

# **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**



60 McAlpin Avenue  
Mahopac, New York 10541  
Tel. (845) 628-1500 – Ext.190  
[www.ci.carmelny.ny.us](http://www.ci.carmelny.ny.us)

**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**

**JUNE 27, 2018**

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

**ABSENT:** CARL STONE, KIM KUGLER

<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>
31 Tamarack Road, LLC.	78.5-2-14	1	P.H./Reso	Public Hearing Closed & Resolution Adopted.
McDonald's USA, LLC.	86.11-1-22	1-4	A. Site Plan	Public Hearing Scheduled.
EMTK Realty	44.18-1-40	4-6	Site Plan	Public Hearing Scheduled.
Ronin Property Group	74.11-1-20	7	Bond Return	Public Hearing Scheduled.
Mancini, Daniel & Courtney	64.13-1-75	7	Regrading	Adjourned.
Minutes – 05/09/18		7		Approved.

The meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Rose Trombetta

**31 TAMARACK ROAD, LLC – 31 TAMARACK ROAD – TM – 75.58-2-14 – PUBLIC HEARING/RESOLUTION**

Mr. Cleary stated the applicant has obtained all their variances and you have a draft resolution of approval before you this evening.

Mr. Franzetti stated all engineering comments have been addressed.

Vice Chairman Paepre asked if anyone from the audience wished to be heard on this application.

Hearing no comments from the audience, Mr. Giannico moved to close the public hearing. The motion was seconded by Mr. Cote with all in favor.

Mr. Cote moved to adopt Resolution #18-16, dated June 27, 2018; Tax Map #75.8-2-14, entitled 31 Tamarack Road LLC (Boathouse) Final Site Plan Approval. The motion was seconded by Mr. Furfaro with all in favor.

**MCDONALD'S USA, LLC. – 154 ROUTE 6 – TM 86.11-1-22 – AMENDED SITE PLAN – ARCHITECTURAL REVIEW**

Vice Chairman Paepre stated Mr. Carnazza has no comments.

Mr. Franzetti read his memo which stated this application encompasses a proposal to construct improvements to the existing McDonald's facility located in the Mahopac Village Center off of U.S. Route six. The work is of a minor nature and includes installation of 2 new Handicap parking spots with access ramps, signage and stripping, and improvements to the drive thru. All Engineering Department comments have been addressed with the exception that a note should be added to the drawing stating that all sidewalks, manholes and guiderails should be installed per §128 of the Town of Carmel Town Code.

Mr. Cleary stated they have addressed all the site planning issues and we did ask the Mr. Franze to review the architectural drawings.

Mr. Franze addressed the board and stated overall what is being proposed would be a dramatic improvement to what exists. The building's appearance would be much more subtle and sophisticated. It will be a tasteful modernization and much more attractive viewed from Route 6. He said it should be noted that there is anything about what is being proposed that reflects the Town's long term vision for Main Street, specifically a colonial "aesthetic". I suggested that the applicant should address whether there are alternative materials that may be more in keeping with the Town's vision for a colonial Main Street aesthetic while also being suitable for McDonald's image goals. He said the existing building is certainly dated and what is being proposed would be a dramatic

improvement. He said the proposed color scheme would several shades of gray with black tile brandwall features.

Mr. Alan Roscoe of Core States Group, representing the applicant addressed the board and stated the last time we met the board asked if we could soften the look a little bit and get away from the stucco. He said we could take out all the stucco and use the clapboard appearance throughout.

At which time, Mr. Roscoe displays the rendering showing the architecture. He said we replaced all of the stucco with clapboard appearance. It will be hardy plank all around. He said we retained somewhat the mansard roof elements so that it would resemble the gable end roof of a colonial structure.

Vice Chairman Paepre stated we recently approved a project at the Carmel McDonald's, how does this match up with that.

Mr. Roscoe stated I'm not familiar with that one to be honest with you. He said with McDonald's it's a pretty rigid program, the color scheme is identical no matter which consultant you have. All the products are produced by McDonald's or their sub-consultants and vendors so you get an exclusive product and it's the same all across the board. We are allowed some variations, so we could provide the mansard roof on occasion. We could change up some of the materials and the siding, but the color scheme is identical.

Mr. Furfaro asked what is the color scheme there?

At which time, Mr. Roscoe displays a rendering of the color scheme to the board and stated this is the identical color scheme to what we are proposing. You get the standardized color scheme and equipment, which is either the chelsea gray family or a fairview taupe which is a more neutral natural kind of color.

Mr. Giannico said this is actually further toned down from what was just built in Carmel. The one in Carmel had a lot more yellow highlighting on it.

Mr. Cote stated his concern is when you are turning into the entrance way to go around the building to the drive-thru, the entrance for pedestrian traffic is right there. He said also it is a very tight turn to negotiate, but more importantly you do have pedestrians crossing while you are trying to make that tight turn. He asked what is the new proposal to address that issue?

Mr. Roscoe displayed the revised drawings that evolved out of the comments that were received from the board and consultants. He said we recognized that when you approach the drive-thru, it is a very sharp turn to enter the drive-thru lane and that wide swing cuts off folks who are trying to leave after they've picked up there food. He said there was also a comment about pedestrian safety that needed to be addressed as well. He said we took a look at this row of parking against the drive-thru lane (points to map) and

for the spaces that are there, there's extra footage. He said the way the lines are striped for the parking, if we go to 9 to 9½ foot width we could gain about 5 or 6 feet. We have shown a revision to the drawing, pulling the island back for that 5 or 6 feet and re-striping that row, so when a vehicle is making this swing, he won't close off people exiting.

Mr. Furfaro said there is a railing on that corner; will you be getting rid of it?

Mr. Roscoe replied the way the elevations are we can't get rid of that handrail for ADA compliance.

Mr. Cote asked is the door entranceway still situated on the side, or is it going to the front?

Mr. Roscoe stated given the architecture and the limits of this program, this is a re-model not really a re-design, so the door locations will remain at this present location.

Vice Chairman Paepreer replied it's definitely an improvement, but we still have people rushing in possibly right in front of the traffic. It's just a tough design.

Mr. Roscoe stated if there is a 5 foot area that's painted yellow, I think it will draw people to it, because they will see it and realize it's a safe pathway.

Mr. Giannico stated even if you re-locate the door, closer to Route 6, you will still have the same problems.

Mr. Roscoe replied that corrects. It's not just changing the door, if we moved it to a different corner, now you are changing where the condiments, counters and pathways for the employees to come from the kitchen are. It's not just changing a door. It's a lot. He said depending on the site McDonald's is paying nearly a million dollars doing the renovations. It's a complete re-model, exterior and interior and then the site work.

Mr. Giannico asked the first bay where the public would make the right hand turn to come in to approach the drive-thru, if we could stripe that just flowing in and not two directions. He said you have a lot going on, people coming out of the drive-thru and come around and they are not paying attention, you have people trying to make that first left as people are trying to come in to make the right turn. He said I would like to see that one bay flow just as an entrance.

Mr. Roscoe stated we could speak to the owner about that. He said we don't control everything on the site, because it is a leased site.

Mr. Giannico said you will be striping that first section. He said make that an entrance only and have everyone else exit through the second and third bay.

Vice Chairman Paepre asked Mr. Franze are you satisfied with the architecture design?

Mr. Franze replied it is going to be an improvement. He said I think the color scheme is terrific. He said the whole thing is going to be more sophisticated and if we could put the clapboard on there we will have a softer texture and it will be good for the Town.

Mr. Furfaro asked Mr. Cleary what's next in the process.

Mr. Cleary said to schedule a public hearing.

Vice Chairman Paepre said we will schedule a public hearing for the next meeting in 2 weeks.

### **EMTK REALTY – 1736 ROUTE 6 – TM – 44.18-1-40 – SITE PLAN**

Vice Chairman Paepre stated Mr. Carnazza had no comments.

Mr. Franzetti read his memo which stated the site contains two buildings. The westerly building, visible from Route 6, is a two-story building containing a 550 square foot office on the first floor, and 4 existing apartments. The rear building is a converted barn that supports 6 existing illegal apartments. This application proposed the legalization of these 6 apartments. Additionally, the proposal calls for the expansion of the existing parking area to accommodate 5 new off-street parking spaces.

Based upon our review of this submittal, the Engineering Department offers the following preliminary comments:

#### **I. Comments**

1. The following referrals would appear to be warranted:
  - Carmel Fire Department
2. The project is located in a New York City Department of Environmental Protection (NYCDEP) Designated Main Street Area. As such it will need to meet the necessary NYCDEP regulatory requirements including the development of a SWPPP.

Applicant has noted this comment and has submitted a SWPPP to the NYCDEP for review.

Further comments from this Department will not be provided until the NYCDEP provides input as the site conditions may change.

3. The overall disturbance for the project as submitted is 11,000 sq-ft which therefore exceeds the threshold criteria of disturbance for New York State Department of Environmental Conservation (NYSDEC) stormwater regulations. This project is above the 5,000 sq ft threshold and below the 1 acre threshold and therefore requires coverage under the NYSEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) and the development SWPPP that includes only

erosion and sediment control and not permanent stormwater features, unless otherwise directed by the NYCDEP.

4. Graphic representation of vehicle movements through the site should be provided to illustrate that sufficient space exists to maneuver vehicles attempting. Applicant has noted this comment and will provide this information under a separate cover.
5. All turning radii for the site should be graphically provided. Applicant has noted this comment and will provide this information under a separate cover.
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. Applicant has noted this comment.

Mr. Cleary stated this applicant was last before us in 2015. They did receive the numerous variances from the ZBA. Additionally, the plans modify and address the initial comments. The parking area has been expanded at the far end. He said all the site planning issues have been addressed.

Mr. Giannico asked Mr. Cleary were all the variances granted.

Mr. Cleary replied yes. They needed many variances.

Vice Chairman Paepre asked wasn't this also a compliance issue.

Mr. Cleary replied it was also legalization issue. He said the front building was compliant, but the back building was non-compliant.

Vice Chairman Paepre so it's up to code today.

Mr. Cleary replied yes.

Vice Chairman Paepre asked about the dumpster area in the back.

Ms. Dawn McKenzie of Insite Engineering, representing the applicant stated town code requires that we provide an enclosure around the refuse. The pad is in place the posts are there. They need to complete the enclosure.

Mr. Furfaro said so the pavement that is there now, is what the pavement is going to be?

Ms. McKenzie replied yes.

Mr. Furfaro stated the detention pond on the bottom will still need to be built.

Ms. McKenzie replied yes it does. We are seeking approval from the town and we also have to get the SWPPP approved by NYDEP before we could install that.

Mr. Giannico said so do we wait for NYCDEP?

Mr. Cleary said no, you could have the public hearing on this application.

Mr. Furfaro asked if we have floor plans?

Mr. Cleary said Mr. Carnazza does.

Mr. Charbonneau said that's where the issue came up, whether or not there were stoves in some apartments. He would have to go out there and inspect them before he could issue and certificate of occupancy.

Mr. Furfaro asked shouldn't floor plans be part of the record?

Ms. McKenzie replied they were originally submitted, we could certainly provide them again, but they should be in the file.

Mr. Furfaro asked if there was anything that could be done to clean up the site, especially on right side of the property next to the neighbor. He said it almost needs a fence, even though I not a big fan of fences. I would maybe like to see some landscaping there.

Ms. McKenzie said there is not a lot of room between the edge of pavement and the property line to put landscaping with overhead wires. Putting anything that's might grow to tall would be a potential issue with that. She said they have cleaned up the site substantially since the new owners took over.

Mr. Furfaro said so I guess we aren't getting a fence?

Ms. McKenzie said she will speak to the owner about it, but.....

Mr. Furfaro said generally it looks pretty good there, maybe a curb would work.

Ms. McKenzie said we are proposing a curb. She said we are providing an asphalt curb to catch the run-off.

Mr. Cleary said this needs to go to a public hearing next.

Vice Chairman said we will schedule a public hearing.

Mr. Giannico moved to schedule a public hearing. The motion was seconded by Mr. Cote with all in favor.

**RONIN PROPERTY GROUP – 45 SECOR ROAD – TM – 74.11-1-20 – BOND RETURN**

Mr. Carnazza and Mr. Cleary had no comments.

Mr. Franzetti read his memo which stated in response to the applicant's request; a representative of the Engineering Department performed a field inspection of the referenced property on June 15, 2018 to evaluate the current status of the site construction, for the purpose of determining whether a bond reduction was warranted. The results of our investigation are presented below. The original bond amount posted was \$189,000.00. In October of 2017 this Department recommended that the bond be reduced by \$151,200.00 to \$37,800.00 as based on the Town's inspection at that time some of the site improvements as required by the Planning were not completed. Based upon our inspection of June 15, 2018, all the site improvements required have been completed. On this basis, this Department recommends that the bond be released.

Mr. Cote asked why did it take so long to complete the site improvements that were required by the planning board.

Mr. Besharat of Rayex Designs, representing the applicant stated it was a financial situation to finish the building. The weather also slowed things down.

Vice Chairman said so we need to schedule a public hearing for this also.

Mr. Furfaro moved to schedule a public hearing. The motion was seconded by Mr. Cote with all in favor.

**MANCINI, DANIEL & COURTNEY – 149 MACGREGOR DRIVE – TM – 64.13-1-75 – REGRADING APPLICATION**

Vice Chairman Paepre stated the applicant asked for an adjournment.

**MINUTES – 05/09/18**

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

Mr. Furfaro moved to adjourn the meeting at 7:32 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta