

APPROVED

CRAIG PAEPER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS

KIM KUGLER
RAYMOND COTE
ROBERT FRENKEL
VICTORIA CAUSA
JOHN NUCULOVIC

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 **MAY 12, 2022**

PRESENT: CHAIRMAN, CRAIG PAEPER, VICE CHAIRMAN, ANTHONY GIANNICO,
RAYMOND COTE, ROBERT FRENKEL, JOHN NUCULOVIC

ABSENT: KIM KUGLER, VICTORIA CAUSA

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Western Bluff Subdivision	66.14-1-20	Resolution	1	Resolution Adopted.
Demag & Ademi	75.12-2-1&2	A. Site Plan	1-2	No Board Action.
Platinum Propane	65.10-2-11	Site Plan	3-7	No Board Action.
Itzla Subdivision	55.14-1-6	Extension	7-8	180 Day Extension Granted.
Minutes – 04/14/22 & 04/27/22			8	Approved.

The meeting was adjourned at 7:46 p.m.

Respectfully submitted,

Rose Trombetta

WESTERN BLUFF SUBDIVISION – 350 WEST SHORE DRIVE – TM – 66.14-1-20 – RESOLUTION

Mr. Carnazza had no comments.

Mr. Franzetti had no further comments regarding preliminary subdivision approval.

Mr. Cleary stated you have a draft resolution before you to be voted on this evening.

Vice Chairman Giannico moved to adopt Resolution #22-09, dated May 12, 2022; Tax Map #66.14-1-20 entitled Western Bluff Subdivision Preliminary Subdivision Approval. The motion was seconded by Mr. Nuculovic with all in favor.

DEMAG & ADEMI – 552 ROUTE 6 – TM – 75.12-2-1 & 2 – AMENDED SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to convert the Delicatessen/Restaurant-Bar into a Restaurant/Market. The applicant should define “market” for their purposes. The indoor seating is 39 seats. This will be a condition of approval. If they wish to add more seats for outdoor dining, a variance will be required from the ZBA. The trash enclosure is now shown. Provide an easement that they have the OK to access the dumpster from the neighboring lot. The architect claims he is in discussions with the neighboring owner. The outdoor brick paver patio does not have any seating according to the submitted plans. (DURING THE PANDEMIC GATHERING BAN, SEVERAL RESTAURANTS WERE ABLE TO ADD OUTDOOR DINING TO ALLOW THE REQUIRED SEPARATION. IF THE NUMBERS CONTINUE TO GET WORSE AND THE STATE MAKES ADDITIONAL RULES ON GATHERINGS, THEY CAN PLACE TABLES ON THE PATIO IF NEEDED).

Mr. Franzetti read his memo which stated this application involves converting an existing delicatessen to a restaurant. Per the cover letter no site changes are being proposed. Based upon our review of this submittal, the Engineering Department offers the following preliminary comments

I. General Comments:

1. The following referrals are required:
 - a. Putnam County Department of Health (PCDOH)
 - b. Mahopac Fire Department

Applicant has noted this comment.

2. The following permits are required:
 - a. PCDOH for water/sewer/restaurant

Applicant has noted this comment.

3. There appears to be a stormwater line passing through the property. The easement for this line should be provided.

Applicant has indicated that they are researching this information.

4. Provide documentation that the monitoring wells are terminated.

5. Signs (e.g., stop, yield, etc.) and pavement markings (e.g., do not enter, etc.) should be provided at the ingress and egress of the site.

Applicant has provided location. Details for the signs must also be provided.

6. The applicant must provide a separate water and wastewater use report.

The applicant provided a report. The applicant should note that the calculations must meet those as outlined in the 2014 NYSDEC design guidelines.

Should note that the water lines to the building were recently relocated.

Applicant must update drawing to show new location.

Must install a subsurface grease trap.

Applicant has noted there is a grease trap. The location of the sub surface grease trap must be shown on the drawing.

Mr. Cleary stated the applicant addressed our issues at the last meeting, however there was a conversation about securing off-site parking and if it was a possibility.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated an email from the Putnam County Health Department was submitted indicating the building is approved for at least 50 seats. Right now, we are asking for 39 seats. The wastewater report was received from the PCDOH which was approved in 2009.

Mr. Franzetti stated I just want the numbers that are based on state criteria and need to be developed and provided by you.

Mr. Greenberg stated he will provide the report. He continued and stated we didn't receive and comments from the fire department. As far as the easements and termination agreement, I reached out to the owner of the property and will look through his records for the easements and termination agreements. The pavement markers and signs are shown on the drawing.

Mr. Franzetti stated there should be a legend that identifies where they're located. Will there be pavement markings, stop sign with white lines in the parking lot.

Mr. Greenberg stated he will check to see what kind of grease trap is installed. He stated there is a big parking lot across from the site and we have contacted the owner to see if there are any excess spots for the restaurant. He asked if a public hearing could be set, since most of the comments are minor.

Chairman Paeprer asked Mr. Carnazza about his comment regarding the easement to access their dumpster behind the building.

Mr. Carnazza said the dumpster is behind the building.....

Mr. Greenberg pointed to the dumpster on the drawing. He stated in order to access the dumpster the garbage truck has to drive on the adjacent property. He said in the previously approved site plan in 2008 that was a requirement. The owner is getting the information for the easement and also the easement for drainage.

Mr. Cote stated the easements should be filed with the County Clerk's office.

Mr. Greenberg replied that's correct. If I don't get it from the owner, we will check with the Clerk's office.

Mr. Frenkel asked what is the process if they want extra seating?

Mr. Cleary stated the board will condition it on 39 seats. Theoretically, they would have to come back if they want more.

Mr. Cote moved to schedule a public hearing contingent upon the comments being addressed. The motion was seconded by Mr. Frenkel with all in favor.

Mr. Cleary stated Mr. Greenberg also requested a resolution at the next meeting.

Chairman Paepre stated I do not need to decide that tonight. We'll see how everything comes in and if it's complete we'll do it.

PLATINUM PROPANE – 1035 ROUTE 6 – TM – 65.10-2-11 – SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to convert a dwelling to an office, remove a garage, add 1500 s.f. "lean-to" for Propane tank storage/screening to Rt. 6 and add a filling station to a Commercial property on Rt. 6 in Mahopac. The applicant provided a definition of this property from National Propane Gas Association (NPGA). It will not be a terminal. The property will be classified as a plant. A plant is a facility for the bulk storage of LP. A terminal is defined as a larger facility for the transport, processing, and short-term storage of LP. The applicant states that NFPA 58 allows burying of 30,000-gallon tanks and will be working with a company that will submit all necessary information for the Propane System. 1 loading space is now provided. Provide floor plans of each floor in the front building, filling station and the "lean-to". Once the floor plans are submitted, I can determine if additional variances are required. Variances are required from the ZBA for the following:

Front Yd., 40 ft. req'd, 18.9 ft. proposed, 21.1ft. variance needed.

Min. Floor Area, 5,000 s.f. req'd, 1600 s.f. proposed, 3400 s.f. variance needed.

Mr. Franzetti read his memo which stated this application encompasses a proposal to convert an existing residence into office space for propane business. The project will develop a 1.3 acres of a 12 acres parcel located at 1035 Route 6. The project involves the construction of a 1,500 sq ft three (3) sided structure to store service vehicles. Based upon our review of this submittal, the Engineering Department offers the following preliminary comments:

General Comments:

1. The following referrals would appear to be warranted:
 - a. Putnam County Department of Health
 - b. Mahopac Fire Department
 - c. Town Environmental Conservation Board (ECB)
 - d. New York State Department of Transportation (NYSDOT)

The applicant has noted the need the for these referrals.

2. Permits from the following would appear necessary:
 - a. New York State Department of Transportation – depending on improvements to the ingress/egress along Route 6.

- b. Putnam County Department of Health Water and subsurface septic treatment systems
- c. NYSDOT – work within right of way.
- d. New York State Department of Environmental Conservation (NYSDEC) – Coverage under General Permit GP-0-20-001
- e. New York City Department of Environmental Protection (NYCDEP) – septic.
- f. ECB – work in buffer

3. The area of disturbance for the work has is 1.3 acres which exceeds the threshold criteria of disturbances for the NYSDEC stormwater regulation of one (1) acre. The project will require coverage under the NYSEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) and the development of Stormwater Pollution Prevention Plan (SWPPP) that requires permanent stormwater controls.

The applicant has provided a SWPPP. This document is currently under review.

- 4. Traffic and Vehicle Movement Plans should be provided which provide the following:
 - a. Provide all sight distance calculations.

The applicant has provided calculations. These may need to be revised upon review by the NYSDOT.

- b. Provide a driveway profile

The applicant has indicated a profile will be submitted with a future submission as the entrance plan for the NYSDOT is advanced.

- c. Slopes at the entrance way need to be defined. It is suggested that slopes of less than 6% be used for the first 20 feet of entry and that slopes of no greater than 8% be used entering the site. Please refer to AASHTO guidelines for commercial properties.

The applicant will need to provide a profile and has indicated a profile will be submitted with a future submission as the entrance plan for the NYSDOT is advanced.

- d. A traffic study for this site must be performed.

The applicant has requested not to perform a traffic study as the project does not exceed thresholds and will be reviewed by the NYSDOT. Additional information regarding the threshold should be provided.

- 5. The applicant may be required to supply a stormwater maintenance agreement and maintenance guarantee per Town Code (§156-85 and §156-87 B respectively).

The applicant has noted this comment.

- 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.

The applicant has noted this as a potential requirement. The applicant should note that a Performance Bond and associated Engineering fee is minimally required for the stormwater management practices, erosion and sediment control drainage features, landscaping etc. installed on the site. Please see §156-61 J and K of the Town Code for additional information.

Detailed Comments:

1. Signs (e.g., stop, yield, etc.) (e.g., do not enter, etc.) should be provided at the ingress and egress of the site.
2. All planting should be verified by the Town of Carmel Wetlands Inspector. Notes should be added to the drawing
3. All plantings shall be installed per §142 of the Town of Carmel Town Code. Notes should be added to the drawing
4. The area of disturbance should include the proposed removal of sheds in the buffer zone.

Pat's memo said the applicant has responded to the initial review comments as follows:

- The proposed use is a permitted principal use in the C – Commercial zoning district.
- Variances for the required front yard and minimum floor area are required. A referral to the ZBA is required.
- The plans have been revised to include a sight distance analysis, and includes the necessary clearing required to meet the applicable standards.
- The applicant has clarified the operation of the facility, and the parking requirements as noted on the site plan, are appropriate for this use.
- The applicant has clarified that this site will operate as a wholesale facility, and retail sales are not proposed.
- The applicant has clarified that no more than 4 delivery trucks will operate from this site. Bulk delivery from a tanker truck will occur approximately weekly.
- The site plan has been revised to indicate the location of the required off-street loading space.
- Drawing D-1 indicates adequate truck turning radii.
- The applicant has indicated that they are in the process of determining what permits are required for the installation of the fuel tanks and distribution facilities.
- An enhanced landscaping plan has been provided that includes a mix of shade trees, flowering trees and shrubs. As requested, the plantings along the Route 6 frontage have been modified to reflect a more natural condition (rather than the row of evergreens), and the plantings in the vegetated bio-retention basin have been provided.
- The applicant has indicated that details of exterior site lighting have been added to drawing S-1, however, no details are noted. Clarification is required.

Mr. Frenkel asked about the truck deliveries operation and times.

Mr. Joe Covais, owner of Platinum Propane addressed the board and stated trucks will be in and out during normal business hours, Monday – Saturday - 9-5. He said during storms and power outages we will keep longer hours to support our accounts.

Vice Chairman Giannico asked is the driveway opening sufficient to handle the bulk deliveries.

Mr. Adam Thyberg of Insite Engineering, representing the applicant addressed the board and replied yes. We have provided an inset in one of the drawings showing a tanker truck making those maneuvers, in addition to the smaller vehicles that will be there on a daily basis.

Vice Chairman Giannico stated ideally, I would like to see the bulk deliveries coming to your facility scheduled at a low traffic time and not 9-5.

Mr. Thyberg stated we confer about that and see if the applicant is able to do that.

Vice Chairman Giannico asked is this a complete commercial zoning or is a mixed-use?

Mr. Carnazza replied complete commercial zone.

Mr. Thyberg stated the proposal includes the conversion of an existing residence (points to map) which is non-conforming use in the commercial zone to a conforming use which will be the office for their propane business. That is the only enclosed square footage that's proposed for this project. We are proposing other structures, which include the "lean to" which is an open-air three-sided structure. The enclosed portion of it would be the side that faces the road. It will be used to house the smaller delivery type trucks when they're not in use. The three sides of this "lean to" will screen those trucks from the street when they're not be used and will be parked in that location. It will have an architectural look and it will appear to look like a building on the site.

Vice Chairman Giannico asked for a rendering.

At which time, Mr. Thyberg displayed the rendering and elevations of the "lean to" building. He continued and stated we are also proposing a canopy (overhead covering) no enclosure at all. It will cover the fueling area. He stated the layout of the buried tanks meets all setbacks and criteria.

Mr. Cote stated Route 6 has a little higher speed limit and people move a little bit quicker and now you'll have trucks pulling out into this traffic, do you think we should do a traffic study to look at this?

Mr. Cleary stated it's not an issue of volume, it's an issue on how these vehicles will enter the state's highway. In the state's issuance of their permit, they will have a lot to say about it. They demonstrated that there is a technical requirement for sight distances and they meet the rule. The DOT could say we want three times the rule, it's our rule.

Mr. Thyberg stated Route 6 is a state regulated highway, so the improvements that you're seeing in the driveway (points to map) are concurrent to our site plan process here. We will have to apply for a highway work permit and that will be studied closely under the DOT process.

At which time, a discussion ensued regarding the DOT permitting process.

Chairman Paepre asked if there will be tree clearing on both sides.

Mr. Thyberg replied there will be some clearing of trees in the right of way. Some brush on the applicant's property will also be cleared.

Mr. Cleary stated typically there would be a maintenance agreement with the DOT and that would be the responsibility of the applicant to maintain the brush at certain level.

Mr. Franzetti stated to Mr. Thyberg if you have any further on-site visits with DOT, to possibly include the consultants and the Chairman.

Mr. Thyberg replied if the process becomes anymore complex then a standard application we will certainly coordinate an on-site visit. Mr. Thyberg continued and stated the critical issue ahead of us in this process are the two variances that are required. In order to keep this project moving forward we respectfully request to be referred to the ZBA to seek those variances and come back to this board and the DOT.

Chairman Paeprer stated we like the idea of the project, but we need to do our due diligence because it is propane.

Mr. Carnazza stated once you get the NFPA requirements and the requirements are 100 ft from this and 100 feet from that, whatever it is, then we know the location of things. The deadline for the May ZBA meeting was yesterday. So, this will not hold you up. If you could make another submission and get us more information, you could make a better application to Zoning and have more information and be better locked into where you're going to be.

Mr. Thyberg stated based on the criteria, the information we have from an FPA, these tanks are in their proper place and if they weren't the site plan will not shift much.

Mr. Cleary stated it's not about that. Those regulations relate to spatial issues and that's our bailiwick. That's what we are dealing with.

Mr. Franzetti asked if there is a state agency that regulates this.

Mr. Carnazza said weights and measures for the volume.

Mr. Mike Velardo, co-owner of Platinum Propane addressed the board and stated the state comes in once a year to do a routine check on our trucks. Weights and measures do our meter checks. And once a year there is a visual on the tanks. He asked the board if they preferred the tanks to be above ground.

Mr. Carnazza stated we don't have a preference. We just need to know the setbacks of the property lines if they are above or below and to show it on the map and details.

Mr. Frenkel asked if the fire department gets involved because it's propane.

Mr. Cleary stated the state code is the requirement they must comply with. Our fire department would not supersede that.

Mr. Carnazza stated the fire department will receive the site plan and they could review it and make comments.

Vice Chairman Giannico asked if there is a requirement for fire suppression at the filling station.

Mr. Cleary said at gas stations there is a requirement.

Vice Chairman Giannico stated if there is no requirement please report back on that.

Mr. Thyberg replied okay.

Chairman Paeprer stated get most of the comments addressed and come back to the board in two weeks.

ITZLA SUBDIVISION – 9 MECHANIC STREET – TM – 55.14-1-6 – EXTENSION OF FINAL SUBDIVISION APPROVAL

Mr. Carnazza had no objection to the extension.

Mr. Franzetti stated he had no objection to granting final subdivision extension. The board should be aware of the following:

- The file does not contain the requisite performance bond (\$29,000.00), engineering inspection fee (\$1,500.00) and recreation fee (\$8,500.00).
- Town of Carmel Highway.
- Town of Carmel water and sewer connection approval/fees.

Mr. Cleary had no objection to the extension.

Mr. Cote moved to grant an extension of final subdivision approval for 180 days. The motion was seconded by Mr. Frenkel with all in favor.

MINUTES – 04/14/22 & 04/27/22

Mr. Frenkel moved to accept the minutes of April 14, 2022 as corrected. The motion was seconded by Mr. Cote with all in favor.

Vice Chairman Giannico moved to accept the minutes of April 27, 2022. The motion was seconded by Mr. Cote with all in favor.

Vice Chairman Giannico moved to adjourn the meeting at 7:46 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta