

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



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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
JUNE 24, 2015

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

ABSENT: CARL STONE

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Secor 78 LLC	74.43-1-11	1	P/H	Public Hearing Closed & Resolution Adopted.
Beachak Brothers, Inc. a/k/a Mahopac Motorcycles	75.16-1-15	1-4	Reso.	Resolution Adopted.
Hynes Plaza (The Parting Glass)	65.13-1-66	4-8	A. Site Plan	No Board Action.
Hosch & Torres Subdivision	53.15-1-40	8-9	A. Resolution	Amended Resolution Adopted.
Old Forge Estates	75.15-1-19-40	9-10	Extension	180 Day Extension Granted.
Campanelli, Michael	75.11-2-25	10	Waiver	Waiver of Site Plan Approval Granted.
Minutes – 05/13/15 & 05/27/15		10		Approved.

The meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Rose Trombetta

SECOR 78 LLC. – 78 SECOR ROAD – TM – 74.43-1-11 – PUBLIC HEARING & RESOLUTION

Mr. Carnazza had no comments.

Mr. Franzetti had no comments.

Mr. Cleary stated you have an approval resolution before you.

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. Greenberg moved to close the public hearing. The motion was seconded by Mr. Giannico with all in favor.

Mr. Giannico moved to adopt Resolution #15-09, dated June 24, 2015; Tax Map # 74.43-1-11 entitled Secor 78 LLC Amended Final Site Plan/Change of Use Approval. The motion was seconded by Mr. Greenwood with all in favor.

BEACHAK BROTHERS, INC. A/K/A MAHOPAC MOTORCYCLES – RESOLUTION

Mr. Carnazza had no comments.

Mr. Franzetti had no comments.

Mr. Cleary stated you have a resolution before you.

Mrs. Kugler addressed the board and stated she met with the applicant and went over color options that are an improvement from the blue that will complement the building.

At which time, Mr. Beachak displayed the renderings to the board.

Chairman Gary asked what color is the west side.

Mr. Beachak replied it's red, the same as the front.

Mrs. Kugler commented as far as the awnings and stripping are concerned, she was concerned about the width of the stripping. She suggested doing a thinner stripe instead of thicker.

Mr. Beachak said okay.

Mr. Giannico agreed with Mrs. Kugler.

At which time, the board members reviewed and discussed the two different color palettes.

Chairman Gary stated he doesn't see the pilasters on the drawing. Were they eliminated?

Mr. Cleary stated as we discussed at the last meeting, in the final approval resolution for the site plan there is a condition that unless the architectural review was resolved tonight, the applicant would return to the board after site plan approval for the architectural elements as well.

Mr. Beachak said the pilasters are on the site plan, in these photos I superimposed the signage and awnings on.

At which time, a discussion ensued about whether or not to adopt the resolution without the site plan in front of the board.

Mr. Cleary said this is what the board agreed to at the last meeting, so that's why the resolution says you could grant site plan approval tonight, but he would have to return to the board for the architectural review. He said since the last meeting, the applicant has tried to get that all taken care of.

Mr. Charbonneau stated one of the issues that we have, is we are still trying to put together a plan on how we are going to handle the board's roles and responsibilities given the elimination of the ARB. So, what we said last time was that we would have the conditional approval and then flesh out the other items that would normally fall under the responsibility of the ARB.

Mr. Greenwood agreed with the Chairman and stated going forward when we are at the point of a resolution, everything should be completed beforehand.

Mr. Charbonneau stated it's a question on how we are going to proceed, not just with respect to this application but from now on. He said this is one way we suggested last week and the applicant has done exactly what we have asked him to do. In the future, what we may say is we are going to flesh out all of the responsibilities that used to fall on the ARB before we do a final approval or public hearing.

Mr. Giannico asked if the plantings on the east side will shield the incoming electrical service/meters and is it shown on the site plan.

Mr. Beachak replied yes.

Mr. Giannico stated are the required electrical code clearances shown, because it looks like it is up against the equipment.

Mr. Carnazza stated he did not check it yet.

Mr. Cleary said it would have to meet the code. He said the plantings were on the last site plan.

Mr. Giannico asked that they confirm the distance away from the equipment.

Mr. Giannico moved to adopt Resolution #15-08, dated June 24, 2015; Tax Map # 75.16-1-15 entitled Beachak Brothers a/k/a Mahopac Motorcycles Amended Final Site Plan/Change of Use Approval. The motion was seconded by Mr. Furfaro.

Roll Call vote was taken as follows:

Mr. Furfaro	For the motion
Mrs. Kugler	For the motion
Mr. Giannico	For the motion
Mr. Greenwood	Against the motion
Mr. Paepre	For the motion
Chairman Gary	For the motion

Motion carries.

Mr. Charbonneau asked the board in the future would you prefer that that we deal with issues concerning the architectural review prior to voting on the resolution. Is that how you want to handle it? He said we need to be uniform in our approach.

Chairman Gary stated we will vote on what is actually before us.

Mr. Greenwood said that is why I voted no. He said we passed a resolution that is not complete.

Mr. Cleary stated you are protected in this case, because the Chairman will not sign the map until the conditions are met.

Chairman Gary stated granting site plan approval is one aspect of this boards duty; the other aspect is the review of the architectural review board which is separate.

Mr. Furfaro stated at the last meeting we talked about that. He said after site plan approval then he would go for architectural review.

Chairman Gary stated to the applicant you must bring everything with you until you get approval.

Mr. Furfaro stated to the applicant to come back to the board one more time with everything.

Mr. Cleary asked the board what color scheme do you want the applicant to go with.

The board members were in agreement with brown taupe in the signage and fabric.

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

Mr. Carnazza read his memo which stated 2 variances are required for the following:

1. 156-42A(3) For development other than single-family dwellings, any off-street parking area or off-street loading area for three or more vehicles shall be permanently improved according to the standards of the Town of Carmel. All parking and loading spaces shall be marked in accordance with a plan approved by the Planning Board so as to provide for the orderly and safe loading, parking and storage of motor vehicles. The parking spaces in the rear and side are not “Permanently Improved” and the spaces on the Item 4 are not striped. Variance required.

2. Deck Setback- 25 ft. required, 24 ft. provided, 1 ft. variance needed from the ZBA. The parking calculation is now correct.

Mr. Franzetti read his memo which stated the application requires a variance for the unimproved parking on the site. If the variance is not granted then the applicant will need to resubmit site drawings for review. If the variance is granted then the Engineering Department no objection to the amended Site Plan as long as there are no additional changes being made to the site.

Mr. Cleary read his memo which stated the use of the deck has been clarified:

- The deck will operate as a regular part of the restaurant (not a separate operation with separate registers and servers).
- The deck will be used from June to November.
- The deck will serve the same menu as the main restaurant.
- A separate bar is not proposed.

As previously noted, the applicant proposes that when the 43 seats on the deck are being used, 43 seats in the restaurant will be removed from use. The Board expressed skepticism that the interior seating would actually be restricted. The applicant is now proposing to physically remove 40 tables and chairs from floor area #2, and to un-bolt 2 fixed booths, and store these seats during the period when the deck is in use. A 1-foot side yard variance is required. New lighting is proposed consisting of 60 watt wall packs and 60 watt deck railing lights. No amplified music or bands will use the deck.

- The off-street parking requirement has been clarified. The site’s total parking requirement is:

- Retail/Office = 10 spaces
 - Restaurant – 43 spaces
 - Basement Office – 1 space
- 54 spaces required
57 spaces provided
(Including unimproved gravel parking spaces)

The applicant is seeking a variance to allow the gravel parking spaces to continue to be used – due to their proximity to NYSDEC wetland #LC-32. Wheel stops are proposed to delineate the gravel parking spaces (where painted striping is impossible). The fenced vehicle storage area at the rear of the site is used by a local contractor to store repossessed vehicles and equipment. No Planning Board approvals were located for this use. As part of this site plan application, the applicant proposes to legalize this activity. Wetland permits from the Town and the NYSDEC exist from 1991 allowing for the installation of the gravel parking area depicted on the site plan. The applicant is proposing to install green vinyl privacy slats in the existing chain link fence. The Board must determine if this is sufficient to screen this use, or if additional measures, such as landscaping, would be necessary.

Chairman Gary asked Mr. Carnazza why does the deck require a variance.

Mr. Carnazza said the deck needs to be 25 feet from the side yard side property line. Right now it is a 4' wide walkway around the side of the building which is required by code. They are 28' away with the 4' deck. That leaves him 24 feet.

Chairman Gary asked Mr. Karell, the applicant's engineer if the deck is now proposed to be even with the building.

Mr. Carnazza stated that is what he was told. He said the applicant was moving the door to the back and eliminating the 4 foot.

Chairman Gary stated as far as he knows the applicant moved the deck back to the building. Which means it does not require a variance.

Mr. Carnazza said that's what I was told, but the map in front of us does not reflect that. He said and the door will come out next to the kitchen.

At which a discussion ensued regarding the door that will be used to enter the deck.

Mr. Karell said the plans could be modified to reflect that. We will enter the deck from within the building which would eliminate that variance. As far as the paving variance we have a wetland permit from the town and NYSDEC from 1991 which allows the parking lot in rear to be constructed with item 4.

Chairman Gary said a portion of the parking lot in the back is gravel, correct?

Mr. Karell replied yes.

Chairman Gary asked if there was ample parking there now on the paved area.

Mr. Karell replied no. It's enough on both areas. The site contains 57 parking spaces and we only require 54 parking spaces.

Mr. Giannico asked if the item 4 parking lot is acceptable by today's standards.

Mr. Cleary said it is conforming to the wetland permit that was granted. He said it is not uncommon to have gravel in a wetland buffer.

At which time a discussion ensued regarding the paving of the rear parking lot versus the item 4 outside the wetland buffer area.

Chairman Gary stated this board can decide whether or not they want the parking lot paved. He said most of the agencies would prefer that it doesn't get paved because of the wetlands.

Mr. Charbonneau stated if the board didn't have to focus on that one variance, they could exercise their time regarding the parking issue and possibly alleviate the need for the second variance and move this application along.

Mr. Karell stated he will submit the revised plan showing the modified deck, and asked the board to schedule a public hearing.

Mr. Giannico stated based on the amount of available parking, why would the restaurant choose to move 48 seats and tables in and out.

Mr. Karell said they would prefer to have outdoor seating in the warm weather. He said there are 128 seats in the restaurant and they will put 48 seats outside which will eliminate 48 seats inside. He said if it rained for three days or so, they could bring the seats back in and close off the deck. He said if this board wants to condition that they can't do that, bringing the seats in and out, then you could make it a condition of approval.

Chairman Gary said it should be done the same way as the restaurant in town. No moving of seats.

Mr. Karell said then you could make it a condition of approval. He said he will submit the revised plan and have it ready for the public hearing at the next meeting.

Chairman Gary said the board will have to decide that. He asked the other board members if they want the rear parking lot paved. At which time, Chairman Gary gave an example of the Mahopac Golf Club wanting their lower parking lot paved, but the NYSDEC wouldn't let

them pave it because of the wetlands. He said my recommendation is not to require them to pave it. He said we want to make sure there is ample gravel that will support the traffic. At which time, a discussion ensued regarding the advantages and disadvantages of paving the rear parking lot.

Mr. Franzetti stated there is a side of the building that is not paved. He said the north side of the building is not paved.

The board members continued to discuss whether or not to pave the rear parking lot.

Mr. Greenwood suggested that the Town Engineer look at the whole site and give us his analysis of what's there and if it meets standards.

Mr. Furfaro asked if there were any parking issues.

Mr. Carnazza said not that he is aware of.

Chairman Gary agreed with Mr. Greenwood. The Town Engineer needs to assess it and make a recommendation. He said I would recommend that we do not pave it, but we should refer to the professional.

Mr. Karell asked if the public hearing could be scheduled.

Chairman Gary stated he didn't have a problem with having a public hearing regarding the parking and the wetlands, but he does have a problem with not being able to see where the deck is going to be on the drawing.

Mr. Karell said he will make the minor changes on the map, and that map will be presented at the public hearing and that will be the map that the board approves.

Mr. Giannico said I think we need to see the site plan amended before we could determine if there will be a public hearing.

Mr. Charbonneau stated we could always schedule a public hearing for the next time. The applicant could be given the opportunity to address the new changes made to the map and then the board could determine whether or not it opens the public hearing.

Mr. Cleary stated the extenuating circumstance here is that we all believed that the deck was being moved except for Mr. Karell.

Mr. Paepre asked how the seating arrangement will be handled as far as moving seats in and out of the restaurant.

Mr. Cleary said we will condition that in June the 43 seats will be removed and replaced in November.

Mr. Carnazza said the applicant agreed to make it a dart area.

Mr. Greenwood asked if everything on the site is designated on the site plan and there is nothing outstanding.

Mr. Carnazza replied everything I know of is on the plan.

Mr. Giannico stated depending on what the engineer sees when he goes out there, on the left side of the building where it is not paved and is not within the wetlands, I think we should consider paving it.

Mr. Franzetti said you will probably be under 5,000 square feet, you just need to put up erosion sediment control.

Chairman Gary stated the board wants a written report from the engineer.

Mrs. Kugler asked if the fence area in the rear is the same area of where the vinyl privacy slats will be.

Mr. Karell replied yes.

Mrs. Kugler said as a second option what about landscaping.

Mr. Karell said the privacy slats will probably do more than the landscaping.

Mr. Carnazza said maybe you could break it up by putting in arborvitaes here and there.

Mrs. Kugler said something to help improve that area.

Mr. Karell replied okay.

Mr. Greenwood suggested that the applicant meet with the consultants and look at it as a new application.

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

Mr. Carnazza had no comments.

Mr. Franzetti had no comments.

Mr. Cleary said you have a resolution before. This resolution changes the timing of the submission of the bond from prior to the execution of the signing of the subdivision plat to

prior to the issuance of the building permits and it also grants a 6 month extension of the final subdivision. He said the resolution speaks specifically to performance. The applicant simply requested the stormwater bond. He said there are no other bondable improvements other than the stormwater bond. He said I'm simply suggesting the change in the resolution you have before you from performance bond to stormwater bond at the request of the town engineer to be more accurate. He said that is what the applicant actually asked for.

Mr. Giannico moved to adopt Resolution #15-07, dated June 24, 2015; Tax Map # 53.15-1-40 entitled Hosch & Torres Subdivision Amended Final Subdivision Approval as amended. The motion was seconded by Mr. Paeprer with all in favor.

OLD FORGE ESTATES – BALDWIN PLACE ROAD – TM 75.15-1-19-40 EXTENSION OF FINAL SUBDIVISION APPROVAL

Mr. Carnazza had no objection to the extension.

Mr. Franzetti read his memo which stated the Engineering Department does not have any objection to the 2nd extension of the Final Subdivision for this project as long as there are no changes being made to the site. Prior to granting this extension the Board should consider that the applicant has not posted the performance bond identified in the May 11, 2011 Planning Board Resolution (#11-19). As this bond was developed in 2011 it will need to be updated to reflect 2015 costs. The project sought and received a Wetlands Permit (Permit 811) under §89 Freshwater Wetlands of the Town of Carmel Town Code. The permit is set to expire on September 2, 2015 and will need to be renewed prior to that date.

The Board should be aware of the following:

New York State Department of Environmental Conservation (NYSDEC) Requirements

- The project has coverage under the NYSDEC General Stormwater Permit for Stormwater Discharges from Construction Activities permit number NYR 10L634.

New York City Department of Environmental Protection (NYCDEP) Requirements

- The NYCDEP approved the Stormwater Pollution Prevention Plan (SWPPP) for this project. The expiration date is September 2, 2018.

Mr. Cleary had no objection to the extension.

Mr. Greenwood asked about the new bond amounts.

Mr. Cleary stated the new bond amount will be in the resolution you adopt.

Mr. Charbonneau asked if the applicant had an objection to the increase.

Mr. Paul Lynch of Putnam Engineering, representing the applicant replied no.

Mr. Greenwood asked are we doing an extension or a new resolution?

Mr. Cleary said it is an extension resolution giving him the six months and it will include the revised bond number.

Mr. Greenwood moved to grant 180 day extension of final subdivision approval with the revised bond amount. The motion was seconded by Mr. Paepre with all in favor.

CAMPANELLI, MICHAEL – 424 BALDWIN PLACE ROAD – TM – 75.11-2-25 – WAIVER OF SITE PLAN APPROVAL

Mr. Carnazza stated he had no objection to the waiver of site plan approval. The ZBA granted all necessary area variances and the variance table was added to the plan.

Mr. Franzetti had no objection to the waiver of site plan.

Mr. Cleary had no objection to the waiver of site plan.

Mr. Paepre moved to grant waiver of site plan approval. The motion was seconded by Mr. Furfaro with all in favor.

MINUTES – 05/13/15 & 05/27/15

Mr. Giannico moved to approve the minutes. The motion was seconded by Mr. Greenwood with all in favor except for Mrs. Kugler who abstained from the May 27, 2015 minutes.

Mr. Greenwood moved to adjourn the meeting at 8:12 p.m. The motion was seconded by Mr. Giannico with all in favor.

Respectfully submitted,

Rose Trombetta