

APPROVED

CRAIG PAEPRER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS
DAVE FURFARO
CARL STONE
KIM KUGLER
RAYMOND COTE

TOWN OF CARMEL **PLANNING BOARD**



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*Director of Code
Enforcement*

RICHARD FRANZETTI, P.E.
Town Engineer

PATRICK CLEARY
*AICP, CEP, PP, LEED AP
Town Planner*

PLANNING BOARD MINUTES

JANUARY 23, 2019

PRESENT: CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, ANTHONY GIANNICO, DAVE FURFARO, CARL STONE, KIM KUGLER, RAYMOND COTE

| <u>APPLICANT</u> | <u>TAX MAP #</u> | <u>PAGE</u> | <u>TYPE</u> | <u>ACTION OF THE BOARD</u> |
|--------------------------------------|-------------------------|--------------------|--------------------|-----------------------------------|
| McDonald's USA, LLC | 86.11-1-22 | 1 | Resolution | Resolution Adopted. |
| Joe Zakon d/b/a 14 Nicole Way LLC | 65.6-1-22 | 1 | Site Plan | No Board Action. |
| Multi-Family Housing Zoning Referral | | 1-6 | Discussion | Motion to Present to Town Board. |

The meeting was adjourned at 8:11 p.m.

Respectfully submitted,

Rose Trombetta

THERE WAS NO AUDIO FOR THE FIRST 30 MINUTES OF THE MEETING. UNABLE TO TRANSCRIBE FOR THE MCDONALD'S AND JOE ZAKON APPLICATIONS.

MCDONALD'S USA, LLC – 154 ROUTE 6 – TM – 86.11-1-22 – RESOLUTION

Resolution adopted.

JOE ZAKON D/B/A 14 NICOLE WAY LLC – TM – 65.6-1-22 – SITE PLAN

No board action.

MULTI-FAMILY HOUSING ZONING REFERRAL - DISCUSSION

Chairman Paepre addressed the board and stated Mr. Cleary prepared some information on the multi-family zoning. Hopefully, you have had a chance to look at that and provide some feedback on it. We have discussed this at a couple of meetings in the past.

Mr. Cleary stated, just to be clear, this is the same issue you took up about two years ago and you sent a recommendation to the Town Board and for whatever reason never advanced that application. They've come back to you and said it's time to look at that again. So what you have in the package that's come over to you in the past month or so is a background report that documents the need to deal with this use in our community. What you have before you tonight is the actual zoning amendment which if you remember, this unusual condition, when the Town did its up-zoning ten years ago and eliminated all of the residential zones (there was multi-family), that language stayed in the code for some reason. It was never deleted; that was an error. Today, there is a section our code that deals with multi-family zoning so what we are doing here is simply amending that section that remained in the code; that sort of relic of the old zoning. We are simply amending that. That's the language that you are looking at there. It's been further refined from the language that was sent to the Town Board a couple of years ago. I think you've got a couple of bits of information in the package yesterday that compares and contrasts the zone provides you with some of the details. The only action that is required of you and procedurally how this would move forward is the Planning Board would send a recommendation to the Town Board. The Town Board would then have a public hearing on the proposed legislation make whatever changes they choose to make, but they are the entity that would approve this not you.

Mr. Stone stated to be clear this would allow multi-family development in a residential zone provided it is adjacent to property located within a c-commercial or CBP. Does it warrant further clarity if it is a corner lot?

Mr. Cleary stated that is a term of art that's been clarified in our ordinance before. Just to be clear that adjacency provision is only for the larger scale projects. The smaller scale projects don't require that adjacency provision.

Vice Chairman Giannico said it breaks apart larger to smaller scales.

Mr. Cleary said that is exactly right. That's the distinction from last time around. Now there are effectively large projects that are regulated in a certain way and small projects that are regulated slightly differently.

Vice Chairman Giannico stated so the large scale project would stop from going into a residential neighborhood.....

Mr. Cleary said that's correct.

Mr. Furfaro stated I think it's important that we give opportunity for our smaller builders to be able to do something and I also believe that young people would like the attached housing. At which time, Mr. Furfaro gave an example of this kind of project which is on Route 6N in Yorktown, called Surrey Court with 10 units next to each and nicely landscaped. He said that is a nice development. I would welcome something like that. In my opinion, let's develop towards that. Another example, the vacant land by the gas lines, under this provision because of where it is the most you could put there are 20 units. We're not looking at somebody putting hundreds of units in there because of where it is on residential. If you are on Route 6 and you have sewer, it changes a little and you have a little more flexibility. He said I would add something to the law that says you could only do this on through roads. You don't want 20 units on a cul-de-sac.

Mr. Cleary stated the good news for all of this, the universe we are talking about is well understood. You have the list of what we are talking about. A third of that is DEP land or publicly owned land that would never be developed. So, we have a very good understanding of what we are talking about. I think the opportunities for the large scale projects are fairly limited. Our experience with Pulte was mixed and I think that goes both ways. He said we have a handful that might occur on those large projects, but I don't think that is the intent here. He said I agree with Mr. Furfaro. What we are trying to do is facilitate local builders building smaller scale projects. He said the opportunity is now. He said these projects are springing up all over the place. We don't have any diversity on our housing stock; a housing type that has become very familiar elsewhere in the region and it's nowhere to be found in this community. This is a real useful tool to allow that to happen in incredibly controlled manner. He said we have virtually looked at every lot where this could happen and thought about how the properties could be developed that's why you these regulations and these controls. I think with the extra provision of ensuring that it's on through road not a cul-de-sac; I can't think a situation where we would be creating an adverse condition with these provisions.

Mr. Furfaro stated a lot of what we do is controlled environmentally. There is only so much you could do on these lots based on steep slopes, wetlands, etc....

Mr. Cleary stated if there is any concern that we are opening up a Pandora's Box, which is not the case here in any way. This is very well controlled, very limited because you

know where it could potentially go and how it could be regulated. I don't think there is a concern.

Mr. Cote stated you clearly lay out the aging demographic of Mahopac and Carmel and you make a great case for that and I don't see any reason not to agree with everything you're saying. He said you also talk about how people aren't selling their houses and they are growing old in their homes. You also point out how more and more people are renting out their houses. My question is why are they doing that? He said my neighbor rented out his house because he couldn't sell it. Why couldn't he sell it? I can't help but think that a lot of times the answer comes back to property taxes. He said we live in a town where about 75% of our property taxes are school taxes. He said enrollment has been steadily declining, but if you look at the flip side the costs of the schools have been going up. For instance, Carmel over the same period of decline grew 10.54% and Mahopac was 9.25%. So, the enrollment is going down, but the cost is still going up. He said I agree with you, we need to figure out how to get housing more affordable to get people to come here and so on, but at the same by doing that, those people who couldn't sell their houses because the taxes are so high, they will go up more, because you will have more kids coming in. He said it's a complex problem.

Mr. Furfaro said it is complex. I don't think this is going to do enough to have any real..... It's going to slow down the loss in the schools, but it's not going to pick it up. You are not going to get 1,000 kids in the Mahopac schools. That's what I think. He said if you look at the map and the study that shows how the population is falling in schools, what's striking to me is why are the counties south of us not falling at 20% like we are. In Putnam County, particularly in Carmel and Mahopac, our enrollment is falling much too quickly. We should be more like Rockland County where it has fallen a few percent. So, we are doing something wrong.

Mr. Cote said one of the charts talk about different counties, one thing that immediately pops in my mind compared to Westchester and Rockland counties is industry. In Putnam we do not have anything that we could offset our tax base with as far.....

Mr. Furfaro said but we are close to that. The only thing we have is proximity. I don't think we could compete with those counties. We don't have the trains, we don't have what those kids want, but we could certainly pull off some. All we really have is proximity, compared to Delaware County and northern counties.

Mr. Cote said I think we need to do something, but we need to be aware of the 800 lb gorilla in the room and make sure we do it.....

Mr. Cleary said there is no question that the only solution to a tax condition of what you are talking about is to broaden the tax base more. You can't raise the taxes, you have to broaden the tax base. Right now, the ability to build five single family homes improves the tax base, but the ability to add some of this different housing stock can do that much more effectively. What's important about this that everybody misses, is the fact that the ability to provide these homes that are more affordable then the home in Pound Ridge or

Bedford or wherever in Westchester County. But, the problem is the demographic change. Kids are not having kids until they are 35 to 40 years old. That period, from when they graduate college and decide to have their family is 10 to 15 years now and they are going to Hoboken for that period, because that's style they like to live. We are not providing that. If we could get some of those people to come here while they are in their late 20s and 30s they have a stake in the community and then they will re-invest in a single family home.

Mr. Carnazza said it's not just a place to live; they need something to do besides going to a bar.

Mr. Cleary said that portion of our demographic does that. They are the ones that create the breweries and town pool.

Mr. Furfaro said people come here for different reasons; they don't all come because there is a train or not a train. What we are trying to do is get a few.

Chairman Paepre said this is not meant to be all and end all; this is going to help a little and give us some more options.....

Mrs. Kugler said it will open the doorway.

Mr. Furfaro said this will give your local builders a chance to do something here.

Mr. Cleary said 10 years ago the focus of the town was very different. It was preservation oriented and dealing with DEP and their regulations. We have figured out how to deal with those over the past 10 years.

Vice Chairman Giannico said will this also allow for a larger development, a large townhome development to have a clubhouse, pool etc, because people are looking for that as well.

Mr. Cleary replied yes.

Mr. Furfaro said most of the opportunity for that is in the Hamlet, there isn't a lot on this side of town for those big developments. The only one left is Union Place, that's the last big one.

Mr. Carnazza asked we were talking about buying 2 or 3 lots and merging them and taking down buildings and doing this. He asked you could still do that?

Mr. Cleary replied yes.

Mr. Stone this is sprinkled all throughout residential communities, because the smaller lot size is not restricted to the adjacent rule.....

Mr. Carnazza said but it has to meet the other criteria. It's not going to be on Barrett Hill Road.

Mr. Stone said what do you mean it wouldn't be on Barrett Hill Road.

Mr. Carnazza said Barrett Hill Road is a town road, there is no sewer.....

Mr. Furfaro said the most you are going to be doing when you are not on a state road and you don't have sewer or water the maximum you could do are 20 units no matter how big your property.

Mr. Cleary replied that's correct.

Mr. Stone said if the lot only has to be 10 acres, you could take a 40 acre lot, flip it into (4) 10 acre lots.....

Mr. Carnazza said but that will come to you. They would have to subdivide it and come to this board.

Mr. Carnazza said they can do that, but they have to come here for approval of subdivision.

Mr. Stone said if this doesn't change the zoning of a given lot to something different if it's adjacent to a commercial, that adjacent lot still stays residential, where they say I want the 1st floor commercial.

Mr. Carnazza said you would need a use variance.

Mr. Stone stated based on the lot list we have and the code as written is there an estimate with the current figuration? With this law, what's the maximum of new units that come to the town?

Mr. Cleary said we really never counted number of units. It's based on the site characteristics and so forth. That would be a hard exercise; you could do a gross number.

Mr. Stone said that's what I meant. What's the worst case scenario?

Mr. Cleary replied of the 121 lots about 77 of them are privately owned, so of the 77 about a third of those are between 5 and 10 acres. He said the number of the smaller lots you are talking about is 100 to 150, it's not 1,000.

Mr. Stone said with regard to the height restrictions, the large lots go up to 40 feet, will the fire department be able to handle it?

Mr. Cleary said that number came to you from the two projects that came to you to amend the height which received variances for height provisions to meet that number. That's the market number these units want to be built too. He said these buildings will need sprinklers.

Chairman Paepre said this isn't the final decision making here, correct?

Mr. Cleary replied no, the Town Board will have a public hearing on it. He said if you are comfortable with what you have as a recommendation to the Town Board you will need a motion and a second.

Chairman Paepre asked for a motion.

Vice Chairman Giannico moved to present this to the Town Board document titled §156-28 – Multi-family developments. The motion was seconded by Mr. Furfaro with all in favor.

Mr. Carnazza asked if we could request a moratorium on the existing law.

Mr. Cleary said we talked about that and the original conversation about that we are trying to do something to encourage development. To do that we need to fix our rules and typically you impose a moratorium if it's your rules, but moratorium sends a signal to development community, so the conversation was let's not send that signal.

Mr. Furfaro said but we do not have this law.....

Mr. Carnazza said we have a law, but we don't have zoning district that is permitted there.

Mr. Furfaro said so what are you putting a moratorium on, nothing.

Mr. Cleary said it's already illegal so what are we stopping by putting a moratorium in place.

Mr. Stone moved to adjourn the meeting at 8:11 p.m. The motion was seconded by Mr. Furfaro with all in favor.

Respectfully submitted,

Rose Trombetta