

# **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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**MICHAEL CARNAZZA**  
*Director of Code  
Enforcement*

**RICHARD FRANZETTI, P.E.**  
*Town Engineer*

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

### **PLANNING BOARD MINUTES**

**April 24, 2019**

**PRESENT:** CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, 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>         |
|-------------------------------|-------------------------|--------------------|--------------------|---|
| Pozzi, Robert                 | 65.11-1-11              | 1-2                | Regrading          | Planner to Prepare Resolution.            |
| Taco Bell (Former Friendly's) | 55.11-1-3               | 2-5                | A. Site Plan       | Referred to ECB.                          |
| Horowitz & Brown              | 64.19-1-84&85           | 6-7                | Lot Line Adjust    | Denied to ZBA & Public Hearing Scheduled. |

The meeting was adjourned at 7:43 p.m.

Respectfully submitted,

Rose Trombetta

**POZZI, ROBERT – 229 SHEAR HILL ROAD – TM – 65.11-1-11 – PUBLIC HEARING**

Mr. Carnazza stated his comments have been addressed.

Mr. Carnazza stated he spoke to Mr. Franzetti and most of his comments have been addressed and had no objection to opening the public hearing.

Mr. Cleary had no comments.

Chairman Paepre asked the applicant's engineer; Mr. Karell asked if the soil that was already brought in has been certified that it is clean fill.

Mr. Karell stated according to Mr. Pozzi the fill is item 4 and the engineer asked for certificate of origin and pictures of the site. He said the pictures and certification was submitted to the town engineer and he was satisfied with it. He said you don't have to sample item 4 for chemicals.

Mr. Cote stated he doesn't mention it in his report which is my concern. It's not addressed in his memo.

At which time, Mr. Cleary read Mr. Franzetti's memo which stated the map provided has been updated, however there is no revision date on the map. Note on drawing indicates that the propane tank will be relocated. This relocation and any associated disturbance must be provided on the drawing.

Mr. Cleary stated he doesn't speak to the fill at all.

Chairman Paepre stated there is still the issue or concern with the fill. I would like to personally check with Mr. Franzetti. I'm not sure how the rest of the board feels. He asked Mr. Cleary if the item 4 doesn't need to be checked.

Mr. Cleary stated if it is entirely item 4 then that's what it is.

Mr. Karell said it was from Mahopac Building Materials dated February 6, 2019. He paid about \$600 to \$700 on the amount of fill that was brought it.

Chairman Paepre stated it still doesn't speak of the certification of the fill or the quality of it.

Mr. Cleary stated you would typically rely on the town engineer to confirm that.

Chairman Paepre stated unfortunately Mr. Franzetti isn't here to confirm that.

Mr. Karell asked if we could still open the public hearing and put this forward for a resolution for the next meeting. In the meantime, Mr. Franzetti could address the board about the item 4.

The board members and Mr. Karell continued to discuss the fill that was already brought in and the minimum amount of fill that allowed as per the code.

Mr. Carnazza stated there is no minimum. What we use is the 5,000 square foot of disturbance. It has nothing to do with the cubic yards that is brought in.

Chairman Paeprer stated we don't have any certification presented to us. We have had issues in the past of fill that is not clean.

Mr. Charbonneau suggested to the board to keep the public hearing opened and request an update from Mr. Franzetti with the concerns that have been raised. For the next meeting, a resolution could be prepared and close the public hearing and voted on.

At which time, Chairman Paeprer asked if anyone in the audience wished to be heard on this application.

Chairman Paeprer stated we will keep the public hearing opened.

**TACO BELL (FORMER FRIENDLY'S SITE) – 1081 STONELEIGH AVE – TM – 55.11-1-3 – AMENDED SITE PLAN**

Mr. Carnazza read his memo which stated the applicant proposes to change from the existing Friendly's restaurant to a Taco Bell (fast food) and a second proposed restaurant (Unclear if it will be a restaurant or a fast-food restaurant).

Being a fast food restaurant, the following conditions must apply.

§ 156-31 Fast-food restaurants.

A. Fast-food restaurants shall be permitted as conditional uses of land, provided that:

- (1) They are fully enclosed establishments.
- (2) The site shall not be located closer than 200 feet to an abutting residential zone or another fast-food establishment.
- (3) Points of vehicular ingress and egress shall be limited to the adjacent thoroughfare having commercial zoned frontage only.

B. Fast-food restaurants are characterized as those eating establishments that are distinguished by one or more of the following:

- (1) Containers and utensils are disposable (cardboard, paper, plastic, etc.).
- (2) Orders are given over the counter and are not taken at individual tables.
- (3) Menus are posted rather than printed and dispensed to customers.
- (4) Customers clear the table area of trays, food, utensils, etc., upon the completion of the meal.

Provide floor plans and elevations. I need this to confirm the parking requirements.

Provide detail of the trash enclosure.

Provide detail of all signage.

The zoning table needs to be corrected. UNCHANGED is not acceptable. If it is unchanged and it complies, I have no issue, however, if it does not comply, a variance must be granted. If a variance was already granted, that should be noted on the plan. Variances are required for Lot Width and Building Area. This project should be referred to the ECB for comments.

Mr. Cleary stated Mr. Franzetti didn't have comments for this application yet.

Mr. Cleary stated this is a conditional use as Mr. Carnazza stated. He said Taco Bell is proposing to utilize half the space. The other half of the building is a tenant to be determined in the future. The parking requirement that has been calculated for the Taco Bell is 45 spaces and they are providing that number of spaces on the site which leaves nothing for the additional use, so that is a concern if that 2<sup>nd</sup> space is ever utilized. The parking lot is being reconfigured, so there will be a one way circulation around the right and left side of the building and that is being done to incorporate a drive through into the building as well. When you enter the driveway, you are forced to turn to the right. It is unclear if there is a curb or just pavement striping. Ideally, we would like to have a curb to make it more definitive. He said on the right side of the plan, the parking is 90 degrees then it goes to angled parking and then back to 90 degrees. He said when you have a contiguous lane of parking; ideally you want to have the same orientation of parking spaces the whole way through. It gets tight there because of the drive through and that's why they have angled them. He said with respect to the drive through cue, he asked for data from another Taco Bell to demonstrate that it is sufficient. It looks like they have a good length of distance to support the cue, but we want to see more data. He said they will be re-doing the parking lot. There is a wetland and a stream behind the property, so we do want the ECB to take a look at this. There isn't a lot of space for landscaping, but they have done their best. I would also suggest the frontage along Stoneleigh Ave to be landscaped as well. He said we need to see details on site lighting and signage.

Mr. Darius Chafizadeh, applicant's attorney addressed the board and stated if possible we would like to be referred to the ECB tonight and to also schedule a public hearing for the next meeting.

Mr. Carnazza asked if they have the variances that we talked about?

Mr. Paul Dumont of JMC Engineering, representing the applicant stated regarding the variances, I have the site plans from the original Friendly's restaurant and there were two variances approved for lot width and minimum building area.

Mr. Carnazza said to put them on the drawings of when the variances were granted.

Mr. Dumont stated the project architect is working on developing the floor plans and the signage package, so we will be submitting them before we come back before you. He said regarding the site plan and the exterior improvements that we are proposing, they are generally minor in nature. The most significant improvement that we are proposing is

addition of a formal drive through lane to the site. He said the building has always had a drive through lane when it was the Friendly's restaurant and it was operated as an ice cream window. What we are doing is delineating and constructing a clear drive through lane which will help with the circulation of the site. He said the striping in the front of the property that identifies the one way flow, we could certainly do that with a curb as Mr. Cleary suggested. He said with regards to the parking spaces, the reason why we oriented them in that way and reconfigured them was because with the addition of the formal drive through lane we were not able to maintain compliant backup aisles. So we shifted those spaces to angle parking.

Vice Chairman Giannico asked if the five spaces at the top right would be better served if they were angled.

Mr. Dumont replied the way the parking space reconfiguration shaped up, the site previously had 55 parking spaces and with the incorporation of the angled spaces and the drive through lane we lost 10 spaces, so we are proposing 45 spaces. He said we will take a look at the angled spaces.

Mr. Carnazza asked what are your plans for the other half of the building?

Mr. Dumont replied they do not have a tenant for the other half of the building yet. They believe it will be a food use, but that is not confirmed. He said if they decided to put another 40 seat restaurant there or retail use, the site would comply with the parking code.

Mr. Furfaro asked if the elevation was going to change in front of the building.

Mr. Dumont replied no.

Mr. Furfaro stated actually I'm referring to the look of the building.

Mr. Dumont replied yes. The project architect is developing the plans.

Mr. Dumont continued with his presentation and stated we also created a landscaped island. This will reduce the impervious area on the site by approximately 1100 square feet. It helps to delineate the drive through a little better and also provide an area for landscaping. We are proposing to mill and re-surface the entire parking lot. The existing pavement is in disrepair. We are removing the existing trash enclosure and rebuilding a trash enclosure in its place. That will serve the whole site. He said there is a grease trap in the front of the building. He said a wetland permit is required for the work we are doing there. The wetlands have been delineated. We are proposing accessibility improvements to the site. The existing handicapped parking spaces are not compliant with regard to the maximum slopes that are permitted. He said we will be planting some trees, shrubs, ground covers and hardscape in the pervious areas that we do have on site. He said we are not expanding the building footprint. We hope to be referred to the ECB tonight and schedule a public hearing for the next meeting.

Chairman Paepre asked about the signage.

Mr. Dumont stated the project architect is working on developing the sign package and we will be submitting that as soon as it is available.

Mr. Cleary asked to you participate a pylon sign in addition to building signs?

Mr. Dumont replied yes.

Chairman Paepre said you had mentioned that there will be façade renovations. He asked what kind of materials will you be using?

Mr. Dumont replied I'm not sure.

Chairman Paepre said that it is a very important spot for the town. We would like to see the renderings.

Mr. Dumont said they are developing them now.

Mr. Cleary stated to Mr. Dumont that your architect should look at the plans from McDonald's and Coco Farms to see what they did.

At which time, a discussion ensued regarding the sidewalk along the front of the building and the sidewalk on Route 6.

Mr. Stone asked if any drainage structures are associated with the parking lot.

Mr. Dumont stated with regard to stormwater management, the site is served by two drain inlets. He said the whole site is generally pitched out to Stoneleigh Ave. He said the edges of the parking lot are curved, which serves to keep the stormwater on site and convey it to the drainage structures that are outside and ultimately to the County and State right of way. We are not proposing any modifications to that system. He said with the creation of approximately 1100 square foot landscaped area that will now be pervious. There will be a reduction in stormwater runoff from the site during peak storms. He said there are no drainage issues on the property that we are aware of.

A discussion ensued regarding the locations of crosswalks and sidewalks on Stoneleigh Ave.

Chairman Paepre said there is still quite a bit that needs to be answered. We need to see architectural renderings and elevations. He said we could send you to the ECB, but we will not schedule a public hearing at this time.

Mr. Stone moved to refer the application to the ECB. The motion was seconded by Mr. Furfaro with all in favor.

**HOROWITZ & BROWN - 156 & 152 WEST LAKE BLVD - TM - 64.19-1-84 & 85 - LOT LINE ADJUSTMENT**

Mr. Carnazza read his memo which stated the applicants propose to move a lot line approx. 5.65 ft. to add 431 sq. ft. to the property of Horowitz. A variance is required from the ZBA for side yard for the Boathouse. 15 ft. required, 5.7 ft. provided. Provide a detail of the "Low Wood Platform" on Horowitz's property. If this is a structure, a variance is required.

Mr. Cleary stated there are no planning issues with this application. The question is why is this being done. He said it would be useful to have a zoning compliance table on the subdivision plat.

Ms. Jamie Spillane of Hogan & Rossi, applicant's attorney, representing the applicant addressed the board and stated these parcels were all owned by the same owner at one point and time. She said the entire time the lot (84) was using the 5 foot area (points to map) as if it was part of lot 84. She said I have photos of the bushes and the fence that is actually on what would be the new proposed property line. At which time, Ms. Spillane hands the photos to the board. She said the framed boathouse is currently right on the property line making it non-conforming. She said this lot line adjustment will make it less non-conforming.

Mr. Stone asked if there was anything in writing from the neighbors indicating they are okay with this.

Ms. Spillane said yes. We could get you anything you need and they will be also signing the plat as well. She said there is no intent to ever building anything on that parcel and lot 84 does not have any habitable building. She asked the board for a positive endorsement to the ZBA and that the board is in favor of this lot line adjustment.

Mr. Furfaro said the only variance they need is for the boathouse, correct?

Mr. Carnazza replied that's correct and it's existing. They are making it better but they still need a variance.

Mr. Furfaro moved to deny the application to the ZBA with a positive recommendation. The motion was seconded by Mr. Stone with all in favor.

Chairman Paepre said we could schedule a public hearing for when they come back.

Ms. Spillane asked if the public hearing could be waived.

Chairman Paepre stated he is not in favor of waiving the public hearing.

Mr. Carnazza stated if you get the variances, what the board could do is have the public hearing and the resolution on the same night.

Mr. Cleary said we could do that. When they come back in June we will have an approval resolution ready for them.

Mr. Cote moved to adjourn the meeting at 7:43 p.m. The motion was seconded by Vice Chairman Giannico with all in favor.

Respectfully submitted,

Rose Trombetta