. It is very small and narrow and a lot was proposed for the site. In response to the board's initial concern, the applicant has reduced the width of the bathhouse which has been clarified. So now there is now a connection from South Lake Blvd to the lake. The applicant has clarified that the bathhouse will be having an electric service connection. The applicant has indicated that the bathhouse will have lighting, but details have not been provided. The Building Inspector has updated the list of variances required for this application. The Applicant has indicated that they are in the process of addressing the NYSDOT comments.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated as the board indicated at the last meeting that the site was too intense. We have reduced that and the board had asked for a larger scale drawing showing all the docks on both sides of the property (points to map showing the docks). He said the code allows for up to 25 feet which is exactly what we are doing.

Mr. Cleary stated if there are any piers, piles or other structures that extend beyond the 25 feet. That all counts, so that needs to be clarified.

Mr. Greenberg existing on the site now, there is another 19 feet that extends beyond the 25 feet which will be removed including any supports.

Mr. Carnazza stated to indicate on the plans that the 19 feet will be removed.

Mr. Greenberg replied that's not a problem. He stated as far as the NYSDOT is concerned there was an additional letter which listed the items they wanted and the surveyor is working on it.

Chairman Paeprer asked what are the dimensions of the pergola?

Mr. Greenberg replied it is 10 x 15. He said the bathhouse is 9 x 12.

Chairman Paeprer asked is there a raised deck above?

Mr. Greenberg replied yes. He said on top of the bathhouse there will be a deck for a better view of the lake.

Mr. Frenkel asked what are the dimensions in height from the ground up to the top of the deck and the rails on the deck?

Mr. Greenberg replied 10 feet.

Mr. Cote stated considering all that's going on, on this tight space, I think we need renderings of the bathhouse, pergola, the rain garden, etc. to be able to assess it.

Mr. Greenberg replied okay.

Mr. Porcelli suggested staking out the property of where the bathhouse, pergola and deck will be.

Mr. Greenberg replied that's a good idea.

Vice Chairman Giannico stated to make sure the Fire Department is notified and is okay with the project.

At which time, a discussion ensued regarding a tree on the property and whether or not the Fire Department will be able to gain entry.

Mr. Kineti stated on the original rendering the bathhouse was intended to cover the entire width of the property. We reduced it to allow a 4 foot access around the bathhouse.

Chairman Paeprer asked will any of the other structures impede anyone's view?

Mr. Greenberg replied no.

Mr. Frenkel asked what will be the use for the bathhouse?

Mr. Kineti replied it's basically for storage and cover in case it rains.

Chairman Paeprer said to get better renderings and to let us know when the property is staked.

RUDOVIC BRIDAL SHOP – 1707 ROUTE 6 – TM – 55.6-1-12 – SITE PLAN

Mr. Carnazza stated the comment about the dumpster on Seminary Hill Road being perpendicular and having access while the truck was on Seminary Hill has been addressed. They relocated the dumpster. Also, there are several variances required for the existing conditions on the property and need to be denied to the ZBA.

Mr. Franzetti read his memo which stated the applicant proposes to convert existing building into a bridal salon. No additions are proposed. The applicant should note that this site is located in a NYCDEP Designated main street area. No site improvements are proposed for this project. This Department does not have any additional comments related to this project as long as there are no changes being made to the site

General Comments

a. The following referrals would appear to be warranted – Carmel Fire Department

Applicant has noted comment and forwarded site plan to the CVFD.

Mr. Cleary stated there were a number of issues we asked the applicant to clarify, which they have done. As Mr. Carnazza indicated they need still variances. One of questions the board had was whether the 3rd floor will be utilized. The applicant has indicated that no use is proposed for the partial 3rd floor. The site plan has been revised to reflect the façade renovations, storefront windows and signage. The applicant has clarified that the existing building overhang will be removed. The applicant indicated that site lighting details have been provided, but they are not noted on the site plan. Clarification is necessary. The refuse enclosure is now noted on the site plan.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated we are not making any changes to site. He said we are improving the building on the Route 6 side with large windows and a nice storefront entrance. There will be additional windows put on the 2nd floor. He said it will be a bridal shop and the 2nd floor will be used for the brides and the 1st floor will be for the bridesmaids, etc.

Mr. Cote asked if they will be doing anything else to the building other than putting in windows?

Mr. Greenberg replied no, other than painting it.

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

CARMEL FIRE DEPARTMENT – 94 GLENEIDA AVE – TM – 44.14-1-24 – LOT LINE ADJUSTMENT

Mr. Carnazza stated the lot line has to come before the site plan approval. Mr. Carnazza asked if they decided what they are going to do with the one way versus two way yet?

Mrs. Kathleen Gallagher of Insite Engineering, representing the applicant addressed the board and stated the traffic study has been conducted and the report has come in this week and we reviewing it with the owners of the bank and hope to come to a conclusion for the next submission.

Mr. Cleary stated it's important for us to know, but it is a site plan issue not the lot line issue. He stated procedurally, we need to have a public hearing on the lot line.

Mr. Cote moved to schedule a public hearing and a resolution provided there are no comments from the public hearing. The motion was seconded by Vice Chairman Giannico with all in favor.

BRAEMAR AT CARMEL – 49 SEMINARY HILL ROAD – TM – 55.10-1-3 – EXTENSION OF FINAL SITE PLAN APPROVAL

Mrs. Kathleen Gallagher of Insite Engineering, representing the applicant addressed the board and stated we are here for an extension of site plan approval from October 2019 for the project Braemar at Carmel. The project is for an assisted living facility consisting of 152 beds. The applicant had full intention of starting the project this past spring, however, due to COVID and its impacts on assisted living facilities they are here tonight to ask for a 1 year extension.

Mr. Carnazza had no objection to the extension of approval.

Mr. Franzetti read his memo which stated the Engineering Department has no objection to the extension of the site plan as there are no changes made to the project. However, the Planning Board should be aware of the following:

New York State Department of Environmental Conservation (NYSDEC) Requirements

- The file **does not** contain documentation regarding this permit. This permit will be need to applied for five (5) days prior to the start of construction.

New York City Department of Environmental Protection (NYCDEP) Requirements

- Approved the Stormwater Pollution Prevention Plan (SWPPP) for this project. The expiration date is August 24, 2024
- Approved sanitary sewer permit. The expiration date is January 3, 2025

Town of Carmel

- The file **does not** contain documentation regarding the following items identified in the October 30 ,2019 May 8, 2013 Planning Board Resolution (#13-10):
 - A posted performance bond and engineering inspection fee (Items 5 and 6);
 - A filed and executed “Stormwater Control Facility Maintenance Agreement” with the Putnam County Clerk as specified in §156-85 (Item9);
 - Putnam County Water and sewer approval (Item 10)
 - Applicable water and sewer connecting permits (Item 11)

Mr. Cleary had no objection to the extension of site plan.

Vice Chairman Giannico moved to grant a 1 year extension of approval. The motion was seconded by Mr. Frenkel with all in favor.

70 OLD ROUTE 6, LLC – 70 OLD ROUTE 6 – TM 55.11-1-15 – EXTENSION OF FINAL SITE PLAN APPROVAL

The applicant did not show up.

MINUTES – 06/17/20, 07/15/20 & 07/28/20

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 8:04 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta