

APPROVED

CRAIG PAEPRER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS

KIM KUGLER
RAYMOND COTE
ROBERT FRENKEL
MARK PORCELLI
VICTORIA CAUSA

TOWN OF CARMEL PLANNING BOARD



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*Director of Code
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AICP, CEP, PP, LEED AP
Town Planner

PLANNING BOARD MINUTES

AUGUST 19, 2020

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

ABSENT: KIM KUGLER, MARK PORCELLI, VICTORIA CAUSA

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Carmel Fire Department	44.14-1-24	A. Site Plan	1-3	Public Hearing Left Opened & Denied to ZBA.
Stillwater Business Park	75.17-1-53 86.5-1-25&26	Site Plan	3-6	Denied to the ZBA.
The Teal Door Counseling Center	86.11-1-15	A. Site Plan	6-7	Public Hearing Scheduled.
Mahoven LLC (Kaneti)	75.42-1-13	Special Site Plan	7-9	No Board Action.
Rudovic Bridal Shop	55.6-1-12	Site Plan	9-11	No Board Action.
14 Nicole Way LLC (Zakon)	65.6-1-22	Site Plan	11-12	No Board Action.
Centennial Golf Club on New York, LLC	44.-2-2,3,4	Amendment	12-17	Negative Recommendation Made To Town Board.
Yankee Development	76.15-1-12	Extension	17	Extension Granted for 180 Days.
Minutes – 06/17/20			17	Held over.

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Rose Trombetta

CARMEL FIRE DEPARTMENT – 94 GLENEIDA AVE – TM – 44.14-1-24 – PUBLIC HEARING

The consultants had no comments.

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

Mr. Charbonneau addressed the board and stated we are going to keep the public hearing open because they still have to go the Zoning Board.

Mr. Michael Liquori, applicant's attorney addressed the board and stated with regards to the two-way traffic issue that was discussed at the last meeting, TD Bank reached out to us and they said before they relinquish their right to two-way access, they wanted us to have a traffic engineer examine the two-way traffic on the property, particularly related to the amount of two-way traffic that exists. He stated the access point easement currently goes through the Carmel Fire Department parking lot and hooks back up to permit traffic to go behind the bank and then into the bank parking area, it could circulate and then go back out to Route 52. He said we will have the traffic engineer go out and do analysis using cameras and videos of the traffic circulation.

Chairman Paeprer stated we are going to leave the public hearing open and refer it to the zoning board.

Mrs. Kathleen Gallagher of Insite Engineering, representing the applicant addressed the board and stated since the last submission we have continued the study of the architectural drawings and we prepared to present those renderings that were submitted at the last submission and materials if the board wishes to do so tonight.

Chairman Paeprer replied yes.

Mr. Eric Neiler of H2M, applicant's architect displayed the architectural drawings and stated what you are looking at the preliminary colored renderings of the main façade of the building as seen from Vink Drive. He said we will be using an architectural concrete masonry unit which is the size of a block, but it's colored to look like brick. The plan is to have a custom color match made to the brick that's on the building now. At which time, Mr. Neiler passed around the sample board to the board members. He continued and stated the roof is asphalt shingles and we are going to use a touch of metal roof on the new tower and on the radio room by the bays. He said the glass doors on the bays will not be fully transparent, but there will be some visibility, some connection to the outside. He said we are going to use the ACMU (architectural concrete masonry materials) material to reskin the entire building except for a limited portion of the existing building on the north side where the brick is okay.

Vice Chairman Giannico asked size will the ACMU composites be?

Mr. Neiler replied 8 x 16.

Chairman Paeprer stated I personally think this is a nice step forward for our downtown revitalization in Carmel.

At which time, Mr. Neiler displayed the elevations to the board members and described the views from different sides.

Chairman Paepre asked Mr. Neiler to point to the fuel tank which is at the last bay on the left side.

Mr. Neiler stated we removed some windows that were nearby. That was a comment we got. It's a safety requirement.

Vice Chairman Giannico asked what is the fuel tank for?

Mr. Neiler replied it's for refilling the trucks.

Vice Chairman Giannico asked if it is permissible by code, is there any screening you could put there?

Mrs. Gallagher stated the fuel tank is placed on the southern side, so it does not conflict with the TD Bank traffic that's happening on the north driveway. It's a one-way driveway at that location and it's an easy access in to stop fuel up and then exit off of Vink Drive. She said if we were to provide some additional screening such as a fence with three sides, it requires a gate. The gate would then pull into the drive aisle which is going to potentially cause some clearance conflicts with the fire trucks and parking spaces. She said if we provide a fence only on one side, there is a limited distance for the hose of the fuel dispenser which is mandated by the proximity of doors and windows to the fuel tank. To put another obstacle in front of that way is a nuisance and an obstacle for filling it up.

Mr. Carnazza stated does it have to say diesel across the front of it?

Mrs. Gallagher replied I don't think so, I will double check that.

Mr. Frenkel asked what are the dimensions of the fuel tank?

Mrs. Gallagher replied the dimensions are 48" of the actual tank and it sits on saddles beneath, but I don't recall the length of the tank, but it is actually shown on the drawing.

Vice Chairman Giannico asked is there a spill containment underneath it?

Mrs. Gallagher replied I would have to check with one of our engineers.

Mr. Carnazza stated a lot of the tanks have them built into them now.

Vice Chairman Giannico stated I wouldn't want to see a fence either. He said how about a 2½ sided shed, right and left sides with an open double door that doesn't have to go all the way up, so you could still see the tank and then a sloped roof over the top of it.

Mrs. Gallagher stated the concern is just the gate, opening it up into the drive aisle. It's one-way, so they need to be able to fuel both sides of the fire truck. She said although the proposed parking count which is 48 is able to meet the requirements of the fire department, we would not want to reduce that parking count to accommodate a structure in that area. Mr. Neiler stated when we come back to the board; it may be helpful to bring a rendering from Gleneida Ave. You may be surprised when you see the drawing, that you may not see the tank from Gleneida Ave.

Mr. Carnazza said so you will only be able to see it from Vink Drive only?

Mr. Neiler replied I believe so.

Mrs. Gallagher stated the property across the street is a vegetated area which has the cemetery on the other side.

Chairman Paepre stated this is a very good start.

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

STILLWATER BUSINESS PARK – 105 STILLWATER ROAD – TM – 75.17-1-53, 86.5-1-25 & 26 – SITE PLAN

Mr. Carnazza read his memo which stated the applicants propose to merge the three commercial lots, remove the existing house (Pre-Existing, Non-Conforming two-family) and small garage, legalize the existing rear storage building, relocate a storage building that was built without approvals, and add the large storage building all to bring the site into conformity (with the exception of 1 necessary variance). The board had issues at the last meeting about the neatness of the site. I inspected the site with Chairman Paepre and found it to be substantially neater than it was. A variance is required from the ZBA for the rear storage building. 30 ft. rear required, 25 ft. provided, 5 ft. variance needed. Provide the location of the existing tree buffer. Additional buffer may be needed as there is a residential area across the street. Could it be extended and improved by the scale? Any areas that will be used for outdoor storage need to be located on the plat. Variance will be required for any such outdoor storage areas. This project should be referred to the ECB for comments.

Mr. Franzetti read his memo which stated applicant seeks to extinguish the property lines between Tax Map nos. 75.17-1-53, 86.5-1-25, & 86.5-1-26. On the combined lot the applicant seeks to demolish the existing residence, relocate an existing 5,040 sf storage building and to construct a new 60,000 sf storage building. This will also require site grading, retaining walls, stormwater management practices and re-pavement of a portion of the lot.

Based upon our review of this submittal, the Engineering Department offers the following **preliminary** comments:

I. General Comments

1. The following referrals would appear to be warranted:

- a. Putnam County Department of Health
- b. Mahopac Fire Department
- c. Town of Carmel Highway

Applicant has noted these referrals.

2. Permits from the following would appear necessary:

- a. Town of Carmel Highway Driveway permit
- b. New York State Department of Environmental Conservation (NYSDEC) – Coverage under General Permit GP-0-20-001

Applicant has noted these permits.

- c. New York City Department of Environmental Protection per the Watershed Rules and Regulations, permits are required within limiting distance to reservoirs and reservoir stems and selective clearing along right of way.
- 3. The area of disturbance for the work has been provided as 1.8 acres. The threshold criteria of disturbances for the NYSDEC stormwater regulation are between 5,000 square feet and one (1) acre and over 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 has permanent controls.

Applicant has noted this comment.

- 4. Traffic and Vehicle Movement Plans should be provided which provide the following:
 - a. Sight distances and proposed clearing at each driveway have been specified on the plan.

All calculations should be provided
 - b. 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.
Applicant noted comment

Provide a profile of the driveways.

- 5. All existing and proposed easements on the site must be provided.

Applicant has noted this comment and provided the easement information. This should be reviewed by counsel.

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

Applicant has noted this comment.

- 7. 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.

II. Detailed Comments

- 1. Layout and Landscape Plan Sheet SP-1
- 2. Grading and Utilities Plan Sheet SP-2
 - a. Top and bottom wall elevations have been provided for the proposed retaining wall.

Applicant has provided this information. The wall at highest point is 11.3' tall. All wall calculations must be certified by a structural engineer. A safety fence must be installed on the top of the wall

- b. Drainage system profiles must be provided.

Applicant will provide in a future submission.

3. Erosion and Sediment Control Sheet SP-3

- a. Design criteria used for the sizing of the stormwater management practice (SMP) must be provided
- b. The infiltration system design details and calculations need to be provided. The infiltration system needs to be designed per NYSDEC regulations so as to ensure it will function. This minimally includes the depth to groundwater in the area where the unit is installed.
- c. Details on how the proposed infiltration area will be protected during construction.

Applicant has noted this comment and will provide a stormwater pollution prevention plan that addresses these comments.

4. Layout and Landscape Plan Sheet SP-4. The information provided in drawing includes traffic circulation and light spill plan.

5. Details Sheets D-1 and D-2

- a. All curbs, sidewalks, and asphalt should meet the specifications provided in the Town of Carmel Town Code.
- b. Sidewalks, manholes and guiderails should be installed per §128 of the Town of Carmel Town Code
- c. A detail for standard duty asphalt in the parking area has been provided. The top layer of pavement should be 2 inches not 1.5 inches and the binder course should be 3 inches not 2 ½ inches.

Mr. Cleary stated the applicant has done a very good job of responding to the comments that were delivered at last month's meeting. A lot of issues simply required clarifications. The biggest issue was how this site was going to be used. It will be used as a private storage facility, not a self-storage facility that is open to the public. It will be used in conjunction with the adjacent property, so there will be cross easements to allow that to occur on the property. Mr. Charbonneau will have to take a look at the easements. He said the landscaping in front of the property has been expanded. The site distances have been improved at the driveway locations. The architecture of the building will be similar to the adjacent Liffy Van Lines building in terms of color and material. All of the issues with respect to circulation on the site have been clarified. They have addressed additional loading doors on the building themselves. He said as Mr. Carnazza indicated they do need a variance for this application.

Mr. Cote stated I think the plans look nice and the efforts made so far are commendable. It was mentioned that some customers will have access to this building. Can you explain that?

Mr. Adam Thyberg of Insite Engineering, representing the applicant addressed the board and stated the primary lessee of the site is Liffy Van Lines, so customers that are renting the vehicles for storage purposes may have access to the site. This will not be open public access; this would be known entities coming to the site. They would be clients of the applicant.

Chairman Paeprer asked what will the new 60,000 square foot building look like?

Mr. Thyberg stated this building will match the style, color scheme and nature of the other storage buildings on the site. They will be going with a beige and red motif. It will be a modular storage building.

At which time, Mr. Thyberg displayed the architectural elevations to the board. He continued and described the look of the building. He stated part of the purpose of the new building would be to reduce the amount of storage that was happening elsewhere on the site. It would condense that operation into an enclosed structure.

Mr. Cleary stated if the board moves to approve this application, we would include very specific conditions about property maintenance to make the Building Inspector's job easier in the future to ensure the site remains clean and tidy.

Chairman Paeprer stated I think there have been great improvements on the site, but I don't think the curb appeal is there yet. There should definitely be more screening.

Mr. Thyberg stated we are sensitive to the location and it being adjacent to residential uses. We have increased the size and scale and depth of the landscape buffer. He said we could pad that further.

At which time, a discussion ensued regarding different plantings and possibly adding a berm to the site.

Chairman Paeprer stated there will be two entrances and exits. How will you do that?

Mr. Thyberg stated currently it's a two-way at both driveways.

Chairman Paeprer asked what will happen where the blue house is?

Mr. Thyberg stated where the blue house is and to the west of the site, we are proposing a new driveway that would be two-way. We have shown site distances from there.

Chairman Paeprer asked what will the hours of operation be?

Mr. Thyberg stated their operation is typically regular business hours, such as 9-5.

Vice Chairman Giannico moved to deny the application to the Zoning Board. The motion was seconded by Mr. Cote with all in favor.

THE TEAL DOOR COUNSELING CENTER – 18 MILLER ROAD – TM – 86.11-1-15 – SITE PLAN (ADDITION)

Mr. Carnazza stated we cleared up a lot of issues. We had a discussion on the phone the other day. There are two things that have not been done yet. The setback envelope and the lot, depth and width lines should be drawn on the map. He said as far as the variances that were granted in 1988 put one asterisk and the variances that were granted in 1989 put two asterisks, so we know which one is which.

Mr. Franzetti read his memo which stated the applicant proposes to add an addition to the existing building. The addition will be on the area of an existing 275 sq. ft. deck. The

project will continue to use existing infrastructure (i.e. septic and water) and minimal changes to the existing site. The following referrals would appear to be warranted - Mahopac Fire Department. 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. Applicant has acknowledged these two (2) comments.

Mr. Cleary stated all site planning issues have been addressed.

Chairman Paepre said to schedule a public hearing.

MAHOVEN LLC (KANETI) – 737 SOUTH LAKE BLVD – TM – 75.42-1-13 – SPECIAL SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to add a shed with raised deck above, extend dock to 25' long (width-from property line to property line) and pergola to an existing vacant lot on South Lake Blvd in Mahopac. This is an intense use for this small lot. The structures will tower over the adjacent lots. The State DOT has not approved the driveway that was added prior to the owner purchasing this lot. The lot is 13'6" wide and they are proposing a 13'x13' shed w/deck above. The only way to access the property is to walk through the shed. The parking calculation is incorrect. 1.3 spaces does not round down to 1 space, it rounds up to 2 spaces. Lot width and lake frontage are not the same thing. Please correct. This project needs to be referred to the ECB for comments and there are seven variances that are required.

Mr. Franzetti read his memo which stated this application encompasses adding to existing dock, adding a pergola and storage building. 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.
2. The following referrals would appear to be warranted:
 - The Town of Carmel Environmental Conservation Board
 - New York State Department of Transportation
 - GML-239 to Putnam County Planning.
3. Additional details should be provided regarding:
 - The project is located on Lake Mahopac, wetlands and associated buffer zone must be delineated and provided on the drawings.
 - The proposed rain garden.
4. Plan information required pursuant to §156-27 ("Site Plans") is currently lacking. These include, but are not limited to:
 - Lakefront is to be 50 feet, however only 15 feet is provided.

Mr. Cleary stated as Mr. Carnazza indicated there is a lot going on with this particular application. In addition to the extension of the dock, they are proposing a shed or boathouse, the deck on top and a pergola next to it and an outdoor bar adjacent to it. It's a very small site. He stated the extension of the dock requires compliance with the private

water-related facility provisions and if this is a bathhouse that would also have to comply with those provisions and if this is a shed that's not permitted use on this site. They would need a variance for that. There are a series of conditional requirements that have to be addressed for a private water-related facility, such as; will the owner use this property? Clarification is needed. The extension of the deck was not specifically identified on the plans. There have been two rounds of comments from the NYSDOT with respect to this. They need to clarify utilities, such as electric. Also, need to clarify if there will be lighting on the site and this application needs to be referred to the ECB.

Mr. Carnazza stated the difference between a shed and bathhouse is a shed is an accessory use and there is no house on the site. If it needs to be a shed, it will require a use variance from the Zoning Board. He said you are allowed to do a bathhouse, but you would have to meet all of the conditions of the private water-related facilities.

Chairman Paeprer asked is it a shed or bathhouse? What is it?

Mr. Joel Greenberg of Architectural Visions, representing the applicant replied based on what Mr. Carnazza stated, it will be a bathhouse.

Mr. Cote asked if there were any renderings of what the structure would look like.

Mr. Greenberg replied we have a picture of the pergola. We haven't done anything on the shed yet. Based on these comments, obviously we will have to rethink the shed and where it's going to be and how it's going to sit on the site.

Mr. Frenkel asked what is the plan for the floating dock that is existing there today?

Mr. Greenberg stated our plan is to extend the docks to the 25 foot line which is permitted by the code.

Mr. Frenkel stated in my observation the combination of the wooden dock that's there now coupled with the floating dock appears to be greater than 25 feet. So, I'm asking what is the plan for the floating dock?

Mr. Greenberg stated as per the owner the floating dock will be removed.

Mr. Frenkel said can you have that reflected on the plans. He then asked how will the adjoining property have access to their existing dock, if you make your dock wider? Mr. Greenberg said we will check into that too.

At which time, Mr. Kaneti approached the podium and stated as far as the adjoining property on the left side when facing the lake, the owner has plenty of room, because his property is twice the size of my property and the dock is on the property line, so there is plenty of room.

Mr. Frenkel stated I don't see the room for the extended width of the dock (points to map) given that he is docking his boat right in this area (points to map).

Mr. Kaneti stated he comes in the middle of his property which about 30 feet wide.

Mr. Frenkel asked if it was possible to show on the renderings exactly what's on both sides of the property.

Mr. Greenberg replied yes. He said on the next submission I will show the lots on both sides where they dock their boats. We will submit an existing conditions map.

Mr. Greenberg stated as far as the NYSDOT is concerned, we had a site inspection with one of the engineers from the DOT last week. That generated the last letter that was sent to the Planning Board. We discussed all of the issues and we will show on the drawing the 200 feet of site distance which is required by the state. Also, with regards to the drainage we will address that. He stated we disagree with one of the comments which is putting 26 feet of pavement into the site. Our site is a little over 60 feet. We will discuss that with DOT. He stated we will address all the comments from the NYSDOT.

Vice Chairman Giannico stated there are quite a few comments pertaining to your driveway.

Mr. Greenberg replied we have discussed this with the engineer. We will address the comments.

Chairman Paeprer stated we know this is a very small piece of property. He asked is your intent to put a shed, a pergola, outdoor bar, rain garden and parking all on that property?

Mr. Greenberg stated based on the comments, we are going to reduce the size of the proposed improvements for the site.

Chairman Paeprer stated are you putting it on the dock or land?

Mr. Greenberg replied everything will be on the land. He said this is our first submission and welcome the comments from the board members and consultants and we will go back to the drawing board and resubmit.

Mr. Cote stated on the side going towards the high school, there is a stonewall which is an impediment until you get beyond it to look for oncoming traffic. He suggested putting a mirror there for safety.

Mr. Greenberg replied absolutely.

Mr. Franzetti asked if there was a port-a-potty on the site.

Mr. Greenberg replied yes and it's against the wall and well screened.

RUDOVIC BRIDAL SHOP – 1707 ROUTE 6 – TM – 55.6-1-12 – SITE PLAN

Mr. Carnazza read his memo which stated the applicant propose to remove a shed roof, and change a retail/storage building into a Bridal Shop on the corner of Route 6, Seminary Hill Rd., and Church St. The town right of way appears to be on the subject property and the "Loading Dock" is on the Seminary Hill Rd right of way. These issues should be addressed at this time prior to approval. Provide elevations. Are there any signs proposed. Provide details. If they need variances, you should get them when you go for other variances. Provide a right turn only sign at the exit to Seminary Hill Rd. The trash enclosure is accessed perpendicular to Seminary Hill Rd? That seems to be a traffic issue (especially for a one-way road). This project needs to be referred to the ECB for comments and there are 10 variances are required from the ZBA, but they are all because of the existing conditions of the building. It has nothing to do with what they are proposing.

Mr. Franzetti read his memo which stated the applicant proposes to convert existing building into a bridal salon. No additions are proposed. No site improvements are proposed for this project. This department does not have any additional comments related to this project as long as there are no changes being made to the site. The following referrals would appear to be warranted – Carmel Fire Department. 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.

Mr. Cleary stated this building used to be a rental business. It looks like a barn building, but it's in very good shape. It is a very conspicuous location, so attention needs to be paid to things like signage and lighting and if there are any modifications to the façade of the building. This will probably be a low traffic generator, making it a great reuse to the building. As Mr. Carnazza indicated there are a lot of variances needed because of the prior use. He asked Mr. Greenberg if the overhanging portion of building will be coming off.

Mr. Greenberg responded yes. The roof is coming off.

Mr. Cleary stated it looks like there is a 3rd story or a partial 2nd story.

Mr. Greenberg replied yes. The main floor comes off of Route 6. The 2nd floor comes off of Seminary Hill Road and above that is a big attic.

Mr. Cleary asked will that be used for storage for the business?

Mr. Greenberg replied anything beyond retail will be storage.

Chairman Paeprer asked will you be changing the architectural look of the building?

Mr. Greenberg stated being this is a retail store/bridal shop; we will be enlarging some of the windows for displays. Aside from that, everything else we remain the same. We will submit elevations, signs and lighting for the next meeting.

Mr. Cote asked if the parking lot will be striped.

Mr. Greenberg replied yes.

Mr. Charbonneau asked if the loading dock on Seminary Hill Road will be active.

Mr. Greenberg replied yes that will be active to the entrance to the 2nd floor. He said because this is in the town right-of-way, I discussed this with the Highway Superintendent and we are going to put a bollard on the side where the traffic is coming toward it.

Mr. Charbonneau stated there is an extension out into the town right-of-way on Seminary Hill Road where the loading dock is.

Mr. Greenberg stated the overhead door of the loading dock is gone. He said the only thing on Seminary Hill Road will be the entrance to the building to the 2nd floor.

Mr. Carnazza stated how do you get to that entrance? There are no sidewalks on either side.

Ms. Laura Rudovic approached the podium and stated in the back there is a staircase on the 1st floor that goes directly upstairs. No one is walking through the back, it's an emergency exit. We are not loading anything.

Mr. Charbonneau asked the wood steps on the Seminary Hill side of the building will continue, correct?

Mr. Carnazza said for emergency exit only.

Mr. Charbonneau stated when I talk to Mike Simone, my concern is if someone walks there and falls and is now on Seminary Hill Road, the right-the-way. There will be an improvement made to what's presently there including a possible bollard to block traffic coming in the one way direction up Seminary Hill and other safety measures such as a handrail.

Mr. Carnazza said they are all code requirements.

Mr. Rudovic replied that's correct.

Chairman Paeprer stated we like the idea of the bridal shop, we just want to make sure all the comments have been addressed. It's a great location for us.

14 NICOLE WAY LLC (ZAKON) – 14 NICOLE WAY – TM – 65.6-1-22 – SITE PLAN

Mr. Carnazza read his memo which stated the applicant amended his proposal again to construct 1 building, parking, and outdoor storage on the corner of Nicole Way and Route 6 in Mahopac. The site is now accessed through Route 6. There is no bulk tank proposed on this property. What is the height of the retaining wall? Provide a detail of the retaining wall. Provide floor plans and elevations to confirm compliance with code. Landscape/buffer plans are required. Dumpster enclosure detail is required. Provide the Lot Depth and Lot Width lines on the plat.

Mr. Franzetti read his memo which stated this application encompasses a proposal to develop a 1.41 acre parcel located at 14 Nicole Way at the intersection of Route 6. The project involves the construction of a single building and related infrastructure. The applicant has conceptually agreed with the NYSDOT to have the entrance to the site off of Route 6. The building footprint has been reduced and the building has been moved closer to Route 6. The applicant has acknowledged that the plan submitted does not include requisite information (e.g., lighting, landscaping, drainage etc) as required by the Planning Board and indicted that there is not a need for a detailed listing from the consultants. They only want to discuss this proposed layout with the Planning Board. This plan differs from the original submittal as it is now a single building versus two (2) buildings and the ingress and egress has been moved to Route 6 versus Nicole Way.

Mr. Cleary stated this is a sketch. You heard it described by Mr. Carnazza and Mr. Franzetti. This is your opportunity to comment on the suitability of this fourth iteration of the plan.

Chairman Paeprer asked a summary of the new plans.

Mr. Alfred Cappelli, applicant's architect, addressed the board and stated the previous iterations with multiple buildings and with a single building the access was off of Nicole

Way and there seemed to be opposition from all around. He said we met with the NYSDOT at the site and they wanted the entrance way a little further to the east. Our traffic consultant convinced the DOT that the best option without causing a lot earth work is the current location as shown in the latest iteration which is 150 feet center line to center line from Nicole Way. We are trying to be more considerate to the neighbors to the rear by moving the building as close to Route 6 and as far east as we can on the site. He said the building has been further reduced in size as well.

Mr. Frenkel asked is this still an oil storage facility?

Mr. Cappelli replied yes. That has not changed.

Mr. Frenkel with the current changes that you are contemplating, how does that affect the business?

Mr. Zakon stated there is no change to the current use of the building. The use of the building is to store my oil trucks inside the storage area in the center of the building. We are proposing 1,000 square feet of either office/retail. I have an office/retail on the left side and right side of the building to give it character. My outdoor storage area for my propane trucks would be on the side of the building that's fenced in.

Vice Chairman Giannico stated I appreciate the time you put in and the iterations of the drawings. I'm happy to see that we have the entrance on Route 6 now. It's come a long way and I happy to see where we are at right now with it.

Chairman Paeprer agreed with the Vice Chairman. He said you should fully develop it. He said this was all about safety. He said this seems a lot safer.

Mr. Cote also agreed with the Chairman and Vice Chairman. He stated the property rises to about 6 to 7 feet high. He asked when you are coming out of the driveway; will you do something for grade?

Mr. Zakon replied I will have to cut down both sides of the property from Nicole Way all the way down to the end of my property which is about 307 feet. I will have to reduce that grade all the way back and then cut my driveway in and then come back up again. I will have to cut the entire hill back all the way up to Nicole Way about 20 to 30 feet back to shave everything back to have more than enough site distance.

Chairman Paeprer stated this is the best iteration we have seen. You should start the process and come back with a full submission.

CENTENNIAL GOLF CLUB OF NEW YORK, LLC – FAIR STREET – TM – 44.-2-2,3,4 – AMENDMENT TO ZONING ORDINANCE

Mr. Carnazza read his memo which stated current town zoning code (§156-45-“Residential cluster development”) allows what the applicant is requesting, however, it is allowed at the current zoning which is R-120 and requires 120,000 s.f. of lot area per dwelling unit. The applicant keeps referring to the R-60/40 zoning district which allowed 40,000 s.f. lots if the property has both Town sewer and Town water. That designation was changed when the Master Plan/Zoning Code Update was approved on March 20, 2002. At that time, all lots were up zoned to 120,000 s.f./lot. What is now being proposed is 4 units per acre, 12 times the permitted density for the rest of the town. Setbacks from the front yard should

be at least 40 ft. as required in the rest of the town. If somebody has 20 acres and builds a 40 unit building, that is 40 ft. tall, that should be required to be setback at least as far as a new one family dwelling. Add to the end ...and this open space shall be deeded in perpetuity to remain open space forever. (Or whatever legal terminology needs to be added to protect the town from this being developed in the future.) This submission is really spot zoning. There is no other parcel in the Town of Carmel that can meet the criteria of this code. No other golf course has sewer and water.

Mr. Franzetti had no engineering comments.

Mr. Cleary stated he had no further comments. This is a continuation/discussion that was started some time ago.

Chairman Paeprer asked what has changed since you were last in front of the board.

Mr. Peter Liebowitz of Centennial Golf addressed the board and stated we are in our 22nd year of operating this golf course. We want to keep the golf course and we have responded to all the questions. He stated this is a text amendment that we are asking for, not spot zoning.

Ms. Caren LaBruto, Senior Planner with The Chazen Companies addressed the board and stated they are undertaking a zone text amendment to allow for residential development on part of the site, so they can continue to provide the golf course amenities. As far as some of the changes that were made, we brought the density down to 4 dwelling units per acre, we changed the access to a county, town or state road and we increased the number of parking spaces for all residential units to 2 spaces. She said for visitor parking we increased it from 15% to 20%. The recreation area that must be provided was increased from 50 square feet to 200 square feet.

Mr. Larry Boudreau of Chasen Companies addressed the board and stated this plan (points to map) that is in front of you has been presented since last fall. Nothing has changed to it. It is still the 96 units, but we have clarification on how the density is calculated. This is proposed for a 40 acre parcel and the minimum size in the text amendment is 20. When you deduct 10% for the roads, the net area for calculation is 36. We reduced the net area of the density calculations from 6 to 4 and then you multiply 4 x 36 and you get 144 units. Also, in the text amendment is a maximum of 100 units. So the 100 would kick in instead of 144. This project total is 96 units. The applicant would have to provide an equal area of the parcel size and a deed restricted open space. At which time, Mr. Boudreau points to map showing the Fairway Nines 2 through 8 and stated the entire frontage along Kelly Ridge would be deed restricted. He said there will be 52.5 acres deed restricted. 94.9 acres which is either golf or vegetated areas and the remaining 40 acres is the project, totaling 187.4 acres which makes up the three parcels. He stated putting in 100 unit max on a 40 acre project, effectively; the density goes down to 2.8. The benchmark is 25 acres. Anything over 25 acres the density will increase as the area goes up.

Mr. William Shilling, applicant's attorney approached the podium and thanked the board for their professionalism and comments. He stated you have been professional and you have given us a fair opportunity to be heard. He stated I don't have to tell you that this is a very important decision this board will be making. It's important for the Town of Carmel and for the Hamlet. I consider the consequences to be very large as you decide and deliberate as to which way you are going to recommend either favorably, not at all or negatively. There are certain irrefutable facts that I want to emphasis to you. First of all, I

consider this part of the Hamlet and it consists of a campus, and the campus consists of a bar, restaurant, the golf course and banquet center. It's a true important part of not only the Town of Carmel, but the Hamlet of Carmel as well. It's irrefutable that it would be very sad if this were to be lost. It's irrefutable that there are 70 jobs currently involved in this area. It's irrefutable that if you move this ahead and the project is approved, you would gain a great deal of open space which is consistent with your dictate in the greenway pact. It's irrefutable that Kelly Ridge will never be bothered because of the cluster by any other development. These are all very important criteria that I hope you will consider as you deliberate and know that without question they are all in jeopardy if the matter does not go forward. An approval will enhance recreation, it will increase social opportunities, it will create and preserve panoramic views, open space, deed restrictions and it will keep and create jobs. He said what we are looking for is a zone change. A zone change is defined in your code under §156-76 and 273 of the town law, as a text amendment, but it's a zone change. He said a zone change is a fundamental opportunity for you to allow a use that otherwise would not be permitted. It's a tool to use in a dynamic city or village that would allow something that belongs to go without a complete change in the ordinance. It provides for flexibility, it's not remotely tucked somewhere, it's front and center as a right that this board has to pass over to the Town Board where there is a use that you think should be there, that perhaps wouldn't be there otherwise. In addition to a zone change, there are two concepts I want you to remember, the first is the greenway pact which dictates to you to try to gain, preserve green space and open space when the opportunity exists. In this case, you would be gaining 59 acres from my client's deed restriction. The second component that is part of this is conditional zoning. Conditional zoning is permitted in case law. Zoning changes can be conditioned upon items calculated to best serve the community. That's what we propose here, a zone change together with a condition. The condition being that we forfeit and turn over to the town acreage that you could use if and when the golf course ever ceases to do business. He stated the Chairman came up with a very good idea that instead of a perpetual restriction, if and when the golf course stopped doing business which is 59 acres, the Chairman characterized it as important in the Hamlet of Carmel and it doesn't have to be deed restricted or a reverter. So, if the golf course ceased doing business the town could do with it whatever they want to do with it. He stated this offer that was first brought up by the town is clearly a benefit to the town and it would defeat any challenges by someone arguing that it is spot zoning. He said not only is it a site neutral text amendment, but there are conditions to the town. He stated in 2002 there were 30 million golfers; in 2018 there were 18 million golfers. Play has lessened, outings have lessened and memberships have lessened. When my client started 27 hole golf course, it was fashionable, it was feasible to 27 holes. You can't do it now, it's over and that's the reason we're here today. Golf courses are closing everywhere. He stated on the issue of the law, I've provided what is enough to give a favorable recommendation. Coupled with the condition of the deed restriction is a gender neutral text amendment and I believe by anybody's review, it is inures to the benefit of the town. He said the town is better served by a favorable recommendation, especially when one considers the alternative. He said I want to talk to you about Silo Ridge in Amenia; it shut down for a period of time. The town took it upon itself to create though zone change a new district, where they kept the golf course and took conservation easements and today there is a thriving golf course and an entitlement for 200 residences there. In the section of the code §156-76 which talks about the Planning Board's involvement, which states "the Planning Board need not confine its recommendation to the proposed amendment, but may revise the proposed amendment, if the Planning Board is of the opinion that such revision is in accord with the furtherance of the purposes of this chapter". That's exactly what has happened here. In conclusion, as a town person all my life and as an attorney for the applicant, please consider the positive consequences that would ensue if this board were to give a favorable recommendation. I think it's the best interest of the town. We want this

golf course to stay and you should want this golf course to stay with the open space that it would gather. The condition that makes it easier for you to give a favorable recommendation.

Chairman Paeprer stated our job here tonight is to either make a positive, negative or neutral recommendation to the Town Board. We will not be the deciding factor, but the Town Board will.

Mr. Cote stated with regards to Section B, residential development, paragraph 3, the original version included a reference to §156-45E and the latest iteration removes it and simply defines the density as taking total space, then 10% and then the calculation. So, when I do a quick calculation removing that code didn't really benefit you. So, my question is why was it removed.

Ms. LaBruto stated we put it in there because we thought that was the code we should comply with. It seemed the most restrictive and looking to preserve land. As it turns out there is no environmental constraints map on file with the town. What's in place of that is exactly what we have written here, which is taking 10% out to account for roads and utilities.

Mr. Cote stated if there weren't any environmental constraints, then you wouldn't have been harmed by just leaving the code in there.

Ms. LaBruto stated it's your code ultimately, but if there is map to leave something in there that's referring to something that doesn't exist, it could potentially set you up into a place where you would have to amend it in the future.

Mr. Carnazza stated you are using the 1 acre zoning to get your lot count, correct?

Mr. Boudreau stated the calculation for the cluster under the text amendment is taking the parcel size which is 40 acres, subtracting 10% for the roads which gives us 36 and then you times that by 4.

Mr. Carnazza said so you are doing the up zone, you are not really doing the cluster.

Mr. Boudreau replied that's correct.

Mr. Cleary stated this is a proposed amendment; it's not relying on our existing code in any way. They are changing to code to suit their objectives. We have to determine if it's appropriate for the town in general, but it's not dealing with our existing code, it's replacing it with a new provision entirely.

Chairman Paeprer asked the consultants if they knew when the master plan might be done.

Mr. Cleary stated it is very difficult to estimate time, I don't think anyone can give you a definite date.

Chairman Paeprer asked what does this do for other developers in the town?

Mr. Cleary said that's the challenge you have. You have heard the discussion about spot zoning. Obviously, the developer is proposing something that suits them, but they have to develop zoning that's also theoretically applicable elsewhere, or else it would be spot zoning.

There is a consequence associated with this zoning elsewhere in the community. That's something we need to bear in mind. Potentially, it could affect other properties as well.

At which time, a discussed ensued regarding possible other properties in the Town of Carmel that has sewer and water and being in the NYCDEP watershed.

Vice Chairman Giannico asked if spot zoning and conditional zoning change the same thing.

Mr. Cleary stated they are different. I disagree with the opinion of whether this is conditional zoning or not. He's added some additional pieces this evening that support the argument of conditional zoning. He said you do not need to worry about that. It's a concept you are talking about tonight and it's the Town Board's obligation to worry about the details with respect to this.

Mr. Shilling stated there is a means to an end and the means to the end in this instance is a zone change through a text amendment. This is a hybrid application and if there is a condition imposed by the municipality accepted by the applicant and often times it is in the form of deed restrictions, and spot zoning does not apply as long as the court ultimately will find that the benefit was not isolated to the applicant but inured to the town.

Chairman Paeprer stated if this was not approved by the Town Board, the options would be to develop as per our code which is 3 acre zoning or clustered.

Mr. Cleary replied that's correct.

Mr. Cote stated so the applicant is not left without options.

Chairman Paeprer replied that's correct.

Mr. Cleary said and obviously we would lose the benefits that you heard described this evening about the preservation of a portion of the golf course and open space.

Mr. Boudreau stated as far as the option the text amendment allows 96 units, the as of right would probably half that.

Mr. Charbonneau suggested a motion be made either referring the matter back to the Town Board with a positive recommendation, negative recommendation or neutral recommendation and then you could add whatever discussion you wish to incorporate. Perhaps direct Mr. Cleary to draft a resolution incorporating some of the issues, positive, negative or neutral in favor of the board's vote.

Chairman Paeprer moved to make a negative recommendation to the Town Board based on there is a master plan on the way and there are other options that fit our zoning. Those options should be pursued if necessary. Mr. Cote seconded the motion.

Mr. Frenkel stated I agree with that, but I'm not convinced of the economic benefits of this to the town.

Vice Chairman Giannico stated I am going to go with a negative recommendation based on what the Chairman said and based on our current town code and with the master plan in place.

Mr. Charbonneau stated there was motion made and seconded. I ask for a roll call vote with respect to the motion to return a negative finding to the Town Board essentially in opposition to the proposed text amendment.

Roll call vote was taken as follows:

Mr. Cote	For the motion
Vice Chairman Giannico	For the motion
Mr. Frenkel	For the motion
Chairman Paeprer	For the motion

Motion carries.

Mr. Charbonneau asked the Chairman if he wanted a document to be prepared in support of that motion to go back to the Town Board in order to assist them in their further consideration of this.

Chairman Paeprer stated I think it will be helpful and it is the right thing to do.

YANKEE DEVELOPMENT – PIGGOTT ROAD – TM – 76.15-1-12 – EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL

The video recording ended.

As per Mr. Cleary a motion for an extension was granted by Vice Chairman Giannico for 180 days. The motion was seconded by Mr. Cote with all in favor.

MINUTES – 06/17/20

Held over.

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Rose Trombetta