**MICHAEL CARNAZZA**

***Director of Code***

***Enforcement***

**RICHARD FRANZETTI, P.E.**

***Town Engineer***

**PATRICK CLEARY**

**AICP,CEP,PP,LEED AP**

***Town Planner***

**VINCENT FRANZE**

***Architectural Consultant***

**HAROLD GARY**

***Chairman***

**CRAIG PAEPRER**

***Vice-Chair***

**BOARD MEMBERS**

**ANTHONY GIANNICO**

**DAVE FURFARO**

**CARL STONE**

**KIM KUGLER**

**RAYMOND COTE**

***TOWN OF CARMEL***

**PLANNING BOARD**

****

**60 McAlpin Avenue**

**Mahopac, New York 10541**

**Tel. (845) 628-1500 – Ext.190**

**www.ci.carmelny.ny.us**

**PLANNING BOARD MINUTES**

AUGUST 10, 2016

**PRESENT:** **CHAIRMAN, HAROLD GARY, VICE-CHAIR, CRAIG PAEPRER, ANTHONY GIANNICO, DAVE FURFARO, CARL STONE, KIM KUGLER, RAYMOND COTE**

**APPLICANT TAX MAP # PAGE TYPE ACTION OF THE BOARD**

Loewenberg, Ralph 64.16-1-30 1 P.H. P.H. Closed & Planner to Prepare

Resolution.

Hudson Valley Vet EMS 75.6-1-67 1-8 Site Plan No Board Action.

Mazzola, Michael 75.44-1-47 8-11 Site Plan No Board Action.

Minutes 7/13/16 & 7/27/16 11 Approved.

The meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Ashley Smith

**LOEWENBERG, RALPH – 260 WEST LAKE BLVD. – TM – 64.16-1-30 – PUBLIC HEARING**

Mr. Carnazza stated that this is on for a public hearing; all of my comments have been addressed and all necessary variances have been granted.

Mr. Franzetti said all comments have been addressed from the engineering department.

Mr. Cleary stated that all site planning issues has also been addressed and this is on for a public hearing.

Chairman Gary asked if anyone from the audience wishes 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. Paeprer with all in favor.

Chairman Gary asked the Planner to prepare a resolution for the next meeting.

**HUDSON VALLEY VETERINARY EMS – 559 ROUTE 6N – TM – 75.6-1-67 – AMENDED SITE PLAN**

Mr. Carnazza said we are now down to four variances needed from the Zoning Board, including lot area, front yard, and rear yard and parking width. This project should be referred to the ECB. He said there is some work being done on the front left side of the property close to the wetland buffer. I didn’t see the existing signage sizes and dimensions on the plans so I wrote locations and size of any signage on the property.

Mr. Franzetti said the preliminary stormwater management plan was submitted as part of the application; the report was dated in October of 2013 and reflects the sign design at that proposed time. At that time the document met the criteria for the report of the site but an updated document will need to be provided once official closure is completed on how this site should be designed. The applicant has advised that once the site plan has been approved the SWPPP will be updated accordingly. The overall site plan does not match the stormwater and there are some additional numbers in parking spaces on the site plan but there is no legend to finding what those numbers are. The traffic circulation is provided on the drawing but it is unclear as to the type of vehicular traffic that will be entering the site and there is no definition on how goods will be delivered to the site.

Mr. Cleary said this revision now reflects the closure of the Yorke Road curb cut, access point and the circulation along the south side of the building is now moving in both directions.

Chairman Gary asked if this can be cleared up.

Mr. Nicholas Fusco of Architectural Visions, representing the applicant addressed the board and stated that we are no longer proposing a curb cut onto Yorke Road after discussing with the Board and the community it has come to our attention that it will be opposed. We have opted to take down the existing building and add on to what is remaining there which is the original building of Red Mills in order to create the two-way driveway that we are now proposing.

Chairman Gary asked what he is going to be renting the building for.

Mr. Fusco said currently there is a seamstress on the first floor and on the second floor there is an apartment which will be relocated by adding it on to the existing building. Currently it is only a single story so we are proposing to add a second story on that particular space adding 6 feet to the front of the property and about 10 feet in the back.

Mr. Cote asked where the footprint to the original structure of the seamstress is.

Mr. Fusco said the original footprint is much further.

Mr. Cleary said that is why they didn’t have enough room to get in.

Mr. Cote said I just wanted to clarify that because when I drove by between the gray and that spot trying to circulate that traffic would be very difficult.

Mr. Fusco said the grading has been progressed and eventually there will be more than enough room in that space. The cars that will be using that access will not be in the way of any pedestrians who will be accessing the seamstress or the apartment and it also won’t be too close to the building.

Mr. Cleary said just to be clear the applicant did that in response to this Board concerns.

Mr. Cote said I am happy to see this I think it makes sense.

Mr. Stone asked what the width of the driveway is.

Mr. Fusco said 24’.

Mr. Cleary said by law that’s the correct size.

Mr. Fusco said there will also be 2 feet between the driveway and the building so there is a buffer area.

Mr. Furfaro asked if the traffic pattern now shows the entrance coming in where you would for pizza to pass in front of the building and go around the back.

Mr. Fusco said yes you would access through here and we are not proposing any curb cuts to the property we are just relocating.

Mr. Furfaro said from my perspective that is a really big amendment.

Mr. Stone asked if there will be lights on the building itself.

Mr. Fusco said yes it is shown on the plans.

Mr. Stone asked if the lights are dark sky, compliant and facing down.

Mr. Fusco said yes.

Chairman Gary said this looks very good. When this application first came to us there were so many concerns, one of the biggest concerns was what was actually going into that building.

Mr. Cleary said correct, the intensity of the use of the space inside this building was intended to be a training room.

Mr. Greenberg stated that the space is ¼ the size that it used to be.

Chairman Gary asked if that space is gone.

Mr. Fusco said there have been a number of things that are taking over that space and will be utilized for the employees to rest, relax and eat.

Chairman Gary asked how much this training room has been reduced too.

Mr. Cleary said 1000 square feet has been taken off of the building itself. If you remember the issue when this first came before us was that the applicant was saying this is an emergency facility overnight only and it would not operate during the day. Currently I think there are 8 examination rooms, surgery rooms, and extensive amount of facilities that is proposed to not be used this intensively. The Board’s concern at the time was that it would be likely for them to start stretching out the hours of operation because a big facility is being built.

Mr. Fusco said we do have a variance for the use of the building.

Mr. Carnazza said you have an interpretation that specifically says what you can do.

Chairman Gary said that is not what the concern was the size of the building; it was what the application will be used for was the concern.

Mr. Fusco said you don’t necessarily know what is going to come into any building but preparing for the worst case scenario is in our client’s best interest.

Chairman Gary said it just doesn’t add up with the amount of space and what the building is going to be used for.

Mr. Carnazza said at the time we were talking about the area that the building will be covering because there isn’t another emergency vet within however many towns. That was there explanation on why the building was so large but now there is an emergency vet close by.

Mr. Greenberg said the closest one to the North of us is Poughkeepsie and the closest one south is down in Bedford. What I think might be helpful to you is to check into these facilities because they are also only open at night and on the weekends to see the size they are and how many rooms they have.

Mr. Carnazza asked if the Mohegan vet will affect the business at all.

Mr. Greenberg said I don’t know for sure.

Mr. Franzetti said that one is a 24/7 facility and covers that night time area.

Mr. Greenberg said yes but it wouldn’t be fair because they are 24 hours we are just night time.

Mr. Cleary said it is a different type of facility.

Mr. Cote said when the applicant first came before us we were very confused on the training room, if it was just the exam rooms it would make sense but when you add all these other factors it raises questions. You are saying now that you took that out and replaced it but really all you did was just put an empty room labeled employee conference room. If you are an emergency facility just treating animals for emergencies only what is the purpose of having a conference room that size.

Mr. Fusco said that the business owner will utilize the space because they do need a space large enough for the employees that will be working there whether they have all employees in there for a half hour meeting once a week. We did reduce the size of that space by reducing the size of the footprint of the building but I do understand that it is a concern.

Mr. Carnazza asked if they will be doing training during normal business hours.

Mr. Fusco said no, everything is still within the guidelines that we set aside.

Mr. Cleary said other than the people in this room; no one is going to know that this business will not be open during the day so it is unlikely that people would call to complain. I don’t think the community is going to be reading the approval letter for this.

Mr. Greenberg said I am sure everybody will read this because of the situation presented to us from what we are proposing. You have complimented us on the design and taking down the existing architecture that is on the site and we will provide a tremendous about of landscaping.

Mr. Cleary said I don’t think we are disputing that, on the application you talk about 6 employees and you have conference rooms and multiple exam rooms it just doesn’t seem to add up. The limited number of employees that will be as opposed to the amount of exam rooms and business you think will be generated is not working in your favor.

Mr. Greenberg said what if one dog comes in and is injured one night and then the next night 5 animals come in.

Mr. Fusco said this isn’t your typically veterinary office you need to prepare for the worst case scenario. This space won’t be used to its fullest capacity all the time but you can’t say that there will not be nights that they are full.

Mr. Paeprer asked about the weekend hours.

Mr. Greenberg said weekends will be Friday night to Monday morning. We cut the size of the upstairs and the downstairs and moved the retail stores.

Mr. Fusco said essentially what we have done is we are taking from the original building that is there so the seamstress and apartment above can still keep their business. We are taking down dilapidated buildings and adding a new building. I don’t necessarily see how the size will be an issue just because it won’t be open all hours. If we shrink down the building even more it still wouldn’t make a difference. He is allowed to choose the size of the building whether he have one exam room or 5. I understand your concern and I’m not saying that it is not necessary but like you said the client is looking to prepare for whatever may come his way. This facility is preparing for the worst case scenario.

Mr. Cote said I had no idea that the intent was to be open from Friday night to Sunday.

Mr. Greenberg said that was always the situation from day 1.

Mr. Cote said all I am saying is I didn’t remember that but having said that the interpretation is for this facility being opens during hours that other vets are not open. I am wondering about the interpretation of that because the vet that I go to is open on Saturdays and you are saying you will be open on Saturday. Mr. Carnazza stated that the interpretation states that provided other veterinary clinics are not open so my question is how will this be enforced.

Mr. Carnazza said well obviously it doesn’t mean in the whole world it would typically not open.

Mr. Furfaro said it would probably be on the majority of vets in the general area.

Mr. Carnazza said yes because otherwise there will be one other vet that can open on Sunday and then someone can say you have to close on Sundays now too.

Mr. Greenberg said all we are trying to do is provide a service.

Mr. Carnazza said Mr. Cote is just trying to get this straight because it is very vague how this interpretation is coming across.

Mr. Cote said the reason why I say this is because this will potentially be a problem for us if it is not done correctly.

Mr. Cleary said well we don’t want somebody to open their veterinary practice on Sundays and prevent the applicant from operating his business.

Mr. Greenberg said I think his point is well taken, if you have a majority closed then you could have potential clients on Saturday and Sunday. If 90% of the veterinary businesses are closed then that is a different story.

Mr. Furfaro asked if we can clear that up as part of the planning process and put the hours of operation as part of the approval so there is no confusion down the road.

Mr. Cote asked if that is in our purview or if that would be a zoning issue.

Mr. Greenberg said as Mr. Carnazza said the Zoning Board interpreted this already.

Mr. Furfaro said I understand but this will need to be clarified.

Mr. Carnazza said you are allowed to add conditions if you feel they are necessary.

Mr. Furfaro said the hours of operation need to be added to this so it is clear and part of the approval so there is no argument later on. The size of this building doesn’t exactly add up with the business plan so my question is, is this building within the limits of the size they can do on the property?

Mr. Carnazza said there are two spots where the new building is in the setback envelope but it is not anymore within the setback envelope then the existing building is. It is back further then what exists but it is in the envelope itself.

Mr. Greenberg said it is within the criteria of lot coverage.

Mr. Carnazza said our parking can’t really control our lot coverage anyway.

Mr. Furfaro said so they are in their right as owners to build the building. My question to the professionals is what other type of uses this could be used for like can it be a doctor’s office?

Mr. Carnazza said absolutely it can be retail sales, services, entertainment or restaurants basically it can become anything.

Mr. Cleary said the Zoning Board’s interpretation is specific to an emergency veterinary hospital.

Mr. Carnazza said he would be required to come back to the Board for the change of use because the parking calculation is based on a doctor’s office. If they wanted to change their mind and make it a restaurant you would need 20 more parking spaces.

Mr. Cleary addressed the board and stated that you have an obligation under your review of the site plan and your environmental review of the impacts of this facility to render a decision based on a whole bunch of things. Number one relates to the physical impact of the construction of this facility, if they are building something that is obviously economically not vile then it is fair for you to say that it is likely there will be an adverse impact associated with that. For example, if these days the office market is terrible and the developer comes in and says I want to build an office building then the planning board can say why would you do that there is no market for an office building so that would be an adverse impact. We are kind of talking about the same thing here; if this is too big for a veterinary hospital overnight and it is going to fail then you can say there is an adverse impact. That would be a difficult assessment to make, rendering that decision is difficult but the only way to render that decision is if there was a finding that doing this would be a failure.

Mr. Furfaro said I don’t want to render that decision.

Mr. Cleary said I am just making you aware that you’re having a fair conversation now Mr. Greenberg needs to defend this. The point is that Mr. Greenberg needs to come up with reasons on why this will work economically.

Mr. Giannico said I think you did a great job with the building I think it is a very nice building but from my perspective there are a lot of amenities that don’t make sense to me. I’m speaking for myself right now and my feeling is that there is a greater intent of use on this building. I would just like to know from the owner what the intent is ahead of time.

Mr. Fusco said there is no greater intent of this building other than an emergency veterinary clinic.

Mr. Giannico said staff lounges and rest areas with a 30 foot electrical closet.

Mr. Fusco said it’s not just electrical it’s a computer room as well.

Mr. Cleary said there could be an answer to this which is there are two competitors and it would be more useful for us to know how big their buildings are and how much business they bring in.

Chairman Gary said my concern is that this Board has an obligation to debate the impacts of this building will have. I’m not saying that these impacts would cause the Board to deny this application but the Board needs to consider how to reduce those impacts. Once a public hearing is scheduled it is not just going to be us in this room and we always have to consider and act upon any impact that we feel is damaging to the community. What we would like to do as a Board is to reduce the impacts before the public hearing begins. Even if you don’t want to change anything, the answers to our questions need to be better than they are tonight.

Mr. Greenberg replied okay.

**MAZZOLA, MICHAEL – 936-942 SOUTH LAKE BLVD. – TM – 75.44-1-47 – SITE PLAN**

Mr. Carnazza said you need to provide a measurement from the front yard to Route 6N to the addition, there is no ADA parking space shown, is there an elevator proposed and will that be required. We will need to discuss that with the building code but it is also not clear why the sides are labeled as rear yard because they are side yards by definition. Are you going to put sprinklers on the building, the second floor cannot be constructed out of unprotected wood, 7 variances are required from the Zoning Board and one from the Department of State.

Mr. Cleary read Mr. Franzetti’s memo stating that this application involves the addition of 4 apartments above an existing building. The applicant will need to provide water and wastewater report which defines the number of bedrooms and projected use. The applicant will need to contact the NYCDEP as they have issued a moratorium of sewer connections in CSD 1 and CSD 3. The site plan should be updated to show the full extent of the property, based on Town records the property should include a 100 foot long piece which connects the building to Cherry Street.

Mr. Cleary then began reading his own comments stating that this is a fabrication that we heard in a similar form about 5 years ago in 2010 where they proposed 5 apartments. They have reduced the number of apartments and they made adjustments to the plan. At the time, there were a lot of variances required then and every variance required then will need to be required now. The Board made a referral to the Zoning Board at the time and said this is a bigger issue then just the variances for this building because the zoning in this portion of the Hamlet needs to be explored. The Zoning Board never took action on this application and it sort of disappeared but now they are back with a slightly modified application. As Mr. Carnazza said they will still need a number of variances from the Zoning Board but one of the benefits is the physical appearance of the building will be modified.

Mr. Cote said I was on the Board when the first applicant came through and as I recall the biggest issues we were wrestling with was parking because there is no parking.

Mr. Cleary said there is some parking behind the building that goes right out onto Route 6.

Mr. Greenberg said as the consultants said this project was presented to the Board about 6 years ago in a slightly different version, the ownership has slightly changed and Mr. Mazzola, the owner is here tonight. As Mr. Carnazza said there are a lot of variances but I think the important thing to understand is that this whole downtown area has no parking besides the street parking. Also, if you look at all the buildings along 6 and 6N every building has retail on the first floor and apartments on the second floor so there is a need for this. If you check every single Town around us with the exception of Carmel, Zoning permits retail on the first floor and apartments on the second floor and unfortunately we are the only Town that doesn’t. That was pointed out 6 years ago and unfortunately the Town Board never acted on it and the Zoning is still the same as it was 6 years ago? We believe there is a need for this and the 5 parking spaces that are there are being used so it doesn’t conform to the requirements of the parking regulations and they do back out onto Route 6. The building has been there for 80 years and the addition of these apartments would be built and he will not have trouble renting them out. There has been some question on the architect of the building and we have changes the whole design of the building. Instead of a flat roof we now have a peaked roof and it will enhance the architecture in the area this building hasn’t been updated in a long time but this building needs it. Mr. Carnazza is correct when he said the number of variances we need are still there but again we are providing something that is needed, we are hoping the Town Board would amend the Zoning which they didn’t so that’s why we are here tonight to be referred to the Zoning Board. He then pointed to the map and stated that this is the property and this little leg island here, for some reason the tax maps show that it is part of this property and when we got the deed it indicates that this property was never part of the property and still isn’t part of this property. I also checked meets and bounds of the 1975 deed and they are identical but I would say confidently that this is not part of the property.

Mr. Carnazza said I was going to ask Mr. Charbonneau about it but he is not available.

Mr. Greenberg said I can email it to Mrs. Trombetta and she can forward it to Mr. Charbonneau.

Mr. Paeprer said the parking is always going to be the biggest issue with this I don’t know how you would add more parking to this property.

Mr. Furfaro said I think there are 3 two bedroom apartments and 1 one bedroom. Is there any way to get parking off the street somewhere?

Mr. Greenberg said that Mr. Mazzola is going to be in contact with the shopping center across the street to see if there is any way to get legitimate parking spaces.

Mr. Cleary said the first time this came around you were looking into getting some public parking across the street and I don’t remember what happened with that but I do remember you exploring those options.

Mr. Paeprer said well that is an issue if you try to go to that parking lot now and there is not one parking space open.

Mr. Carnazza said they would have to sell that to the Zoning Board because the only way you would get a variance is if you had a tradeoff there not going to give you that large of a variance of 36 parking spaces.

Mr. Stone asked if this is the old pharmacy building.

Mr. Greenberg said yes.

Mr. Stone asked if this already has a second floor.

Mr. Greenberg said the 6N side has two stories but the 6 side is where the one story apartment will be built.

Mr. Carnazza said there is a wall there that looks like it could be a second floor but isn’t.

Mrs. Kugler asked if this is the building that has curves.

Mr. Greenberg said yes.

Mr. Cleary said before Mr. Franzetti left he had asked me to emphasize the sewer issue and the fact that the moratorium is in place.

Mr. Greenberg said I looked into that because Mr. Franzetti was nice enough to mention that to me a couple days ago but I got the letter that was sent by the DEP and it specifically states that the DEP requested only new connections. This is definitely not a new connection but we will have to dig further into this.

Mr. Cleary said I don’t know if adding additional capacity to an existing connection means that it is new or not so it will need to be looked into.

Mr. Greenberg said yes absolutely.

Chairman Gary stated that Mr. Greenberg has a lot of work to do and will need to answer all questions presented before you tonight.

Mr. Stone said so you are only putting a second floor on one half of this and changing the façade, correct?

Mr. Greenberg replied that’s correct.

Mr. Stone asked if he is re-siding all the way around so we don’t have the stone on one side.

Mr. Greenberg stated that all of the stone will be gone.

Mr. Furfaro said we are going to have to recommend the architect on board will have to write the review. But once you solve the parking so you can at least have some dedicated spaces for the tenants even if it is up the road somewhere.

Mr. Mazzola said my biggest problem is that the spaces on Route 6 will not be used by retail during the week and the retail places close at 5 pm.

Mr. Furfaro said it is very tough parking downtown at certain times but if you can find something even if it is up the road somewhere and they have to walk a little bit I would personally be okay with that.

Mr. Mazzola stated that he owns two other places in town so I can offer some of those spaces as well.

Mr. Stone asked if those parking spaces that are there right now are on the property according to the plans.

Mr. Carnazza said yes they are but they are deficient in size.

Mr. Stone said I am not questioning the issue of public parking during the day if it is private property.

Mr. Carnazza said those are included in this calculation, he requires 36; he has 5 so he needs 31.

Mr. Stone said I understand that but initially I thought this was public parking.

Mr. Carnazza said no he tried to use the public parking from the Chamber Park for his parking last time which was one of the arguments that they were making.

Mr. Stone said but he would be in his rights to put a sign on there to say tenant parking only 24/7.

Mr. Carnazza said yes but he is still 31 parking spaces short.

Mr. Stone said okay.

**MINUTES: 07/13/16 & 07/27/16**

Mr. Cote moved to accept the meeting minutes of 07/13/16 & 07/27/16. The motion was seconded by Mr. Furfaro with all in favor.

Mr. Furfaro moved to adjourn the meeting. The motion was seconded by Mr. Giannico with all in favor.

The meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Ashley Smith