

APPROVED

CRAIG PAEPRER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS
CARL STONE
KIM KUGLER
RAYMOND COTE
ROBERT FRENKEL
MARK PORCELLI

TOWN OF CARMEL PLANNING BOARD



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PLANNING BOARD MINUTES

DECEMBER 11, 2019

PRESENT: CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, ANTHONY GIANNICO,
RAYMOND COTE, ROBERT FRENKEL, MARK PORCELLI

ABSENT: CARL STONE, KIM KUGLER

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Monteleone, Laurie	87.8-1-12 & 88.5-1-11	1	P/H & Reso.	Public Hearing Closed & Resolution Adopted.
Longview School	52.-1-12	1-7	Site Plan	Referred to the ZBA.
Viscovich, Mario	75.42-1-69	8-9	Site Plan	Denied to the ZBA & Referred to the ECB.
Bondi, Edward	44.14-1-11	9-12	R. Site Plan	No Board Action.
Perricone, Anthony	74.26-2-22	13	Sketch Plan	Denied to ZBA.
Minutes – 09/11/19, 09/25/19 & 10/09/19		14		Approved.

The meeting was adjourned at 8:16 p.m.

Respectfully submitted,

Rose Trombetta

MONTELEONE, LAURIE – 120 & 124 SHINDAGEN HILL ROAD – TM – 87.8-1-12 & 88.5-1-11 – PUBLIC HEARING/RESOLUTION

Mr. Carnazza stated all his zoning comments have been addressed.

Mr. Franzetti stated all engineering comments have been addressed.

Mr. Cleary stated all site planning comments have been addressed. You have a draft resolution before you to be voted on.

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

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

Mr. Cote moved to adopt Resolution #19-15, dated December 11, 2019; Tax Map #87.8-1-12 & 88.5-1-11 entitled Monteleone Final Subdivision Approval/Lot Line Adjustment. The motion was seconded by Mr. Porcelli with all in favor.

LONGVIEW SCHOOL – 110 SCOUT HILL ROAD – TM – 52.-1-12 – SITE PLAN

Mr. Frenkel recused himself and left the dais.

Mr. Carnazza read his memo which stated the applicant proposes to convert the existing one family dwelling into a Private School. This is a permitted “Conditional” use as per the Schedule of District Regulations. A variance is required for lot frontage.

(Reply to comment 2 of the attorney) This plat still says phase I phase II. I specifically asked for that to not be on the plat. If the building is not constructed and the pupils are playing outside a building, the noise will be significantly louder than if they are inside. This structure should be constructed and complete prior to pupils attending this school. The Carmel Town Code specifically prohibits Phased Construction. Accordingly, any reference to phasing the construction of any aspect of this project should be eliminated from the Plans.

§ 156-61 Site plan approval.

A. Review and approval.

(1) Site plan approval by the Planning Board is required prior to the issuance of a building permit for all principal uses and their accessory uses of land, except one- or two-family houses.

(2) Any revision of a site plan shall be subject to the approval procedure as provided herein.

(3) No certificate of occupancy for any structure or use upon or within the site shall be issued until all of the required conditions of site plan approval have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with the approved site plan and conditions attached thereto.

(Reply to comment 3 of the attorney) I was told that the applicant was going to fully comply with the parking as required by my interpretation of the code. If this is not the case, I would like to discuss this further with Mr. Shilling prior to referral to the ZBA. Is there a reason an updated site plan was not submitted with this package. The parking calculation and parking spaces are not shown on the plat. The board needs a correct, updated plat to refer to the ZBA.

Mr. Franzetti stated the applicant has noted a lot of my comments. The big question is the private road versus a public road. They provided additional information with regards to that. We are still reviewing that information. Mr. Charbonneau may have something to add to this.

Mr. Charbonneau addressed the board and stated I had an opportunity to speak to the applicant's attorney, Mr. Shilling relative to this. He submitted a letter to the planning board with respect to this. With respect to frontage on a public road, they have submitted road dedication documents. I have reviewed the letter that was submitted by Paul Denbaum, the title company. I have reviewed the filed maps 530, 531 and the survey conducted by Terry Collins. I have spoken to Ann Spofford, Town Clerk and confirmed that Scout Hill Road is a town road. I have spoken to Mike Simone, Highway Superintendent and he had some questions as to whether there was a restriction on the length of Scout Hill Road, but I can't find anything to the contrary, so my opinion to the board is they do have 52.74 feet of frontage on Scout Hill Road. He said that doesn't abrogate the board's responsibilities with respect to that turn or the ability for buses or fire apparatus to get up there. He said the board should really look closely at that, because it is a tough turn. With respect to the remainder of Mr. Shilling's letter on the issue of phasing, Mr. Carnazza has discussed that already, so either the gym is on the plan that we send to the ZBA or it's not. He said I agree with Mr. Carnazza with respect to the parking. Put on the plan what you're looking to do, so that we know what we are referring to the zoning board.

Mr. Bill Shilling, applicant's attorney addressed the board and stated I was retained by the applicant to proceed before the zoning board and there came a time when my client asked me if I could facilitate the transfer to the zoning board, because it has been a fairly long time. He said the consultants speak about a detailed and complete plan, but I submit to you that in large part it's a catch 22. We don't know what the parking will be, it was said we submitted a parking complex with 55 spots which is the maximum that would be required. That was done at the request of the board and the consultants to show what it was. It was never meant to suggest that's what we were going to do. We were always going to the zoning board because we think that the statute is unclear. The same thing applies with the frontage. There is a section in the code that says we need 50 feet if we comply with certain elements of the code. We will seek an interpretation that 50 feet is all we need under these circumstances. He said you are looking for completeness and an absolute site plan definitiveness and we can't give that to you. The reason we can't give that to you is because the zoning board in large part going to tell us if we're correct on the parking requirements and if we're correct on whether we need 50 or 100 feet. There are only two issues before the zoning board; it's not a huge part of this application. I come here tonight to try and narrow

the issues and I'm glad that the consultants and counsel agree that we do have frontage on a public road. He said as Mr. Charbonneau suggested we did give the dedication, resolution and the consent of the Town Board. We provided the recordation of that; we gave a survey, subdivision map and statements from both the surveyor and title expert. He said with the issue of phasing, we're not going to do it. It was economically beneficial to my client, but that issue is gone now. There will be no phasing; my client will build all at once. He said we come here for two issues and for that reason you're hesitant, because there are issues that have to be resolved before you send them to zoning. With all due respect, I can't imagine you would hold off sending this matter to the zoning board when the issues are simple but they are also dispositive as to what the site plan will contain. Those issues are that of frontage. Again, we believe that there's some authority that says under these circumstances this road requires only 50 feet. We are talking about §156-10(L). I discussed it with Mr. Carnazza, but he disagrees with me. We are going to the zoning board to show we only need 50 feet in which case we don't need a variance. If the interpretation fails, we'll need a variance. We have 52 feet; we will need a 48 foot variance. It's the same with the parking code calculations. It's ambiguous and unclear and it's poorly written. We want to go to the zoning board and say under these circumstances we need not comply with the 55 spots. Again, the 55 spots were given to you at the request of the board to see what that site plan would look like with 55 parking spots. It wasn't a reflection on my client's part or on Mr. Scott's part to say that's what we are going to do. It was requested by you and we gave it to you. He said if the zoning board disagrees with our interpretation that 55 spots are not required, we are going to provide for 55 spots, but we would like a chance to go to the zoning board to say it's silly interpretation to have one or two high school students and make that disrupt and put parking that just isn't required. He said the worst case scenario facing my client is we will need one area variance because we are going to comply with the parking whether we get the interpretation or not. We need only one area variance and we may not need that if the zoning board says we agree with you, you only need 50 feet of frontage. With all due respect to this board and with understanding the consultants comments, I respectfully request that you not deny us the zoning board. It's really a very simple thing and I promise you, when the zoning board is done you will get a site plan with the frontage that we need because we do not know what that is now and with the parking that you will require because we don't know what that is now. Site deficiencies notwithstanding, I ask that we go to the zoning board for those two simple issues and then go back to this board and we will know exactly what needs to be provided.

Mr. Peder Scott addressed the board and stated on October 4th we submitted a complete package with all the necessary drawings and everything else which had all the required components of site plan. It shows the 55 parking spaces, full grading and full drainage, etc. We just recently submitted a package which consisted of two drawings with a cover letter attached which stated the fire department had asked for some changes to the October 4th site plan submission. One of the changes that the fire department wanted the fire tank moved to another location (points to map) and 20,000 gallons in size instead of a 12,000 gallon tank. He said the full package that we submitted on October 4th remains intact. There is nothing deficient about the submission. In fact, the submission is 14 pages long. He said we took the same site plan we have and made a small enough scale adequate to show the boundary of our property line, even though we have it on the cover sheet which we

have submitted in the past. We are only working in a small area of a big piece of property and part of waiver request we started this project was to provide topography and site details only in the area of disturbance and that is what we have submitting all along. For clarity, we would be more than happy to submit a document which shows the lot perimeter. We are hoping if we could get referred to the zoning board, we do have the appropriate drawing dates which were submitted and define what took place. You could do a condition of referral which is to submit a full set of plans with this November 14th date with no other revisions. Again, the November 14th submittal was for fire department comments.

Mr. Cote asked if the fire department conducted a site visit.

Mr. Scott replied yes, they did go to the site.

Mr. Cote asked did they make any comments regarding the access to the site, because there is a very narrow access point with all the trees.

Mr. Scott replied they drove up the site and they said it was narrow, but they didn't give us any other comments beyond what we received at the meeting we went to for the fire tank size.

Mr. Cote stated one of my concerns is accessibility. It looks like a driveway, and wonder about fire trucks and buses getting in and out.

Mr. Scott stated the bus company has been at the site, and they felt that the access is adequate for school buses. They are small buses.....

Mr. Shilling said that part of the road you are speaking about is part of Scout Hill Road which at its creation and inception was much wider, maybe 50 feet. Over the years, it's has gotten dramatically more narrow. Our position would be it would enhance not only my client's position if they are successful, but everybody on that road that it be restored to the width that it was. He said I agree with you, it has to be addressed, it has to be a consideration, but with all due respect, I think it's the town's responsibility because we have established that it is a town road.

Mr. Cote stated we often put conditions on site plans to make certain improvements with the applicant's approval and I think this is going to fall back on your client.

Mr. Shilling stated I hope not, because my client would certainly benefit by widening the road but so would other users of the road. It seems unfair for a town responsibility having been reneged that my client would have to pick up the entire cost. It's about 600 feet as I understand it. I will speak to my client to discuss this idea that we contribute. It hasn't been discussed yet, so I'm not at liberty to say now. It strikes me that when a road is a certain width and over the years it becomes reduced and the widening is a necessary measure, I think that's a town function.....

Mr. Cote stated it may have been noted as 50 feet, but do we actually know.....

Mr. Shilling stated yes. We have some documents, but I don't have them with me.

Vice Chairman Giannico asked Mr. Scott to point to the map where the road is that is being talked about.

Mr. Scott proceeds to point to the map to show the audience and board members the exact location of the road in question.

Mr. Charbonneau stated the reason they are using the 50 feet is because if you look at the filed map #530 and 531 it shows the road as being 50 feet wide. We know that it's not. The right of way is 50 feet. The road isn't.

Mr. Carnazza asked do you get the fire department templates of turning radius of the trucks?

Mr. Scott replied yes. We are fully compliant. We put full templates for turning and we made the property as 26 feet wide. We are moving a lot of stone walls at the entrance to make it wide for entry.

Mr. Scott said as Mr. Shilling stated we are trying to get to the ZBA and any assistance you could provide to us would be greatly appreciated in some manner.

Chairman Paepfer stated based on a letter that was received, I'm not sure the residents would want the road blacktopped and widened. They seem to like the very residential rural feel. He said I don't think this area and these roads are intended for this use.

Mr. Porcelli stated you are saying that there will be only 2 high school students. Will that ever increase in size?

Mr. Jacobs replied it varies, but it varies within a particular range. If you want us to put in percentages that we would stay with that as commitment we are fine with that. Also, if the ZBA interprets the code the same way Mr. Carnazza is interpreting it then we will be fully compliant with having all high school students. If they interpret it otherwise, we could talk about satisfying this board with that.....

Mr. Porcelli stated I'm asking because of the parking issue and that's part of the reason why you're saying you could have less parking because there's only 2 high school students.

Mr. Shilling stated if our position before the zoning board does not prevail, we will be building out the 55 spots.

Mr. Porcelli asked how many students will you have in total.

Mr. Scott replied 50 students.

Vice Chairman Giannico asked what are the dynamics of your student body now?

Mr. Jacobs stated we only have two drivers in the whole student body of 30 students. That's the most drivers we ever had in our 19 years of existence.

Vice Chairman Giannico asked what has your average enrollment been?

Mr. Jacobs replied we are applying for up to 50, but that doesn't mean we are going to have 50. We tend to have about 30 kids. We envision more like 40 kids, but we put in for 50.

Mr. Porcelli asked what is the staff count?

Mr. Jacobs replied seven and that's the most we have ever had. He stated if the zoning board agrees with Mr. Carnazza interpretation then we have a site plan that accommodates all 55 spots.

Vice Chairman Giannico asked if the plan that would be going to the zoning board will show the 55 spots.

Mr. Carnazza said unless they get the interpretation that says they don't need them.

Vice Chairman Giannico said you need a plan to go to the zoning board.

Mr. Carnazza said not if they are just going for an interpretation.

Mr. Shilling stated we could go to the zoning board right now and get the interpretation as to the frontage and how many parking spaces we need. If we get two favorable interpretations we are done with the zoning board and we need no variances. If we get shot down with the parking we are going to put 55 spaces in. The only thing that would be left for us and force us to go back to the zoning board if we don't get a favorable interpretation is we need 100 feet and we have 52 feet. To go back to the zoning board for the limited issue strikes me as unfair to my client to have to go back once again to the zoning board.

Mr. Porcelli stated you could have gone to the zoning board for an interpretation at any time before now.

Mr. Shilling stated we wanted to keep it all in one form. Yes, we could have gone to the zoning board earlier, but we just thought it was better and more economical for one hearing with all the issues being heard.

Chairman Paepre asked if a traffic study was done, being it is such a residential area.

Mr. Cleary replied no.

Mr. Scott stated in the statement of use we did ITE traffic analysis and a level service analysis based on how many trips we would be generating and how many trips off the using the ITE tables.

Mr. Carnazza said it wasn't requested.

Mr. Scott said we did a quick table analysis. We were so low on the table versus the level of service for a rural road that we are not even registering in terms of levels.

Chairman Paepre stated in my opinion, whether the variances are granted or not, it still doesn't mean it is the right place for this school.....

Mr. Shilling stated with all due respect, you're legislating now. The code states that in a residential zone a school of this nature was a permitted use provided all the conditions are met.

At which time, a discussion ensued regarding whether or not the applicant should be sent to the zoning board at this time.

Chairman Paepre asked Mr. Cleary if the board does vote to send this to zoning, is there something you and Mr. Charbonneau could work on to pull the months of meetings and data together and put all the facts back on the table of what all the issues were.....

Mr. Cleary stated there are three elements with respect to this application. There are zoning issues and as Mr. Shilling pointed out this is a permitted use subject to qualifying with those conditions. Then there is the impact of the operation of the facility itself. He said improvement of the right of way is a relevant issue, so you may determine that it's inadequate in its current form and it has to be mitigated. Our approval may be conditioned upon that. Mr. Charbonneau and I could certainly do a summary of all the concerns that have been addressed throughout the process so you have them in front of you and then you could evaluate whether or not those are significant enough that warrant a denial, it could be mitigated to allow for an approval and you could address them specifically.

Chairman Paepre stated can we add traffic also? He said I want to be able to respond to the residents.

Mr. Cleary said replied absolutely! He said it's not a single family home, it's a different type of a use and it generates traffic in a different manner than a single family home. He said that is an issue you could evaluate and determine if it's an adverse impact or not.

Chairman Paepre stated in fairness to the applicant, I'm asking you do this in parallel so you don't have to come back and forth.

Mr. Porcelli moved to refer the application to the ZBA. The motion was seconded by Vice Chairman Giannico with all in favor.

Mr. Frenkel returned to the dais.

VISCOVICH, MARIO – SOUTH LAKE BLVD – TM – 75.42-1-69 – SPECIAL SITE PLAN (DOCK)

Mr. Carnazza read his memo which stated the applicant proposes to legalize a raised platform deck and construct a shed. The Property Compliance Officer issued a Stop Work order for this site and when work continued, issued a summons to court to answer to the Judge. Once the summons was issued, the applicant hired the Architect and applied for approvals. Provide lot coverage. Provide the length of the dock from the high water mark. Detail any fencing (proposed and existing), additional variance may be required.

Variances required from ZBA:

Lake Frontage- 50 ft. 24.94 ft. 25.06 ft. variance

Lot Depth- 30 ft. 16.64 ft. 13.36 ft. variance

Area- 3000 sq. ft. 417 sq. ft. 2583 sq. ft. variance

Parking Space- 1 space 0 spaces 1 space variance

Wetland permit is required from the ECB. The platform is over the lake and sitting on the mud. A use permit is required from the State of New York.

Mr. Franzetti read his memo which stated this application encompasses adding to existing deck, dock and adding a shed and a porta-potty. The amenity will require the creation of parking on the site per §156.27 of the Town Code. Based upon our review of this submittal, the Engineering Department (Department) offers the following preliminary comments:

1. The short environmental assessment form identified the following that the project is located in 100 year flood plain. A Town of Carmel Flood Plain permit is required. Applicant has noted this comment and has provided, however the associated fee was not included.
2. The following referrals would appear to be warranted:
 - The Town of Carmel Environmental Conservation Board
Applicant has noted they will meet with the ECB
3. Applicant notes that the project is on Route 6n which is a State road and "...does not believe we need to apply to the NYSDOT." As there is an NYSDOT drainage easement and pipe on this site, the applicant should confirm with the NYSDOT that no approvals are required.
Applicant has provided the easement. This should be provided to Planning Counsel to review.
4. Additional details should be provided regarding:
 - If a parking spot will be installed
Applicant has noted that none are proposed. This requires a variance.
5. Various plan information required pursuant to §156-27 ("Site Plans") is currently lacking. These include, but are not limited to:
 - Off street parking
None are proposed. This requires a variance.
 - Fencing details.

Applicant has noted this comment and indicated that this information will be provided if the necessary variances are granted and the project moves forward.

These details are required for review.

Mr. Cleary stated there is a lot going on the site that's existing today. The shed that was overlapping the property line has been removed. This is generally a way of legalizing an operation that has been there for a long time. It requires a number of variances from the zoning board.

Mr. Carnazza stated I performed a site visit this past summer and some of these docks are actually screwed to the neighbor's dock. You shouldn't do that, because if they choose to take their dock down, you will have a huge issue.

Mr. Viscovich addressed the board and stated there is a little dock that is installed. It's not attached or nailed to the neighbor's property.

Mr. Carnazza said so maybe it was removed since I was last there.

Mr. Viscovich said a lot of things have been removed.

Mr. Greenberg stated based on all the comments, we have a lot of other agencies to go to. We would like to go to the ECB and ZBA.

Chairman Paepre asked about the parking.

Mr. Carnazza stated they are required to have one space, it's one parking space for every 750 square feet of lot area.

At which time, a discussion ensued regarding the cleaning up of the property if the variances are granted.

Mr. Cote moved to deny the application to the ZBA and refer to the ECB. The motion was seconded by Mr. Frenkel with all in favor.

BONDI, EDWARD – 30 FOWLER AVE – TM – 44.14-1-11 – RESIDENTIAL SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to legalize a commercial shop with a two-family dwelling in the rear converted to a commercial shop with a five-family dwelling in the rear. This is an expansion of a pre-existing non-conforming use (Mixed Use), therefore, a USE VARIANCE IS REQUIRED FROM THE ZBA. A variance is required from the ZBA for parking. The spaces are on the adjacent lot. Provide an easement for counsel to review. In addition, the lot with the "shared parking" needs to be reviewed for compliance. They cannot give up rights to parking spaces they need for code compliance.

Mr. Cleary stated Mr. Franzetti had no comments. There are no physical improvements on the property.

Mr. Cleary stated the big issue as Mr. Carnazza pointed out is this requires a use variance. There's the existing commercial operation of the building in the front. There's another building in the rear. You need variances to increase in the number of dwelling units in the back building. It's a very tight spot. It doesn't comply with any of the zoning requirements. It's all pre-existing, non-conforming conditions. He said your referral to the zoning board should be based on an assumption that the zoning board could say yes to this. You have to be comfortable with the nature of this use. It's an intense use on the site.

Vice Chairman Giannico asked if the residential and commercial owners are the same person.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated Mr. Carnazza found the section in the ordinance where you are allowed to have parking on another site. Fortunately, in this particular case both sites are owned by the same people. Basically, they will be giving themselves a perpetual easement, so the uses over here (points to map) could park over here (points to map).

Mr. Carnazza asked if the deed was checked to see that none of those spots are being used by anybody else for any other use.

Mr. Greenberg replied no.

Mr. Carnazza said make sure you do that. That's very important.

Mr. Greenberg replied will do.

Mr. Carnazza what is the third building in the middle of the property.

Mr. Greenberg said it is a one family residence.

Vice Chairman Giannico asked how will the vehicles get from one property to the other parking lot.....

Mr. Greenberg stated the access is through here (points to map) and I have two handicapped spaces here (points to map) for the apartments (points to map). He said if I get the variances, I will have a much more detailed site plan showing exactly the parking configuration.

Mr. Porcelli stated you would have to drive from Fowler Avenue, neither behind or in front of the single family home.

Mr. Greenberg replied that's correct.

Chairman Paepre stated he was the site earlier and there is a lot going on there. There are a lot cars and you have to make some broken U-turns to get in and out of there..... If you

had to leave there in an emergency, it would be very difficult. He asked this is a legal 3 apartment use, correct?

Mr. Greenberg stated correct. It is a legal three and apparently two apartments were added. A violation was issued and we are now before the board to see if we could get those two apartments legalized.

Mr. Porcelli asked who added those apartments.

Mr. Greenberg replied when it was purchased back in the last 1980's there were already there.

Chairman Paepre asked do we know if these units are up to code.

Mr. Carnazza said we did a fire inspection and that's how this all came up.

Chairman Paepre asked are the 5 units up to code or the 3 units.

Mr. Carnazza replied the fire inspection was done on all 5 units. The five units are compliant.

Vice Chairman Giannico asked how would the parking easement get memorialized. Would it be part of the resolution?

Mr. Carnazza said the zoning board will give the variance without it and you would want it to be memorialized for you as well.

Mr. Greenberg said it would need to be filed in the County Clerk's office.

Mr. Frenkel asked when the illegal apartments were done do we know that structurally they were done in according to the building code?

Mr. Carnazza replied they are under the three above. The three or above and they were the two under.

Mr. Frenkel stated wherever they put up walls; someone had to alter the inside to create additional two apartments and asked if the building codes were complied with when that was done.

Mr. Carnazza said we will verify that when we do an inspection and get approvals.

Mr. Greenberg stated if the zoning board does grant the variances, we will then have to submit to Mr. Carnazza structural drawings showing how they were built.

Mr. Frenkel asked what is the square footage of each of the five apartments.

Mr. Greenberg stated they are approximately 800 square feet each.

Mr. Frenkel asked how many bedrooms are there in each apartment.
Mr. Greenberg stated they basically all have 2 bedrooms.

Mr. Frenkel asked are they all occupied now.

Mr. Greenberg replied yes.

Chairman Paepre asked is it typical to send a non-conforming use to zoning board.

Mr. Cleary said we wouldn't normally require them to abandon the apartments and then go seek approvals. You do it the way it's being done in this case. The zoning board has the choice of granting that variance or not.

Mr. Greenberg added the zoning board does a complete inspection before the meeting.

Chairman Paepre stated for the betterment of the community, the three apartments probably make more sense.

Mr. Cleary stated the use variance burden is very, very high standard.

Mr. Greenberg stated the one thing in our favor is they have town water and sewer.

Mr. Frenkel asked if the propane company on site is a storage facility also.

Mr. Greenberg replied no. It is just a store front.

Chairman Paepre stated we have to ensure that we are okay with this project if the zoning board does grant the variances.

Mr. Cleary stated if the board thinks it just doesn't work, it's functionally inappropriate; don't send it to the zoning board until you are satisfied. Whatever you could do to make it better, do it now, before you send it to the zoning board.

Mr. Frenkel asked when does the adequacy of the interior of the apartments get handled?

Mr. Carnazza stated at the end if it's approved.

Mr. Greenberg stated based on the comments tonight, I would like to come back to the planning board and do a more detailed drawing of exactly how this is going to work and fixing the parking situation.

Mr. Cleary stated the town is emphasizing in commercial districts in the hamlet to make them more attractive. Mr. Greenberg hasn't proposed anything other than what is there

today. When he comes back, the plans should show if there will landscaping, improvements to the building façade, property and traffic circulation.

**PERRICONE, ANTHONY – 163 ORCHARD ROAD – 74.26-2-22 – 3 LOT SUBDIVISION
(SKETCH PLAN)**

Mr. Carnazza read his memo which stated the applicant currently has two lots in Lake Secor (one with a house (lot 2) and one vacant (lot 1). The Applicant would like to re-align and subdivide the lots to create three lots. The Architect submitted a copy of the “General Notes” from the approved subdivision entitled “Lake Secor”, dated December 19, 1930 which reads “No building shall be erected or used on a plot of less than 2 (2) lots shown on this map”. I agree that any existing parcels of two (2) or more lots are building lots according to this note. This does not imply that any parcel of land can be divided into two(2) lot parcels. Several variances are required from the ZBA.

Lot 1 requires Lot area, Front yard, Width, Depth, and Lot Coverage.

Lot 2 requires Lot area, Width, Depth, and Lot Coverage.

Lot 3 requires Lot area, Width, Depth, and Lot Coverage.

Mr. Cleary stated according to Mr. Franzetti, he has no significant issues with this and is okay with this being referred to the zoning board.

Mr. Cleary stated this is all about the variances, the variances are significant.

Mr. Cote asked Mr. Carnazza about the language on the map which states for a building it has to have 2 lots.

Mr. Carnazza stated our code says if a subdivision is filed, you go by the filed subdivision. But that doesn't apply unless the lot was already created at that time. So now he can't go back and say, here's my subdivision. I have 10 parcels, therefore, I have 5 buildings, it doesn't work that way. Because they didn't do that and they had 2 lots, they have 2 lots right now. That's it. The applicant proved to the zoning board a few months ago that they had two lots and they got the two lots. Now they want to do the third lot and that's why they need all these variances.

Mr. Greenberg stated in the original subdivision, two parcels were required for each house. He said the way we are proposing to subdivide it will be more than two lots. He said even though the original map said two lots per house, we're are going with 3 and 4 lots per house.

Chairman Paepre stated you will three houses when the project is done.

Mr. Greenberg replied that's correct. And we have town water and sewer.

Chairman Paepre stated this application has a lot of zoning issues.

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

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Mr. Frenkel moved to approve the minutes as corrected. The motion was seconded by Mr. Cote with all in favor.

The meeting was adjourned at 8:16 p.m.

Respectfully submitted,

Rose Trombetta