

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 **DECEMBER 8, 2022**

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

ABSENT: VICTORIA CAUSA

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Town of Carmel Comprehensive Master Plan & Zoning Code			1	Discussion.
Vittorini, Brian & Gennyne	54.16-1-40	Resolution	1	Resolution Adopted.
Platinum Propane	65.10-2-11	Site Plan	1-3	Denied to the ZBA.
ML & RC Properties 2 LLC (Lubic, Michael)	76.9-1-22	R. Site Plan	3-4	No Board Action.
Jedlicka, Regina	64.13-1-16	Subdivision	4-5	Declared Lead Agency & Public Hearing Scheduled.
Gateway Summit Multi- Family – Lot 6	55.-2-24.6-1 55.-2-24.6-2	Extension	5	1 Year Extension Granted.
The Fairways Multi- Family – Lot 7	55.-2-24.8-1 55.-2-24.8-2	Extension	6	1 Year Extension Granted.
Minutes – 10/13/22			6	Approved.
Town of Carmel Comprehensive Master Plan & Zoning Code			6	Discussion.

The meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Rose Trombetta

TOWN OF CARMEL COMPREHENSIVE MASTER PLAN AND ZONING CODE DRAFT – DISCUSSION

Mr. Cleary and the board members reviewed Section 156-26 (Piers & Docks; Shoreline Activities).

VITTORINI, BRIAN & GENNYNE – 6 PHEASANT PLACE – TM – 54.16-1-40 – 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.

Mr. Cote moved to adopt Resolution #22-22, dated December 8, 2022; Tax Map #54.16-1-40 entitled Vittorini Regrading Plan. The motion was seconded by Vice Chairman Giannico with all in favor.

PLATINUM PROPANE – 1035 ROUTE 6 – TM – 65.10-2-11 – SITE PLAN

Mr. Carnazza read his memo which stated the applicant submitted a Fire Safety Analysis for the site. The plans provide for 2 buried 30,000-gallon tanks, but the front page shows an above-ground tank. Clarify which is proposed. Provide “LABELED” floor plans of each floor in the front building both existing and proposed. Will this building be used for a residence or a business office? If it is a residence, a Use Variance is required from the ZBA. The filling station and the “lean-to” have been submitted. Once the labeled floor plans are submitted, I can determine if the Use Variance is required. Area variances are also required from the ZBA.

Mr. Franzetti read his memo dated December 1, 2022.

A discussion ensued with regards to doing a traffic study.

Mr. Franzetti stated the applicant said they do not have to do it, because they will be deferring to the state DOT, because of where it is on the road.

Mr. Cleary stated the applicant has clarified that no more than 4 delivery trucks will operate from this site and one bulk delivery from a tanker truck will occur approximately weekly. He continued and stated this application was last before you in May. They have responded to all your initial comments at that time. They have added more landscaping. The biggest question at the last meeting was who regulates propane facilities. Insite Engineering has researched that and there are no separate propane facility regulations. The applicant has clarified that there are no special state or county permits necessary for a propane facility. Details of the proposed site lighting have been provided. This plan should be updated to indicate the illumination levels at each light fixture, in footcandles.

Mr. Adam Thyberg of Insite Engineering, representing the applicant addressed the board and stated the only significant change with the site plan is that we moved the tanks to comply with the required setbacks from the school that’s associated with the church that’s on the neighboring property.

Mr. Michael Vilardi, owner of Platinum Propane addressed the board and stated the intent of the property is to buy in bulk and buy it wholesale. We are looking to sell it retail to our customers.

Chairman Paeprer asked will you be making a lot of trips back and forth?

Mr. Vilardi stated once the truck leaves for the day, it's pretty much gone for the day and then they come back and fill up for the next day.

Mr. Carnazza asked what about deliveries that fill your bulk storage tank?

Mr. Vilardi stated we plan on getting one bulk delivery a week in an 18-wheeler.

Vice Chairman Giannico asked how trucks will be running?

Mr. Vilardi replied we currently have two trucks.

Mr. Cleary asked if the office use will be in the front building?

Mr. Vilardi replied we will the office and storage in the front building.

At which time, Mr. Thyberg displayed renderings of the proposed building.

Mr. Thyberg stated there will not be any major renovation to the existing building, it will be converted to an office. We will definitely label the drawing. This will not be used for residential use. He said we are looking to defer the traffic impact to the NYSDOT, since we have to apply for a highway permit because of work in the driveway. We are looking to have it covered under the same umbrella.

Mr. Carnazza asked will the tanks be in a secure fenced in area?

Mr. Thyberg replied yes and the tanks will be underground, but the area that there in will be fenced in.

Chairman Paeprer asked do we want propane tanks buried underground?

Mr. Thyberg stated the applicant did seek the advice of the fire chief on this and they were open to it either way.

Chairman Paeprer asked has the fire chief been to the site yet?

Mr. Thyberg replied yes.

Mr. Franzetti stated they still have to work with the DOT, so the site plan may be changed based on DOT comments.

Mr. Thyberg stated we have had a preliminary meeting on site with DOT and they agree that the current location of the driveway is the best location. He said the basic geometry might change a little bit. They have certain design guidelines for how the geometry of that entrance works, but the location isn't moving.

A discussion ensued regarding getting feedback from the DOT on their comments back to the board.

Mr. Thyberg stated any correspondence with DOT, we will copy the board and consultants on that. He stated our next step is to seek the two variances that are required and we would like to be referred to the ZBA tonight.

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

ML & RC PROPERTIES 2 LLC – (LUBIC, MICHAEL) – 310 BUCKSHOLLOW ROAD – TM – 76.9-1-22 – RESIDENTIAL SITE PLAN

Mr. Carnazza read his memo which stated the applicant is proposing to legalize two studio apartments on the fourth floor of the existing multi-family dwelling on the corner of Buckshollow Rd. and Kennicut Hill Rd. in Mahopac. I cannot read any of the Title Block information on sheets A-100, A-101, A-102, A-200, A-201 or A-202. The font is way too small. P.C.D.O.H. approval is necessary for this proposal. An Automatic Sprinkler System must be installed if this project is approved. Use Variance is required from the ZBA for the expansion of a non-conforming use in the R-Residential Zoning District. Other variances may be required once I get a plan that I can read.

Mr. Franzetti read his memo which stated the application involves legalizing two (2) fourth floor studio apartments at the referenced property. Based upon review of the plans provided the Engineering Department offers the following preliminary comments. Additional details should be provided regarding the parking spaces. This includes, but is not limited to, all striping, length, widths, travel ways, proximity to property lines, guide rails etc. The project should be referred to the Mahopac Fire Department. The referenced is not in a Town sewer or water district. It is unclear if the well and septic have sufficient capacity for these additional rooms and if the Putnam County Department has reviewed/approved these rooms.

Mr. Cleary stated this is an existing facility and two additional units built on the upper level. But it has always been a multi-family building. The off-street parking requirement for an apartment house is 2 spaces per unit. The 10 dwelling units on the site requires the provision of 20 off-street parking spaces. The site plan indicates the provision of 26 existing spaces. The rear parking area does not appear to be striped and delineated. This would be a requirement of approval. There is no curb along the site's Kennicut Hill Road frontage, resulting in an uncontrolled curb cut of over 100' in width. Was this oversized curb cut permitted by a prior approval? Generally, this is an unacceptable condition. It does not appear that any stormwater management facilities exist on this site. This site is not connected to public sewer and water infrastructure. It is unclear if the septic system can accommodate the number of dwelling units on this site. The presence of illegal apartments suggests that other illegal building improvements may have been installed. The applicant should document full compliance with all building and fire code requirements.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated there is a well and septic on the property. He said there is a parking lot in the front that is paved and there is a parking lot in the back. He said if we could get the use variance we will have to come back and prove that all these parking spaces work. We require 20 spaces and we have 26 parking spaces. This has to be approved by PCDOH and we also need a use variance. He stated while we are waiting for approvals from the Health Department, we would like to be referred to the Zoning Board.

Mr. Carnazza stated you should show the parking first, to make sure you comply.

Mr. Greenberg replied no problem.

Chairman Paeprer asked there are 20 parking spaces in the main parking lot and in the rear, there are 6 parking spaces?

Mr. Greenberg replied there are 7 spaces in the back and 19 in the front.

Mr. Cleary stated you are showing 4 spaces that are tandem, which would require a variance.

Mr. Carnazza said to show us everything laid out properly, so you only go to the Zoning Board once.

Mr. Rich Caprio, owner of property addressed the board and stated when we bought the building the illegal apartments came up. That's why we're here.

Mr. Frenkel asked about the history of the building.

Mr. Greenberg stated when the new owners bought it, the two apartments on the 3rd floor were existing. When the bank was reviewing, it came up that the apartments weren't legal.

Mr. Frenkel asked how long have they been illegal?

Mr. Michael Lubic addressed the board and stated this property was owned by my great uncle back in the 1950's. Somewhere along the line, someone added those apartments. I'm assuming it was a family member who added those apartments years back. Maybe 20 plus years ago.

Mr. Frenkel asked how do we know the other apartments are legal?

Mr. Carnazza stated we looked at the old assessors' records and it had x number of units. It turned out there are two extra units there.

Mr. Frenkel asked if the other units were all legal.

Mr. Carnazza replied yes.

Chairman Paeprer stated to clean up the drawings and come back to the board before we send you to the ZBA.

JEDLICKA, REGINA – 334 AUSTIN ROAD – TM – 64.13-1-16 – 2 LOT SUBDIVISION

Mr. Carnazza read his memo which stated the applicant is proposing a two lot subdivision off Austin Rd. in Mahopac. "Open Development" approval is required from the Town Board for Proposed Lot 2. There is no frontage on a Town, County, or State Highway or road. The note is now on the plan. Referral to Town Board for Open Development is needed once the submission is ready for Final Approval (normally Preliminary, however, this is a Minor Subdivision which goes straight from Sketch to Final). A variance was granted by the ZBA because the Lot 1 depth line exits and re-enters the lot. This is noted on the plat. Provide a graphic scale. Prior to signing the Final Plat, certification by an engineer or surveyor as to the accuracy of details of the plat must be provided. Provide the Easement Agreement for review by Counsel.

Mr. Franzetti stated engineering comments have been addressed. As we move forward I need a performance bond and associated engineering fee to be developed and provided and approved on my end.

Mr. Cleary stated we have a SEQR related issue with respect to this procedurally. He said we never established lead agency for this application and because it requires Open Development from the Town Board, SEQR has to be completed before they could grant Open Development. We could do an uncoordinated review theoretically and adopt a Negative Declaration now, but then the Town Board would have to do its own SEQR review and they don't typically do it. They ask us to do it for them. He said we could designate lead agency this evening, but we can't adopt a Negative Declaration until 30 days.

At which time, a discussion ensued with regards to declaring lead agency and who's responsible to request SEQR review. They also discussed the referral to the Town Board and their schedule.

Mr. Cleary stated you could ask the Town Board to consent to this board being the lead agency, so you don't have to wait the 30 days to allow that to happen. After that, then this board could adopt its Negative Declaration at the next meeting.

Mr. Greenberg asked can we also have the public hearing and final approval?

Mr. Cleary stated you don't have open development yet. We could schedule a public hearing, but you may not be able to close it.

At which time, Mr. Cleary explained to Ms. Jedlicka the SEQR process.

Mr. Cote moved to declare the Planning Board as lead agency. The motion was seconded by Mr. Frenkel with all in favor.

Chairman Paeprer stated assuming the public hearing goes well, we'll do a resolution at the same time.

GATEWAY SUMMIT MULTI-FAMILY – LOT 6 – GATEWAY DRIVE – 55.-2-24.6-1 & 6-2 – EXTENSION OF SITE PLAN APPROVAL

The consultants had no objection to the extension of site plan approval.

Vice Chairman Giannico asked why do you need an extension?

Ms. Dawn McKenzie of Insite Engineering, representing the applicant addressed the board and stated we were here in early 2022 for approval of the multi-family. She stated the subdivision road is currently under construction. We can't start construction on this site until the road and its infrastructure is substantially complete.

Vice Chairman Giannico asked when do you anticipate the road to be completed?

Ms. McKenzie stated probably sometime in the spring.

Mr. Nuculovic moved to grant an extension of site plan approval for 1 year. The motion was seconded by Mrs. Kugler with all in favor.

**THE FAIRWAYS MULTI-FAMILY – LOT 7 – 2054 ROUTE 6 – TM – 55.-2-24.8-1 & 8-2 –
EXTENSION OF SITE PLAN APPROVAL**

The consultants had no objection to an extension of site plan approval.

Mr. Nuculovic moved to grant an extension of site plan approval for 1 year. The motion was seconded by Mrs. Kugler with all in favor.

MINUTES – 10/13/22

Mr. Frenkel moved to approve the minutes as corrected. The motion was seconded by Vice Chairman Giannico with all in favor.

**TOWN OF CARMEL COMPREHENSIVE MASTER PLAN AND ZONING CODE DRAFT –
DISCUSSION**

Mr. Cleary and the board members continued to review Section 156-26 (Piers & Docks; Shoreline Activities).

Chairman Paeprer thanked board member Mrs. Kugler for her years of service to the board.

Mr. Frenkel moved to adjourn the meeting at 10:10 p.m. The motion was seconded by Mrs. Kugler with all in favor.

Respectfully submitted,

Rose Trombetta