

APPROVED

HAROLD GARY
Chairman
RAYMOND COTE
Vice-Chair

BOARD MEMBERS
EMMA KOUNINE
CARL GREENWOOD
JOHN MOLLOY
JAMES MEYER
ANTHONY GIANNICO

TOWN OF CARMEL PLANNING BOARD



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*Director of Codes
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RONALD J. GAINER, P.E.
Town Engineer

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

PLANNING BOARD MINUTES **JULY 11, 2012**

PRESENT: CHAIRMAN, HAROLD GARY, VICE-CHAIR, RAYMOND COTE, EMMA KOUNINE
CARL GREENWOOD, JOHN MOLLOY

ABSENT: JAMES MEYER, ANTHONY GIANNICO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
D & L Realty, LLC.	66.12-2-2	1	Amended Site Plan	Public Hearing Closed – Planner to Prepare Resolution.
New York SMSA Limited Partnership d/b/a Verizon Wireless	65.-1-11	1	Site Plan	Public Hearing Closed - Planner to Prepare Resolution.
McDonald's USA, LLC.	55.11-1-41	1-6	Amended Site Plan	Lead Agency Declared.
Hilltop Properties, LLC.	75.19-1-6	6-9	Bond Reduction	No Board Action.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Rose Trombetta

D & L REALTY, LLC. – 130 OLD ROUTE 6 – TM – 55.12-2-2 – PUBLIC HEARING

The consultants had no comments.

Ms. Theresa Ryan of Insite Engineering, representing the applicant stated the property is about 2½ acres in the commercial park district. They have an existing business and have been operating it for a number of years. The building is about 8,870 square feet which contains office, warehouse and storage. The applicant is seeking an amended site plan approval to remove gravel from the wetland buffer and replace it with native non-invasive species.

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

Mr. Gary asked the planner to prepare resolution.

NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS – 675 ROUTE 6 – TM 65.-1-11 – PUBLIC HEARING

The consultants had no comments.

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

Mr. Gary asked the planner to prepare resolution.

MCDONALD'S USA, LLC. – 1931 ROUTE 6, CARMEL – TM – 55.11-01-41 – AMENDED SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to change the traffic pattern, add a split drive through, eliminate a curb cut on Rt. 6, and rebuild the fast food restaurant. Why is the lot width N/A on the Zoning Table? Provide lot width. Variances are required from the ZBA. How will the split drive through lane work? The merge is a concern as the timing could cause an issue for getting back in to the line. Turning in off Stoneleigh Ave conflicts with the drive through.

Mr. Gainer read his memo which stated highway work permits will be required from both New York State DOT and Putnam County Department of Highways & Facilities. A 239m GML referral is required. Wetlands permits from both New York State DEC and the Town of Carmel ECB is required. At the time the Planning Board considers the project ready for final action, following Town guidelines the Applicant will be required to execute and file with the Putnam County Clerk a "Stormwater Control Facility Maintenance Agreement" as specified in §156-85 to assure long-term maintenance of these treatment devices. Permits will be required from the Town for the new sewer and water connections. The Town of Carmel Engineering Department shall have the right to approve any contractor performing work on the public water or sewer. It is also suggested that a drop connection be utilized for the connection to the existing Sanitary Manhole. Which vehicle will have right of way at the point where the drive through traffic merges?

Mr. Cleary read his memo dated July 11, 2012 which was 5 pages long.

Mr. Grayson Murray of Bohler Engineering, representing the applicant displayed to the board an aerial map of the existing conditions of the subject project. He said the property is not within 200 feet of a residential and is not within another fast food residence. He said the property and the improvements are 39 years old. It is time for re-investment and upgrade to improvements on site. The present McDonald's is 4,378 square feet with 90 seats and 51 parking spaces. There are two access driveways on Route 6. There is a one way entry point on the north side of the property and exit and entry driveway on the further side on Route 6. Along Stoneleigh Ave there is also a driveway located at the northwest corner closer to the service station. He said I know there is a concern with the cut through issue to Stoneleigh Ave to avoid the traffic light and will address that.

At which time, Mr. Murray displayed a rendering of the proposed site plan. He said we are reducing the size of the building to 3911 square feet, 74 seats and 38 spaces. We have increased the parking count to address the demand and added angle spaces on the south side of the property. He went on to say the existing two curbs on Route 6 will be consolidated into a single full movement driveway with standard geometry and curb radii will accommodate passenger vehicles as well as larger trucks. He said the concern of channelizing the driveway becomes less attractive by reducing the thoroughfare that's there today; it's a 30 ft. wide one way aisle. We are proposing a 24 ft. wide 2 way stripped and signed accordingly. It's not as attractive a place to cut through, although physically the connection still exists. It is the best configuration for the property to have access to both roadways. That is the best we could do.

Mr. Murray went on to describe the new drive-thru side by side configuration. He said this has been studied for 6 to 7 years by McDonald's as a way to improve efficiency. He described the side by side, pick-up and pay window to the board. He said up to 70% of customers use the drive-thru instead of dining in. That is one of the reasons for the re-design of the drive-thru proposed. The 38 parking spaces accommodate the need for drive-thru and dining in customers.

At which time Mr. Murray displayed the rendering of the pathway of delivery vehicles. He said it is a WB50 wheelbase 50 ton tractor trailer, which is the customary vehicle used for deliveries. The deliveries will be off peak, 2 per week, Tuesday and Thursday at 4:00 pm. The truck will enter heading north bound on Route 6, heads west and turns left into the site and occupies the parking spaces. The trash vehicles follow a similar pattern.

Mr. Gary asked if there will be an exit onto Route 6?

Mr. Murray stated right now we have a one way aisle through from Route 6 out to Stoneleigh Avenue and the width is over 30 feet, so when someone parks in a 90° space and backs up there is no sign, stripping or anything identifying that it is a one way to the west. He said that would be entirely remedied by our new design because most people are used to a 2 way drive aisle that's stripped and signed appropriately. It is the appropriate

width, 24 feet for 2 way travel which is an engineering design standard instead of 30 feet for one way travel. That should prevent the issue of someone going the wrong way.

Mr. Gary asked Mr. Murray to discuss the traffic flow coming off Stoneleigh Avenue. He asked if there was a tremendous difference from what is there now.

Mr. Murray said geometrically it's a significant improvement because there is room for a vehicle to enter off of Stoneleigh even if they are heading north and turn to head south. Right now it is too narrow so it is not available.

Mr. Gary stated the area right now is an accident prone and dangerous location and I don't see much of an improvement especially when the trucks pull in to unload and is blocking the intersection.

Mr. Murray stated with regards to your prior comment if you are travelling north on Stoneleigh and you want to turn into the Stoneleigh driveway and head in a counter clockwise direction, you cannot make that move without conflicting with the drive-thru lane. There is not enough space available. He said that's one of the reasons why we have moved the building from 31 feet away from Stoneleigh to 85.5 feet to the east to allow more space for passenger vehicles and pickups to enter the site and make a U-turn without conflicting with the drive-thru lane.

Mr. Gary stated you have one exit onto Route 6, but you have increased the amount of people that would come in through the drive-thru lanes. Do you think having one exit onto Route 6 is sufficient?

Mr. Murray stated yes.

Mr. Greenwood stated I have an issue with cutting the entrance and exit to one onto Route 6. He said basically, through the history of the property and McDonald's being there, the Stoneleigh Avenue entrance and exit was always a low impact minimal traffic. The majority of the people come in off of Route 6 and exit onto Route 6. As the Chairman said, the Stoneleigh area is a very hazardous. Your drive-thru has increased over 20%, so the majority of the people will be driving in and out. He said in your design you have one lane exiting onto Route 6, now you will have bottle necking if someone is trying to make a left turn exit going west, whereas presently you have the ability to go east without stopping. The traffic on Route 6 is heavy and eliminating the double entrance and exit onto Route 6 is a major mistake.

Ms. Kounine stated I like making one entrance; maybe you should consider making it a little wider because you will have more cars exiting, since you will have twice as much traffic because of the drive-thru. Maybe you could consider making a left and right turn lane to make it 3 lanes. One lane in and two lanes out and widen the exit lanes onto Route 6.

Mr. Cote agreed that the one lane exit would be a mistake and it is something we need to look at.

Mr. Murray said the recommendation is noted.

Ms. Kounine stated we are all local people here and we go to McDonalds. Your studies might show one thing but we live here and know how people drive in and out of McDonalds and it may not coincide with your numerical statistics and that needs to be considered.

Ms. Kounine asked if they would consider closing Stoneleigh Ave.

Mr. Murray said we will consider it.

Mr. Molloy asked if they had statistics on how many people eat on and off site.

Mr. Murray said he doesn't know and will get it for him.

Mr. Paul Going of Atlantic Traffic & Design Engineers, representing the applicant stated McDonald's has developed the side by side to more efficiently serve people. It's not specifically to attract more customers but to better serve the existing customers. In our traffic report that we submitted we included some data from another store that was recently re-done. We studied the traffic patterns before the site was re-built and it was replaced with a store exactly the same size that is proposed. He said we do not expect a huge increase in traffic at the site. The building is smaller with fewer seats. More people go through the drive-thru then eat in the dining room these days. This particular site the drive-thru percentage is about 63%. Over the last five years it has increased from 60% to 63%. He said the implementation of this system, is a safety improvement, because it cuts down on onsite cuing, reduces the likelihood of people being blocked from their parking and circulation maneuvers and getting into and off the site. The drive-thru on this site was probably developed in 1977 and since then McDonald's has come up with a lot of improvements with drive-thru technology.

Mr. Cleary stated non-typical situations will occur on this site. We would like to see all the issues of worst case situations addressed for the board. Is there a fix, a mitigation measure? Right now we see the site's design to operate perfectly without squirrely conditions. There is no extra space to get someone out of the way until they figure out where they're supposed to go.

Mr. Going said there is a parallel parking space in front of the building. That space is there specifically should there be a problem with their order and they need to be moved.

Mr. Gary stated your concern is how the traffic will be handled on the site. The board is also concerned with how the traffic will be handled when the customers leave the site. He asked what are the traffic study counts on those intersections, 2 miles down the road and 3 miles up the road. We would like for you to get a report on the traffic moving in that area. He asked if he had any traffic count.

Mr. Going stated we haven't done traffic volume counts. We have counted parking on the site.

At which time a discussion ensued regarding the traffic in the area and the traffic flow going in and out of McDonalds.

Mr. Gary suggested to Mr. Going there are a lot of concerns from the board and to maybe consider a few options. The first is to make the Stoneleigh Avenue a double entrance to the drive-thru. The second option is to make the Route 6 exit two lanes, one to go left and one to go right. And the third option is show the turn radius of the cars making that turn.

Mr. Going stated we will take a look at that.

Mr. Ken McKenzie, Architect, representing the applicant displayed renderings of the building elevations to the board. He stated the traditional McDonalds mansard roof is gone the low slug roof with the shingles and light boxes. He said this is more contemporary and use of sustainable materials. It is earth-tone based images with highlights of yellow on the building and use of sustainable materials such as brick, aluminum, glass and metal. At which time Mr. McKenzie went on to describe the look of the new building.

Mr. Greenwood asked where the access point was to the roof parapet for the fire department.

Mr. McKenzie stated the access point is internal. He said it meets all of the building codes.

Mr. Cleary stated it would be a very good idea to meet with the local fire department.

At which time Mr. McKenzie displayed samples of the building to the board and described where they would be going on the building.

Mr. Murray stated in terms of landscaping from the existing condition we are reducing impervious surface which is a benefit and adding more green. We are putting foundation plantings around the drive-thru area and perimeter plantings around the parking field. A row of low dense evergreens will be planted so the headlight glare will be blocked from oncoming motorists on Route 6. He said some of the review letters from the consultants asked for supplemental landscaping. We are amenable to consider suggestions with the caveat that we are restricted along the northern property boundary by a 25 ft. easement. Presently, there is a sanitary sewer line and we don't recommend putting any plantings.

Mr. Murray continued to discuss the utilities, stormwater management and lighting for the project.

Mr. Gary suggested to Mr. Going, the traffic engineer to put a designated entrance and exit raised island in the middle of the entrance of Route 6 to avoid a lot of confusion. He asked if it was something they could look at.

Mr. Going replied yes we can.

Mr. Charles Martarbano, Attorney for the applicant thanked the board for all of their comments and will take them back to the applicant for consideration. He asked Mr. Cleary how to handle the SEQRA process. I think the planning board is probably appropriate for lead agency.

Mr. Cleary stated absolutely, now that we have seen the level of complexity with this project, I think we do want to do a coordinated review, so the action we could take tonight is to designate lead agency.

Ms. Kounine stated considering all of the comments from both Mr. Cleary and Mr. Gainer, I don't think we should take any action tonight until the applicant addresses those issues.

Mr. Cleary stated lead agency is just an administrative procedure. They still have to respond to all of our comments before you make any referrals.

Mr. Gary asked Mr. Charbonneau his opinion.

Mr. Charbonneau stated there is no reason why you can't declare lead agency tonight.

Mr. Greenwood moved to declare intent for lead agency. The motion was seconded by Mr. Cote.

A roll call vote was taken as follows:

Mr. Molloy	For the motion
Mr. Greenwood	For the motion
Ms. Kounine	Abstained
Mr. Cote	For the motion
Mr. Gary	For the motion

HILLTOP PROPERTIES, LLC. – 406 ROUTE 6 – TM – 75.19-1-6 – BOND REDUCTION

Mr. Gainer stated this project was the subject of a site plan approval some years ago. The intent of the project was to excavate the property for the ultimate purpose of developing a commercial project on the site. At this point, the excavation activities have been done. The applicant is requesting the bond be returned and they have abandoned the prior site plan approval. In my view the board should take no action until some amended site plan is presented to you to identify what they propose to do for the site in its current state. He said I would not recommend a bond reduction or bond return be considered until an amended site plan is presented that better explains how they propose to enhance the amenity visual impact of that site.

Mr. Gary asked the applicant if he had any attention of developing the project.

The applicant, Mr. Marricco stated we do. Due to the economy, just not at this time. Mr. Gary asked what intention did you have.

Mr. Marricco said to put up the building we proposed.

Mr. Gary asked if he applied for a permit.

Mr. Carnazza replied yes, he did apply.

Mr. Gainer stated they proposed a 8000 sq. ft. two story building with parking and other site improvements.

Mr. Molloy asked the applicant what do you propose to do with the property in the next month.

Mr. Marricco stated we actually had everything excavated down to grade for the building we propose and tried to keep everything stabilized.

Mr. Molloy responded back, everyone in town is well aware of the excavation that took place and everyone in town knows what the site looks like now. Forget about the bond, what is the property going to look like a month from now different from today.

Mr. Marricco reiterated due to the economy we do not want to touch it. We want to seed and stabilize everything as much as possible.

Mr. Molloy stated if I am hearing you correctly, you are concerned with your finances and you do not want to invest any money in that property now because you can't get a return on your investment. What about all the people along Route 6 who invested money in their property and the diminished value they're suffering now because of what your property looks like! Now you want to just stop and walk away. You can't.

Mr. Marricco stated we are not going to walk away from it. At this moment we have a hold on it. We are not going to let it go.

Ms. Kounine stated there was a statement made earlier that you have abandoned this project. Are you saying you haven't abandoned it?

Mr. Marricco said I wouldn't say abandon.

Mr. Gary asked the applicant what happened to all the money you got out of that property.

Mr. Greenwood stated we have a letter from an attorney and I would like to make a motion to go into executive session.

Mr. Charbonneau stated in order to go into executive session it needs to fit under one of the exceptions pursuant to the Open Meetings Law. What counsel has requested is that this board review his request for a reduction of site plan bond and a refund of the engineers fees. The board could make a decision this evening and make a referral to the Town Board

that they not reduce this bond and then it would be up to the Town Board as to whether or not they choose to commence an action on the bond itself.

Mr. Greenwood withdrew his motion. He said we reviewed and approved a site plan. We have a memo from Mr. Gainer saying that some work has been done, which was a fair amount based on the site plan approval. He said it's not any different from an applicant we hold a bond on, as much as we have an issue with the aesthetics of the site.

Mr. Carnazza stated the difference is their building permit expired, so therefore, the site plan is expired. They have to keep the site plan active.

Mr. Greenwood stated what they are proposing now, is not to finish the building at this time, but to reclaim it to preserve it for the future. How do we deal with that? Is that an amended site plan?

Mr. Carnazza stated there is no submission in front of us that shows that. He said if they want to do an amended site plan that shows what they plan on doing (plant trees, topsoil) that's a possibility.

Mr. Gary suggested they should see what the Town Board wants to do and recommend that the bond not be returned and let the Town proceed and give direction to which way they want to go.

Mr. Gainer asked if a public hearing is necessary before considering any kind of action.

Mr. Charbonneau not necessarily, but the Town Board does.

Ms. Kounine said before we make that move we should do our due diligence. She addressed the applicant and stated this town is sitting with that eyesore for a lot of years. You've had years to clean it up and you haven't. I need some assurance from someone that you just can't walk away from this. I would like to see you clean the place up and make it look decent. The chain link fence on top of the cliff is a liability. She said you own it to this town. I would like to see the site cleaned up and stabilized before we make a recommendation to the Town Board.

Mr. Molloy stated we received a letter from a lawyer, Stephen Schwartz who is not here tonight. The applicant is here without counsel. In the meantime, I think having a meeting with the Town Board (a member of this board) is a great idea.

Mr. Marricco asked specifically how do you the property to be done.

Mr. Cote said if this was on you main street and you had to drive by, what would you do to make it look better. There are common sense things you could do to increase the aesthetics of that site.

Mr. Cleary addressed the applicant and stated the only thing we could compel you to do is build a site plan. You told us you can't do that now. There is no guidance to what is cleaning up the site. He said give us a plan of what you would do to stabilize the site.

Mr. Greenwood stated there is nothing in our code to address this (develop a plan to address these sites until the point comes where the site plan has been approved can be completed).

Mr. Cleary said the heart of this issue is there is no plan but there is \$800,000 of your dollars that we could call tomorrow to stabilize that site. So it is in your best interest to come back to this board and tell how you are going to clean up the site.

Mr. Gary stated we could do one of two things. The first is to have the applicant give us a plan or we could send it to the Town Board and they will use the bond to get the site back to what it should be. This board does not have the authority to do that.

Mr. Molloy moved to recommend denial and send it to the Town Board. The motion was seconded by Mr. Cote.

A discussion ensued.

Mr. Greenwood state part of my problem is based on the engineer's memo. There is nothing in that memo that is different from any other bond reduction that comes in front of us.

Ms. Kounine stated before we send this to the Town Board, we still have to do our due diligence. This applicant owes us the courtesy and decency to come back with a plan. We owe it to the people of this town and he owes it to us.

Mr. Gary asked Mr. Marricco how long will it take to get the site back in shape and presentable.

Ms. Kounine asked can you do it in 60 days. If not, we could always refer it to the Town Board for denial.

Mr. Marricco stated we will come up with a proposal.

Mr. Gary stated you need to sit down with someone and come up with a plan.

Mr. Cleary said Mr. Gainer and I will visit the site to see what needs to be done. The applicant will meet us there. We will convey to them what needs to be done immediately and then try to address the long term stabilization of the property.

Mr. Gary asked Mr. Molloy if he would table his motion to the next meeting.

Mr. Molloy moved to table his motion for one more meeting. The motion was seconded by Mr. Cote.

Mr. Gary addressed the applicant and stated if it is not done by the next meeting, then the motion will go through.

Mr. Greenwood moved to adjourn the meeting at 9:15 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta