

# **APPROVED**

**HAROLD GARY**  
*Chairman*

**CRAIG PAEPRER**  
*Vice-Chair*

**BOARD MEMBERS**  
**ANTHONY GIANNICO**  
**DAVE FURFARO**  
**CARL STONE**  
**KIM KUGLER**  
**RAYMOND COTE**

## **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*

**VINCENT FRANZE**  
*Architectural Consultant*

## **PLANNING BOARD MINUTES**

**JANUARY 10, 2018**

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

<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>PAGE</u></b>	<b><u>TYPE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
ShopRite Carmel	44.9-1-9	1-3	A. Site Plan	Public Hearing Scheduled.
Hudson Valley Federal Credit Union	86.11-1-1 & 86.6-1-4	3-7	A. Site Plan	Denied to ZBA.
Baldwin Subdivision	86.11-1-1	7-11	Subdivision	Public Hearing Scheduled.
Minutes –11/29/17		11		Approved.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Rose Trombetta

**SHOPRITE CARMEL – 184 ROUTE 52 – TM – 44.9-1-9 – AMENDED SITE PLAN**

Mr. Carnazza read his memo which stated all the necessary variances were granted by the Zoning Board of Appeals. They received the parking size and sign variances.

Mr. Franzetti stated all engineering comments have been addressed it's just a matter of following up with regulatory permits New York State Department of Conservation Stormwater Permit. The applicant has submitted a Stormwater Pollution Prevention Plan.

Mr. Cleary stated all site planning issues have been addressed.

Mr. Anthony Molé, applicant's attorney addressed the board and stated we had a meeting at the site. He said the Vice Chairman and Mr. Cleary met us at the site to discuss parking and what the applicant could do in terms of negating some of the parking concerns that the board had for customers. The result of that meeting was there will now be designated parking spots in the front area of the building that will have a two hour time limitation. There was one caveat to that, the side parking spots would most likely for employees but not signed as employees so customers felt they could also park there if they wanted to.

Mr. Cote asked if we put up signs that say two hour parking, can the Carmel Police Department enforce that?

Chairman Gary answered I don't think they could legally do that. He said at the last meeting the last thing I said was you can't tell those employees you can't park out here. He said we can't legally designate employee parking, correct?

Mr. Carnazza said we can but we can't mandate.....

Chairman Gary said not the town, but the employer can.

Mr. Molé stated the employer has a union of employees, which becomes somewhat of a union issue.....

Chairman Gary said that's for the employer to work it out through negotiations.

Mr. Molé replied that's correct. How we worked that out is putting a time limitation.

Mr. Cleary stated the applicant can voluntarily do whatever they choose to do. We can't enforce it on their property. They could put two hour limit signs all over the place, but the town can't enforce it. He said if it is a condition of your approval because there is an environmental impact associated with it, it's enforceable to a certain degree, but it's very difficult to do that.

The board members and applicant continued to discuss the parking conditions and employee parking in the shopping center. Also, how everyone clusters at ShopRite while the rest of the shopping center is empty.

Mr. Molé stated your concerns with the site were discussed with the applicant (storeowner) and they understand it and it's an issue that they have been aware of before and they are going to take measures to enforce it.

Mr. Furfaro stated I think most people will honor the parking spaces that say senior parking,  
etc...

Chairman Gary stated we are not going to hold you up, but can we get one more shot with the storeowners?

Mr. Molé asked what exactly?

Chairman Gary said for the applicant to meet with the board to come up with some kind of agreement that will help the public.

Mr. Molé asked another site meeting?

Chairman Gary said it doesn't have to be at the site it could in this building.

Mr. Cleary stated I think it would be useful again, because one of the things that were said out in the field was about union limitations and you didn't know what they were necessarily, but the store managers may, so if we could meet with the managers from the store it may be more productive in the kinds of limitations we could have.

Mr. Charbonneau stated to the Chairman with regards to what you said before, the Vehicle and Traffic Law §1100-§b provides that a local municipality would have to pass a law in order to have the law enforcement enforce a sign in a situation. They don't have to do it to enforce moving violations, but they would have to do it to enforce a parking violation.

Chairman Gary said we have to lay out all the options, and I'm sure we have a couple members of the board that wouldn't mind spending a little time on that.

Mr. Molé replied will do. We could meet at the site or town hall.

Chairman Gary said wherever you want to meet.

Mr. Cleary stated it hasn't been brought up yet, but Mr. Franze signed off of the architecture for this project. He was satisfied with the drawings.

Mr. Furfaro asked aside from the parking issue what's the next step.

Mr. Cleary stated we are ready for a public hearing.

Chairman Gary said we will schedule a public hearing.

**HUDSON VALLEY FEDERAL CREDIT UNION – 150 ROUTE 6 – TM – 86.11-1-1 – AMENDED SITE PLAN**

Mr. Carnazza read his memo which stated the applicant proposes a bank and related parking on this property. The elevation has submitted and Vincent Franze should be reviewing this for architectural comments. Variances are required from the ZBA.

Mr. Franzetti read his memo which stated The original encompassed a proposal to add a 5,000 sq ft commercial building on a 3.2 acre site located at 150 Route 6. This application encompasses a proposal for the building of a 3,800 sq ft Hudson Valley Federal Credit Union, 1.04 acre site located at 150 Route 6. Note that Based upon our review of this submittal, the Engineering Department offers the following comments:

**I. General Comments**

1. The following referrals would appear to be warranted:
  - a. New York State Department of Environmental Conservation (NYSDEC)
  - b. New York State Department of Transportation (NYSDOT).
  - c. New York City Department of Environmental Protection (NYCDEP).
  - d. Putnam County Department of Health (PCDOH).
  - e. Mahopac Fire Department
2. Permits from the following would appear necessary:
  - a. NYSDEC - for stormwater and wetlands.
  - b. NYSDOT for work permit and traffic study
  - c. NYCDEP for stormwater and sub-surface treatment system (SSTS).
  - d. PCDOH for well and SSTS.
3. The site plan for Lot 2 references improvements on an adjacent lot (Lot 2 – Route 6 Retail). Each site plan should stand on its own to the extent that is shows all drainage, stormwater management practices (SMP), sewer and water. No reference should be made to another site plan.

4. A Stormwater Pollution Prevention Plan (SWPPP) detailing the sizing of the SMPs is required. The SWPPP should meet the NYSDEC GP-0-15-002 and NYCDEP requirements.
5. 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.
6. 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. The applicant will need to develop a quantity take off for bonding purposes

## **II. Detailed Comments**

1. The Parking spot dimensions do not conform to the Town Code. Dimensions of 9' x 18' are provided. The Code requires spots dimensioned at 10' x 20'.
2. Agreements/easements for site access, SMPs and utilities should be provided.
3. Top and bottom elevations for all retaining walls should be provided.
4. Wall calculations greater than 5'0 in height must be certified by a structural engineer.
5. A safety fence must be installed on the top of the wall.
6. The applicant should provide wind load calculations for the canopy.
7. A detail for standard duty asphalt in the parking area has been provided. The top layer of pavement should be 2 inches not 1.5 inches and the binder course should be 3 inches not 2 ½ inches.
8. 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.
9. Electric utility information is not provided on this drawing.
10. Sewer agreement/easement is required as the SSTS is located on Lot 1.
11. A full SWPPP is required.
12. Concrete sidewalk, curb and pipe trench details should meet the criteria defined in §128 of the Town of Carmel Town Code.
13. All plantings shall be installed per §142 of the Town of Carmel Town Code.
14. A three (3) -year warrantee on all plants should be provided.

Mr. Cleary stated this application is very similar to the Route 6 Retail project that was previously approved. It's a smaller building this time around, but in the same location. The access to this building is provided from the new roadway that has been created. There are two means of access into the site. He said there are three drive through lanes

and a clearance lane around the backside of that which is a benefit. There will be plenty of movement through there. He said the big issue with this building is the building is setback off Route 6, so that puts the parking in the front. He said if the building was shifted closer to Route 6 in line with the other building you could disguise the parking behind the building, but that may create conflicts with their circulation around the drive thru, however, we repeat the comment for the sake of repeating the comment. He said one of our concerns with Route 6 is the aesthetics. He said we want to make the buildings are attractive, but the sites are set up so that they maximize all the good stuff on the site as well. The comment was raised the last time and it didn't stick, so I don't know if it will stick this time. He said they are seeking variances for parking space size. He said Vincent Franze should take a look at the aesthetics. He said the landscaping at the Route 6 frontage could be bolstered a little more.

Mr. Carnazza asked how high is the wall?

Mr. Roger Keating of Chazen Companies, representing the applicant replied we have two retaining walls, but we are keeping them underneath the requirements of 6 feet.

Mr. Carnazza asked will they be 6 feet apart. He said they have to be at least as far apart as they are tall.

Mr. Keating replied we could accommodate that.

Mr. Keating addressed the board and stated we did take into consideration the work that was taken place previously as part of the site plan approval. He said as you can see we stayed true with the general location of the building, the circulation that was talked about with keeping in kind the two access points and having one dedicated access for the drive-thru in the rear. He said we are providing a smaller building footprint and we may have some more parking spaces then what was previously proposed, however, our impervious cover is less for the overall development. We actually have more green space. He said our access points would be off of the driveway that was newly constructed that has access to the signal light at Route 6. He said we did take into consideration the placement of the building, but we do have a little bit of a pinch point at the front and it does create some difficulty to be able to fit the 3,800 square foot building. He said another nice thing about where the site lays out (points to map) we have really good separation from pedestrians and the drive-thru. He said it's a great separation and it flows well with the way the circulation works. He said we are generally consistent with what was previously proposed. That's why we are seeking the amendment to the site plan.

Mr. Jay Diersing of Mauri Architects addressed the board and stated this is a 3,800 square foot one story building. It's a traditional hip roof style structure. It is a similar look to what we built at Stoneleigh Ave a few years back. The main façade of the building that faces out to Route 6, we have a return gable structure (points to map) at the entrance of the building with some decorative columns and that provides also an area for signage to help designate the entrance. At the top of the roof, we have clear story

windows that let natural daylighting down into the main lobby of the branch. He said the drive-thru structure is out onto the back of the building. The building itself is finished with a ground faced architectural masonry material. He said it will be two toned. As said as the stone approaches the roof there is a tall stucco cornice that wraps around the building and the roof itself is a metal finish which is very similar to what is on Stoneleigh Avenue.

Chairman Gary asked why is the building sitting back so far?

Mr. Diersing said there would be circulation issues if we did that. The site tapers down into the front, so it brings those setbacks together and it makes it harder to get the building set up there and it really creates some issues with our drive-thru traffic.

Mr. Keating agreed with Mr. Diersing.

Vice Chairman Paepre said the original approval was 3 acres and this is 1 acre. He said there is property there, so you wouldn't have that pinch point.

Mr. Carnazza stated the original plan was this size, then they went to the 3 acre and now they are back to this size (1 acre).

Mr. Cleary stated the pinch wouldn't change.

Mr. Contelmo addressed the board and stated the unfortunate part of what's going on here, is the entrance was fixed by the nature of Mahopac Village Center's entrance, so we had to align with that with DOT standards. He said and when you do that and bring in the necessary egress lanes our property line to the north is fixed. He said we did look at different options over 2 years ago. I reviewed 4 different plans with Mr. Keating where he tried to move it forward, but between the necessary alignment which now exists and the necessary location of the entrance drive, we can't come off of this driveway until we are back a certain distance or else the queuing would interfere with the movement. He said when you take all that into consideration we landed in the same place with the Route 6 Retail.

Mr. Carnazza stated the only other way would be to put drive-thru on that side (points to map) and who wants to look at a drive-thru.

Mr. Stone stated if the lot was larger in the back, could the whole thing push back as its configured and get more green in the front.

Mr. Contelmo stated the answer is no, because there are NYSDEC wetlands in the back, there is a 100 foot control zone which isn't a problem until you come to DEP world where you cannot put an impervious surface within 100 feet.

Mr. Furfaro said this has to go through Mr. Franze, correct?

Mr. Carnazza replied yes.

Mr. Franzetti stated there is a permit fee associated with it and an escrow will need to be posted.

Mr. Keating replied okay.

Mr. Cleary stated this application has to go to the Zoning Board for the parking size space variance.

Mr. Furfaro asked about the parking size variance. He said it seems we are sending a lot of applicants to the zoning board for that variance.

Mr. Cleary stated our parking space size code is large. He said what the applicant is seeking the standard for many communities. He said it's a decision we should make as a planning board. Do we think we are sending too many people to the zoning board for a variance that they get. If so, then our codes need to be adjusted.

Mr. Stone asked what is the distance from the egress on Route 6 at the traffic light, because there could be an issue with motorists making a right on red. You may be stuck in the middle of the street.....

Mr. Contelmo stated as part of the DOT permitting for the signal, Maser Associates ran a bunch of traffic analyses and their study included the bank and the 5000 square foot of retail as well as the potential traffic coming from the Koehler Center. He said they actually needed that volume to meet the warrant on the traffic light. He said they looked at an increased flow of traffic relative to the signal design, the queuing and it has been taken into consideration and that was the basis for the approval of the signal light by DOT.

Mr. Cleary stated they needed the volume to justify the light to control the traffic.

Mr. Furfaro asked what are you using for the wall.

Mr. Keating replied we are looking into unilock or readi-rock type of wall system.

Mr. Giannico moved to deny to the ZBA. The motion was seconded by Mr. Cote with all in favor.

**BALDWIN SUBDIVISION – 150 ROUTE 6 – 86.11-1-1 & 86.6-1-4 – AMENDMENT TO FINAL PLAT**

Mr. Carnazza read his memo which stated the applicant proposes to perform a "Lot Line Adjustment" for the lots on Rt. 6 in Mahopac known as Filed Map 3188. The submission does not meet the requirements for a Lot Line



Adjustment as 156- 61M(3)(e) reads as follows:

***A lot line adjustment shall not result in additional lots, any lot becoming substandard nor increase/decrease any lot by more than 20% or 20,000 square feet of its original lot area.***

The applicant needs to remove the Lot Line Adjustment. .. language from the plat and label the plat Sketch Plan. It appears that the existing variances granted for the site are sufficient for this proposal.

Mr. Franzetti stated the engineering department has no comments with regards to the lot line adjustment.

Mr. Cleary stated this project started out with this configuration before it was amended to create two lots instead of the three lots. He said variances were granted for those two lots in 2016. The applicant chose to abandon that plan and came back with two larger lots and not the third lot that was being contributed to the adjacent Baldwin Hills property. So now, they are going back to the original plan to allow access opportunities for the County and the adjacent Koehler Center. He said the process is essentially the same for the lot line adjustment and the amended subdivision. They still have to go through a public hearing. As Mr. Carnazza indicated, the variances were granted for that lot. The only comment I have is all of the things that were talked about with respect to vehicle access to the Koehler Center and the trailway access should be codified one way or another.

Mr. Jeff Contelmo of Insite Engineering, representing the applicant addressed the board and stated we are back with a plan that was before you back in 2016 and if you recall this is the Baldwin Subdivision where the Putnam County Savings Bank branch was built and there were some improvements made to Route 6 via a signal light. The subdivision flipped around before you a couple of times. This board actually reviewed this exact version of it and we were granted variances for this to allow us to create a 1 acre lot, a 2 acre lot in lieu of the 3 acre minimum lot requirement. He said that was based on a desire by the applicant to preserve some space for a future rail trail by was talked about by the County as well as future access to the rear of the property as well as future access to the Koehler Center. We had shown you the reasons why we wanted to configure lots the way we had and you referred us to the ZBA. We were successful at the ZBA and then there was an Article 78 filed against the town. At the time, the applicant had pressure on him to deliver the PCSB site, so we put this aside and pursued a subdivision that was conforming. He said we created a 3 acre lot around the PCSB parcel and then we took the other 10 acres and held that for what is our lot 2 property (points to map). He said that's a configuration that was approved in August of 2017 and the map was filed. He said right now, we have a 3 acre lot with PCSB on it and a 10 acre lot which is our lot 2 and has an approved site plan (Route 6 Retail). He said you may recall there are 172 acres to the rear and the plan that you reviewed back in 2016 was the plan that we are back with and now creates PCSB on a 2 acre lot with the variances that have already been granted. It creates a 1 acre lot which had the Route 6 retail which will now have an amended site plan for the Hudson Valley Federal Credit Union. He said the proposal was to append the remaining 10 acres to the 172

acres to the rear making it 182 acres. There was also a proviso in the Decision and Order from the ZBA and a willingness by the applicant to put a restriction on the balance of the 10 acres so it wouldn't be developed for commercial purposes. It was reserved for roads, utilities, bikeway, trails and recreation. He said part of our application now is to create the two lots we discussed and also creates additional easements. He said what we created via easements with the new plan is an easement that will provide for access to the north which will accommodate the Koehler Center and to allow future extensions of the roadway and put the reservation on the 10 acres as part of the Zoning Board's Decision and Order. He said I know this subdivision has gone back and forth; some of it was out of our control. When the decision was made challenging the Zoning Board's decision, the applicant had to pick a direction in which he did and followed through with it. He said the PCSB site was constructed along with the road improvements. We are back now, because we thought it was a better planning scenario for the establishment of the lots and also introduce our new partner who wants to develop lot 2 in a very similar fashion to what was approved for the Route 6 Retail.

Mr. Giannico asked about what the lot 2 building will conform to.

Mr. Contelmo stated the Route 6 Retail that was approved was intended to be some sort of retail or service type of establishment. He said we did not have a user at the time, but we did site a conforming 5,000 square foot building along with the required parking, a drive-thru and arranged it in a way that made sense with everything you have taken a look at. He said the Hudson Valley Federal Credit Union plan looks very similar to the Route 6 Retail. It's arranged very much the same with the parking in the front, all the utilities will hook up in a similar manner.

Vice Chairman Paepre asked about the railway being in the master plan.

Mr. Contelmo replied unfortunately, the railway is the one part of this that is out of our control. The development of lot 2, the extension of the road, the easement going into the Koehler Center, those discussions have gotten more serious. They have extreme interest as does the applicant, so we think we are not far away from having an agreement on that. He said the railway actually lies with the State and the County. He said they have put a fair amount of thought into the railway system and its envision to cross Route 6.

Mr. Furfaro asked what changed from when you got the variances to this plan.

Mr. Contelmo replied it's the same plan. The variances were granted in December of 2016.

Mr. Carnazza stated the variances that were granted were actually better than what you would need. He said they have more than what they actually got a variance for.

Mr. Contelmo stated he wanted to clarify Mr. Carnazza's interpretation of the code, which we fully agree with and what the code recognizes as a "lot line adjustment". He is

correct. We do not fit within that because we are moving more land, but we want to be perfectly clear that we are not creating any more lots. We are a lot line adjustment in small letters. We are not a lot line adjustment in the code in large letters. We do not meet that definition, but all we are doing is moving lot lines. We are coming in with 3 lots and we are leaving with 3 lots. We are just moving the lines.

At which time, a discussion ensued regarding the variances that were granted by the Zoning Board in 2016 and the Article 78 proceeding in which the Town's decision was upheld.

The board members also felt this was a better plan to preserve some recreation, the pond bike path, etc., which was a big discussion of the original application in 2016.

Mr. Giannico asked if the land that is going to recreation will remain untouched going forward once the plan is approved.

Mr. Contelmo replied yes. He stated the difference between the variance plan and the plan you approved is as part of the variance plan the applicant agreed to put a reservation on the 10 acre balance. So now we have 1 acre, 2 acres and 10 acres. As part of the Decision and Order it was conditioned on the applicant's offer to put a restriction on the 10 acres that it wouldn't be further developed beyond recreational or road and utility type of improvements. So yes, the condition of the variance will remain.

Mr. Furfaro stated shouldn't the site plan also show that.

Mr. Cleary stated there will be notes on the plan as well.

Mr. Contelmo stated I could go back to the applicant and ask to put a note on the plan that the 10 acre reservation area can't be used for the purposes of density. If that is a concern. I can't commit to that this evening, but I could certainly ask the applicant.

Mr. Cleary said why not.

Mr. Carnazza stated why would we want to put that condition on the plan, we don't know what's going there yet.

Chairman Gary stated this board can't limit something that the law requires. Your best shot at limiting it is when it happens. Then you have a reason.

Chairman Gary asked why do you have a road going into the senior development?

Mr. Contelmo replied there has been talk between the applicant and the County for quite some time based on a safety concern with the current driveway of the Koehler Center.

Chairman Gary asked will they be getting rid of the current driveway that is there now?

Mr. Contelmo replied I do not believe the plan would be to eliminate that driveway.

Chairman Gary said it would be a consideration for this board, because we don't want three or four major entrances coming in on that road. He said it is very congested now.

Mr. Contelmo stated what I think would happen is when they come back to amend their site plan and make that connection that would be the time to discuss it. He said we providing for the opportunity for that happen by the granting of the easement.

Chairman Gary replied okay.

Mr. Contelmo asked the board if they would consider scheduling the public hearing. He said we will label the map in accordance with Mr. Carnazza's suggestion and add the note relative to the restriction.

Chairman Gary said to schedule a public hearing.

### **MINUTES – 11/29/17**

Mr. Cote moved to approve the November 29, 2017 minutes. The motion was seconded by Mr. Furfaro with all in favor.

Mr. Cote moved to adjourn the meeting at 8:15 p.m. The motion was seconded by Mrs. Kugler with all in favor.

Respectfully submitted,

Rose Trombetta