

APPROVED

HAROLD GARY
Chairman

CRAIG PAEPRER
Vice-Chair

BOARD MEMBERS
CARL GREENWOOD
ANTHONY GIANNICO
DAVE FURFARO
CARL STONE
KIM KUGLER

TOWN OF CARMEL
PLANNING BOARD



60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 – Ext.190
www.ci.carmelny.ny.us

MICHAEL CARNAZZA
Director of Code Enforcement

RICHARD FRANZETTI, P.E.
Town Engineer

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

PLANNING BOARD MINUTES
JUNE 10, 2015

PRESENT: CHAIRMAN, HAROLD GARY, VICE-CHAIR, CRAIG PAEPRER,
ANTHONY GIANNICO, DAVE FURFARO, CARL STONE, KIM KUGLER

ABSENT: CARL GREENWOOD

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Beachak Brothers, Inc. a/k/a Mahopac Motorcycles	75.16-1-15	1-3	P.H.	Public Hearing Closed. Planner to Prepare Resolution.
Random Ridge	76.10-1-23	3-5	P.H.	Public Hearing Closed. Planner to Prepare Preliminary Resolution.
Secor 78 LLC	74.43-1-11	6	A. Site Plan	Public Hearing Scheduled and Planner to Prepare Resolution.
Wallauer's Carmel at Putnam Plaza	55.11-1-4	6-7	A. Site Plan	No Board Action.
Hynes Plaza (The Parting Glass)	65.13-1-66	8-11	A. Site Plan	No Board Action.
Hosch & Torres Subdivision	53.15-1-40	11	A. Resolution	Adjourned.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Rose Trombetta

BEACHAK BROTHERS, INC. A/K/A MAHOPAC MOTORCYCLES – PUBLIC HEARING

Mr. Carnazza said all the variances were granted by the ZBA. No further comments.

Mr. Franzetti had no comments.

Mr. Cleary had no comments.

Mrs. Kugler addressed the board and stated she originally met with applicant the sample color for the awnings was a navy blue, but looking at the building as she passed numerous times the base is a faux stone front. She asked the applicant if he would take a look at the color again and rather than going with the blue to utilize the colors that are on the building and stick with the stone base color so there isn't a lot of contrast and introduction of yet another color to those already present.

Mr. Matthew Beachak, applicant addressed the board and stated I met with Mrs. Kugler at the property and we talked about different color combinations. What is before you is original blue sign with the taupe color that we will bring up from the bottom portion of the building.

Mrs. Kugler stated to clarify the signage we are looking at is either a black base or blue base. She asked about the awnings to match.

Mr. Beachak stated depending on if we decide on a blue or black, then we will go to the swatch catalog and come up with something the board will be happy with.

At which time, a discussion ensued regarding the colors for the signage and awnings.

Mrs. Kugler suggested a darker color palette for the awnings than what's on the bottom, so maintenance wouldn't be an issue, but definitely something lighter than a navy or black.

Mr. Beachak said we could go over the color swatches sometime next week at the site and pick something out.

Chairman Gary asked about the colors of the pilasters on the building.

Mr. Beachak said the color is white because of the white trim between red and the taupe.

Mrs. Kugler asked about the shape of the pilasters.

Mr. Beachak said it will be flat square against the building.

Chairman Gary stated in the past after this board granted approvals, we would then send them to the ARB for comments. He asked if anyone had any objections to keeping it the same way with this board.

Mr. Carnazza clarified to the board members that the Chairman would like to grant final approval and discuss any changes to the façade as a board before the resolution is signed.

Mr. Cleary said we could grant them conditional site plan approval subject to satisfying these architectural details.

Mr. Furfaro said I would like to see the plans with the colors and a rendering of the east side with the planters, etc.

At which time a discussion ensued regarding when to give site plan approval before or after the architectural drawings are submitted.

Mr. Beachak asked if the board wanted a rendering of just the east side.

Mr. Giannico said I would show east, west and north.

Mr. Cleary said for example you spoke about the shrubs on the east side. Show it on the plan. You talked about the color of the awnings.

Mr. Beachak said the color of the awnings is up to the board.

Mr. Cleary said after you meet with Mrs. Kugler and pick out the colors, you need to put it on a plan for the next meeting. He said to show the sign on the other side of the building, how big it is and where on the wall.

Chairman Gary opened the public hearing asked if anyone in the audience wished to be heard on this application.

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

Mr. Beachak said he was confused.

Chairman Gary said as far as the planning board is concerned the site plan application is finished.

Mr. Cleary said we will have a conditional resolution for approval of the board at the next meeting.

Mr. Beachak said so I will come back to the next meeting with the information the board required.

Mr. Cleary said and then they could deal with the second element which is their architectural review responsibilities.

Mr. Beachak asked will it be at the same time.

Mr. Charbonneau stated as long as the resolution passes then it could move right into consideration thereafter. He said that would be the best way to do it.

RANDOM RIDGE – KENNICUT HILL ROAD – TM – 76.10-1-23 – PUBLIC HEARING

Mr. Carnazza said all his comments have been addressed.

Mr. Franzetti said all engineering comments have been addressed.

Mr. Cleary said all preliminary approval comments have been addressed.

Mr. Paul Lynch of Putnam Engineering, representing the applicant addressed the board and stated the original approved subdivision was going to have excess of 3000 feet of roads, over 3000 feet of driveways and a lot of disturbance, roughly 4 acres of wetland buffer disturbance and 2 acres of actual wetland disturbance. The applicant decided to come back to the board and cluster the property. He said there are 106 acres of property and with the town's formula we were allowed upwards of 34 lots, however with the original layout we decided to stick to 29 lots. One of the reasons for that is because we were locked in with the septic areas. It is a community septic area that would service the number of bedrooms the 29 lots would generate. He said we developed a cluster plan that will disturb roughly 23 acres with the new layout, whereas, the original subdivision was going to disturb over 37 acres. He said the original subdivision doesn't allow for any dedicated open space and with this cluster plan we will dedicate 89 acres of forever green. From our standpoint, it is a definite benefit.

Mr. Furfaro asked so the open space can never be developed again?

Mr. Carnazza replied that's correct. He said there has to be a perpetual agreement never to be developed.

Mr. Stone asked as far as the infrastructure, septic system and so forth, where is the ownership and maintenance responsibility?

Mr. Lynch said the septic remains with the homeowners association. The roads will be dedicated to the town and there is town water.

At which time, a discussion ensued regarding the architectural review of the proposed single family homes and when it should be done.

Mr. Cleary stated the boards evaluations based on our requirements in our code, are based on layout configuration, utilities and impacts associated with that. It doesn't speak to the

character of the home built on each of those lots. He said that's why there is a distinction in our subdivision regulations between your role and what used to be the role of the architectural review board. He said now you have assumed the role of the architectural board so do you have more of an obligation to think about that during the subdivision process? That's a good question that I don't have the answer to.

Mr. Charbonneau replied I don't think so, because it's going to slow down the subdivision process. He said at some point they will have to come back to seek your approval.

The board members continued to discuss the architectural design of the 29 lots and whether it should be done now or later.

Mr. Carnazza said these lots are a certain size and they are held to certain area, they are not going to be limited to what they are going to do. They are tiny lots.

Mr. Stone said architecturally they could put different types of facades and materials on the same footprint and one will look like a contemporary and the other may be a classic colonial and it wouldn't be a consistent look.

Mr. Cleary said the question is could you deny his application for subdivision approval because you think he may build homes of different shapes and colors. He said I don't think you could. He said I think you do have authority as the new architectural board to deal with those things during the process when it's appropriately dealt with.....

Mr. Giannico asked Mr. Charbonneau if they have that authority.

At which time, Mr. Ron York, applicant addressed the board and stated we are not going to sell 29 lots to 29 different people. And we are not going to have 15 different variations. He said that is not financially wise. We are not going to do that. He said all the houses will be inter-related, because the frontages are relatively small. He said we have built developments similar to this before and they are not eyesores.

Mr. Stone asked if there could be something in the approval that says whatever the style is, there shall be consistency throughout. There shall be a consistent streetscape for this subdivision.

Chairman Gary said you can't do that. It's not permissible. He said what will happen is each home will come back to the board for review. He said we do not have the right to tell them what type of house to build on each one of those lots. The only time we will have it is when they come back to us.

Mr. Furfaro stated we are going to a cluster subdivision from a conventional subdivision, so we are moving all these houses closer together. So to me, it makes a difference, whether I would support a cluster subdivision based on what it's going to look like.

Mr. Cleary stated in our cluster provisions there is no mention of aesthetics. So if you were to make a judgment based on the appearance of those homes, as the Chairman said we will lose in court.

Chairman Gary opened the public hearing asked if anyone in the audience wished to be heard on this application.

A resident addressed the board and asked if the water is adequately sized to what will be the increase demand and how do you deal with that if there are issues with it. He asked what size are the lots and where is the first house off of Kennicut. Will it be visible to the street? He asked how clustered will they actually end up looking?

Mr. Carnazza stated they get their lot count based on the 3 acre zoning which we have now. The lot count is 34 lots but they are only building 29 lots. They clustered the lots to stay out of the wetlands in the back. He said they are building on smaller lots, but they still have the same overall acreage that they require. The first house will be about 300 feet off of Kennicut Hill Road.

Chairman Gary asked what is the square footage of the proposed homes?

Mr. Lynch replied the houses will be 2000 square feet.

Chairman Gary asked what is the site distance to Kennicut Hill Road?

Mr. Lynch replied about 340 feet. He said it will be buffered by trees.

The resident asked where the entrance will be.

Mr. Lynch replied the entrance is opposite Minerva Place.

Mr. Franzetti stated as far as the water is concerned, the subdivision was previously approved in 2004 and at that time it was okay. The water should be sufficient.

Chairman Gary asked if anyone else wished to be heard.

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

Chairman Gary asked the Planner to prepare a preliminary approval resolution.

SECOR 78 LLC. – 78 SECOR ROAD – TM – 74.43-1-11 – AMENDED SITE PLAN

Mr. Carnazza said all the necessary variance were granted by the ZBA and are noted on the site plan.

Mr. Franzetti stated the Engineering Department does not have an objection to approving the amended site plan as no changes are being made to the site and there will be no increase in either water or sanitary sewer being used.

Mr. Cleary stated the applicant has revised the plans to show two rows of arborvitae one against the building. And they will be putting in a new curb to install those plantings. He said they are also proposing another row of arborvitae on the outside of the loading area closer to the road.

He said there is currently a tenant sign on the side of the building and the applicant is proposing to remove the tenant sign and add an address sign with raised letters.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated the evergreens will be green all year round and the sign on the side of the building will be taken down and 78 Secor Road sign will be put up. He said we will also be doing a series of arborvitaes between the loading zone and Secor Road. He said the loading area will be completely screened in.

Mr. Furfaro asked how tall will the arborvitaes be?

Mr. Greenberg said around 8 to 10 feet in height.

Chairman Gary said we will have a public hearing and resolution at the next meeting.

WALLAUER'S CARMEL AT PUTNAM PLAZA – TM – 55.11-1-4 – AMENDED SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to add a 25 x 64 outdoor display and storage area adjacent to the existing Wallauer's Store in Putnam Plaza. Provide a detail of what will be displayed and/or stored in the fenced in area. Building and Fire code do not allow and/or limit the quantities of storage of some items adjacent to the building. Will this area be protected by sprinklers? Is there an emergency exit from the fenced area? Wetland permit is required as the disturbance is within 100 ft. of Michael's Brook.

Mr. Cleary read Mr. Franzetti's memo which stated the Board should note that the following referrals would appear to be warranted:

- a. Carmel Fire Department

It is unclear from the drawing how customers will access the outdoor area and if this area will be used for customer loading and unloading. Additional information/clarification should be provided.

Mr. Cleary stated my comments follow along those lines. A lot of questions about how the area is going to be used. Is it accessible from the inside of the building or the rear of the building? Is the area eliminating any parking or mechanical equipment? Will there be cash registers outside? He said all the operational issues need to be clarified. Is it year round or seasonal? We need details of the awning proposed. Will there be lighting? Chairman Gary asked Mr. Lynch if he could answer those questions.

Mr. Paul Lynch of Putnam Engineering, representing the applicant stated he could answer some of the questions but not all of them.

Mr. Giannico asked what is the intent of the outdoor area?

Mr. Lynch replied to sell tools, landscaping products. He said he asked the applicant to provide a detail list of what they will be selling. He said everything will operate from inside the building.

Mr. Paepfer asked if there will be an emergency exit back there?

Mr. Lynch replied yes.

At which time, a discussion ensued regarding the emergency exit in the back.

Mr. Carnazza said the code requires that an emergency exit go clearly out. You cannot walk through something else.

Mr. Lynch pointed to the maps showing the emergency exit.

Mr. Giannico asked if there will be a roof overhang?

Mr. Lynch said there will be an awning that will cover part of the open space.

Mr. Carnazza said if you put a roof on it, now it's a building and you will have to meet your parking requirement. He said the code says space with a roof. If he puts the awning up, he would have to amend his application to include the parking calculations.

Mr. Lynch said so I guess we won't have an awning.

Chairman Gary asked how will you keep everything dry with no awning.

Mr. Lynch said I don't have the answer to that question until I see the list of products they will be selling.

Chairman Gary said you were not ready to come here tonight. You need to go back and get some answers.

HYNES PLAZA (THE PARTING GLASS) – 925 ROUTE 6 – TM – 65.13-1-66 – AMENDED SITE PLAN (DECK)

Mr. Carnazza read his memo which stated the applicant proposes to add a 18 x 47 deck for outdoor dining. The plan is unclear. Specify where the macadam areas and the item 4 areas are. Code requires that all required parking be “permanently improved”, therefore, I need this information to insure code compliance. Wetland permit is required if there is or was any unapproved disturbance within the 100 ft. buffer. The parking calculation must be total for all uses on the lot. I cannot verify code compliance without this information.

Mr. Cleary read Mr. Franzetti’s memo which stated the following referrals would appear to be warranted:

- b. Carmel Fire Department
- c. Town of Carmel Wetlands Inspector

The drawing provided does not provide sufficient information regarding existing conditions of the site. The drawing should be updated accordingly.

Mr. Cleary read his memo which stated The “Parting Glass” restaurant is classified as a permitted use in the C- Commercial zoning district.

Use of the Outdoor Deck:

- The operational characteristics of the outdoor deck should be clarified:
 - Will the deck operate as a regular part of the restaurant, or will it be used for special events or functions only?
 - During what time of the year will the deck be operational?
 - Will those dining on the deck be served from a different menu than the balance of the restaurant?
 - Will the deck area operate independently from the main restaurant (separate registers, servers, etc?)
 - Will the deck include a bar or other unique features?

Zoning Dimensional Compliance:

- The ramp on the south side of the building providing access to the deck encroaches approximately 1 foot into the required 25’ side yard setback. A variance would be required for this condition.

Restaurant Table Utilization:

- The documentation submitted in support of this application indicates that the deck can accommodate 48 seats. It is also indicated that when the deck is being utilized, an equivalent number of seats in the restaurant would not be

utilized – resulting in no net increase in the intensity of the use of the restaurant or number of required off-street parking spaces.

How will the use of the existing interior parking spaces be restricted? Unless some physical means is imposed to physically prevent the use of the interior spaces, it seems unrealistic to assume that these seats would not be utilized, if the demand for their use exists. Clarification is required.

Deck Improvements:

- Is outdoor lighting (functional or decorative) proposed in the deck area? If so, details are required.
- Is an outdoor audio system proposed for the deck area? If so, details are required.

Use of the Rear of the Site:

- A portion of the rear parking lot consists of a gravel surface, and is not paved. A determination should be made as to whether this area should be improved and paved to comply with Town standards.
- Clarify if any existing parking spaces are being removed.
- Clarification is requested regarding the vehicle storage area at the rear of the site. Has the use of this area been approved via a previous site plan?
- It is noted that this vehicle storage area lies within the regulated area of New York State Wetland LC-32. Does a valid wetland permit from the NYSDEC exist for this use?

Mr. Jack Karell, Engineer, representing the applicant addressed the board and stated we are proposing to construct a deck on an existing building. The item 4 areas have existed for years. The area of disturbance is minuscule. He said it seems that you are bringing in old site plan issues.....

Mr. Cleary replied only if they weren't approved. So, if there is documentation that we have a record of approval then you're fine. He said we couldn't find it.

Mr. Karell asked Mr. Carnazza what if the deck was cantilevered off the building, will that change anything?

Mr. Carnazza replied no. It has nothing to do with it. Our code requires that all parking areas for 3 or more vehicles have to be permanently improved.

Mr. Karell said so if they want to build this deck, they have to pave the whole parking area.

Mr. Carnazza said you have to give a parking calculation for the entire building. He said all you gave me was for Parting Glass.

Mr. Karell said the Parting Glass is not increasing the number of seats; therefore, we are not increasing the number of parking spaces required.

Mr. Carnazza said you need to give the parking calculations for all the uses on the lot. You only gave me the Parting Glass.

Mr. Karell replied okay.

Mr. Carnazza said I need clarification.

Chairman Gary asked about the seating arrangement for the deck.

Mr. Karell said there are two separate areas and a booth area. He said when they are using the deck in the summer time; they will not seat people in those two areas.

Mr. Charbonneau asked if the floor plan (including the deck area) is part of the State Liquor application.

Mr. Carnazza said not yet, but when they do it, it will say 96 people not 48. He that's where the issue is and the enforcement problem becomes.....

Mr. Charbonneau said the State Liquor Authority will also be concerned with the parking and all those issues as well.

At which time, a discussion ensued regarding the seating arrangement inside and outside the restaurant. Will the 48 seats be eliminated from the restaurant so they could be seated on the deck?

Mr. Cleary stated the deck encroaches into the side yard by a 1 foot, so the applicant needs a side yard setback variance. So the question is, since he is going to the zoning board for the side yard variance, do we add a parking variance?

Mr. Carnazza said the parking variance will be for not having the parking spaces permanently improved.

Mr. Cleary said Mr. Karell will need show us how he plans on eliminating the seats.

Mr. Karell said I explained it in my cover letter, but I did not go into detail. He said I will review and address the comments.

The board members continued to discuss the seating arrangement for the deck and restaurant.

Mr. Karell said he will meet with the consultants to discuss it further.

Chairman Gary asked if the parking spaces in the back were paved.

Mr. Karell said about 50% is not paved. He said this is an existing site that has been operating like this for years. The applicant just wants to put 48 seats on the deck, if this is going to create a major issue requiring upgrading the entire site, then he may not want to do this.

Chairman Gary said to meet with the consultants and come up with a plan on how you will keep the 48 people out of the restaurant when they are sitting on the deck.

Mr. Karell said I will meet with them and get that taken care of.

Chairman Gary stated and you also have to take care of the parking. Is the parking sufficient?

HOSCH & TORRES SUBDIVISION - 490 LONG POND ROAD - TM - 53.15-1-40 - AMENDMENT TO RESOLUTION

Mr. Cleary asked that Hosch & Torres be adjourned to the next meeting because of an error with the resolution.

Mr. Furfaro moved to adjourn the meeting at 8:30 p.m. The motion was seconded by Mr. Giannico with all in favor.

Respectfully submitted,

Rose Trombetta