

**APPROVED**

**HAROLD GARY**  
*Chairman*

**BOARD MEMBERS**  
**CARL GREENWOOD**  
**JOHN MOLLOY**  
**ANTHONY GIANNICO**  
**CRAIG PAEPRER**

**TOWN OF CARMEL**  
**PLANNING BOARD**



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

**MICHAEL CARNAZZA**  
*Director of Code Enforcement*

**RICHARD FRANZETTI, P.E.**  
*Town Engineer*

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

**PLANNING BOARD MINUTES**  
**OCTOBER 22, 2014**

**PRESENT:** CHAIRMAN, HAROLD GARY, CARL GREENWOOD, JOHN MOLLOY, ANTHONY GIANNICO, CRAIG PAEPRER

<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>PAGE</u></b>	<b><u>TYPE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
Nejame & Sons	44.9-1-16	1-8	Site Plan	Motion Tabled.
Cargain Funeral Homes, Inc	75.15-1-6	8	Site Plan	Off the agenda.
Fisher & Simone	75.15-1-6 & 75.15-1-8	8	Lot Line	Off the agenda.
Wixon Pond Estates	53.20-1-19	8-9	Extension	6 Month Extension Granted.
Putnam Community Foundation	66.-2-58	9	Extension	1 Year Extension Granted.
Campanelli, Michael	75.11-2-25	9	Waiver	Adjourned.
Minutes – 9/17/2014		10		Approved.

The meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Rose Trombetta

**NEJAME & SONS – 133 GLENEIDA AVE, CARMEL – TM – 44.9-1-13 – AMENDED  
SITE PLAN**

Mr. Carnazza read his memo which stated this submission is for an amendment to the original building elevations. The applicant proposes a facade on the front of the building that has three gables and one gable in the rear. There are no columns proposed and the windows and doors are totally different than the initial proposal. I'm not sure this submission fully addresses the concerns of the board.

Mr. Cleary read Mr. Franzetti's memo which stated, The Engineering Department does not have any objection to the amended site plan application for this project, as there are no changes to the site being made.

Mr. Cleary read his memo which stated the primary modification involves a return to the pitched roof that was provided in the approved plan. In summary, the revisions include:

- Pitched standing-seam roof
- Additional of 3 gabled roof elements along the building front
- 12" trim along the roofline
- Addition of end columns using horizontal block detailing
- Revised archway using horizontal block detailing
- Addition of exterior architectural lighting
- "Sto EIFS" exterior finish and insulation using earth tones
- Box gutter on front façade emulating residential aesthetic
- Use of larger, continuous windows for retail exposure
- Repositioned smaller corporate logo on building façade
- Reduction in building height due to elimination of mezzanine above second floor
- Use of architectural block in exterior stairways, consistent with building finish.

While it is apparent that the applicant seeks to establish some degree of identifiable iconic similarity (brand recognition) with their Connecticut facility, the applicant must document how the proposed building architecture is consistent with *Carmel's* character.

Chairman Gary asked why we are calling this an amendment.

Mr. Cleary responded the plan you originally approved included a façade elevation, and they are changing that. So they're amending sheet A-1 of the approved package.

Chairman Gary said the question should be why did they change the original plan.

Mr. Cleary said that is a question for the applicant.

Mr. Molloy stated we spent a lot of time on this application and we approved a beautiful building that didn't get built and now there's some other building. I think we should start from scratch.

Chairman Gary stated I don't agree we should start from scratch but I do agree it should go back to the original building that was approved.

Mr. Charbonneau stated from my understanding the site plan was put in place and then they put a considerable amount of time with the ARB. The ARB accepted some proposed changes to the façade and the roofline. As a result of that, they are now coming back to this board to amend the existing site plan approval to ask for your approval on what the ARB signed off on. So you have the right now to consider that, modify it or reject it.

Mr. Greenwood stated can we clarify that a little more because I think there is a missing component, which is the original approved site plan that we did was taken to the ARB and they approved it.

Mr. Carnazza replied that's correct.

Mr. Greenwood said then six months later the applicant decided to go back with a design that we reviewed, originally rejected and the applicant redesign the building. Subsequently this was approved by the ARB twice.

Mr. Carnazza stated they started with what you approved, came back with a little less and then came back with what they have now.

Mr. Greenwood stated when the ARB existed, they had no authority to approve anything, and they only had the ability to make a recommendation or referral back to this board. I did not see any new referrals back.

Chairman Gary stated ARB does not exist anymore, so we can't go back and argue with what they have done. He said if Mr. Charbonneau says we could proceed along that line we will go ahead.

Mr. Charbonneau said essentially what the applicant is doing is coming back before you and proposing an amendment to your site plan. You could accept, modify or reject it.

Chairman Gary said I think the applicant should have an opportunity to speak and why he wants to do this and the board could either say there's merit to it or stay with the original approval.

Mr. Michael Caruso, attorney for the applicant addressed the board and stated we are back before you under the amendment provisions of the code. He said we will also be asking for a waiver of public hearing.

Mr. Caruso stated the applicant bought the property more than five years ago in a commercial district which we think will be a handsome addition to that had some lesser desirable elements in it. He said the plans that were approved by the planning board with all the colonial features and were then modified into what we perceive as our site plan approval from the ARB. He said the colonial styling does not fit for a lot of reasons.

At which time, the amended rendering was displayed to the board members. Mr. Caruso said some of the problems with the original concept for Nejame & Sons were that principally they are selling pools and spas. He said they have a lot of commercial tenants that they want to put in the building. Right now we have about six tenants

waiting to get into the space regardless of its shape. He said the principal issue that arose with this relative to their business was that they need elongated open uninterrupted windows to show pools in. (Points to new rendering). He said we need a lot of natural light. We need uninterrupted open space planning upstairs to house commercial tenants with minimal partitions. But critically to their business, they have a sight in Connecticut that has a similar architectural theme. He said it is very hard to sell pools and spas in a sterile artificial environment. He said there have been a lot of compromises made in the design criteria that the applicant needs to run a successful pool business and a building versus the planning boards concerns and the aesthetics issues that clearly the planning board members are concerned with. He said a list showing the enhancements that were made to our concept proposed tonight was submitted to the planning board. It shows a lot of the elements that were lost at the ARB that Nejame is bringing back, such as the pitch-standing roof, 3 gables added in, 12 inch trim along the roofline, addition of columns, the archway was revised, sto exterior finish and insulation. He said we are trying to build a very pleasant looking aesthetic. He said they want to keep their "Nejame" look to the building as much as they can while balancing the boards concerns. He said we feel these are non-substantive changes to what is an original and approved site plan with that concept out of ARB. He said none of the features that listed in the October 16<sup>th</sup> letter affect drainage, traffic flow or use of the building. None of the planning elements changed whatsoever. The goal was to come back to this board with many enhancements and we feel it balances the concerns of the planning board members that have already been expressed to us.

Ms. Melanie Ancin of P.W. Scott Engineering & Architecture, representing the applicant addressed the board and stated in looking at a number of commercial buildings along the different major thoroughfares this is in keeping with a commercial type of building, whereby, they have standard metal seam roofing, gables and larger windows. She said the larger windows are for the tenants to display their products and to allow light into the building.

Chairman Gary commented it's not always the code that we have to look at, it's how something will fit within the neighborhood in which it sits. That's very important. He said the rear of the building does not match anything that we had suggested that it should look like. The public hearing did not express concerns of what the building should look like in the front, but it addressed the point of what it will look like in the rear when it faces that neighborhood. You have not put anything back on that building that addresses the concern of the rear of the building. The building sits in a residential area that can be seen by all the neighbors in the rear. He said that is my concern.

Mr. Greenwood stated the point is most of neighbors going up Raymond Drive on the north side, their first and second floors overlook the building. When we first reviewed it, part of the concern was the mechanicals on the roof and the fact that our original design blocked that from being seen from any of those neighbors.

Mr. Caruso stated we are in a commercial corridor, while I do understand the need to screen it and mitigate the effect of a block like building to the neighbors.

The board members and Mr. Caruso continued to discuss the original approved design of the building versus the design of the building displayed in front of the board.

Chairman Gary stated this is not what the planning board wants. He said if you were at the public hearing, the front of the building was not the main issue, it was on the southwest side where the neighbors would be looking at and you made no attempt to try and please them.

Mr. Giannico agreed with the Chairman and also stated the building that was approved was a beautiful building and this is several steps back in design. It's a glorified box with a couple of gables on the front. He asked why did the design team go through with this drawing if it didn't work for the owner in the first place.

Ms. Ancin stated that was done a long time ago. She said in the ensuing years and in talking with the tenants and find out what markets well and maybe some of the constraints in the building of that nature. She said at that point you are doing basically schematic sketches and you haven't done the constructions drawings yet.

Mr. Caruso stated the critical issue is we don't have to take ten more steps back and if there is a way we could keep the application open; we could come back with more revisions. The applicant is committed to making this building work and getting the concerns of the planning board and trying to balance this. He stated we would like to advance this because they have exposure with the half constructed status of the building and with the winter approaching it may get damaged.

Mr. Charbonneau stated there is presently a stop work order effecting the building for the fear that the roof would be constructed in a manner that was consistent with what the ARB liked as opposed to what this board passed. The building department will work to secure and make sure that the structure that is presently up is secured and will work with the applicant with respect to that. But, the planning board is not the proper venue for you to vent frustration as to why there is a stop work order.

Mr. Caruso stated it is not frustration, but the applicant is facing a sizable re-construction cost if they get damage.

Mr. Charbonneau stated that stop work order is in place to ensure that the building is built in conformity with the existing site plan approval not what the ARB said what they liked.

Mr. Caruso stated we built in accordance with that ARB approval.....

Mr. Charbonneau said which was a mistake on your part, because you know that the ARB can't approve that, you would have to come back to the planning board to get site plan approval for their recommendation.

Mr. Molloy stated in addition, didn't this get adjourned from the last three meetings? Wasn't this on the agenda for the last three meetings and it was adjourned by the applicant?

Mr. Caruso replied yes and the reason why is we met with Mr. Cleary and we had a number of issues that we went through that resulted in the modifications to this plan. We have made a lot of changes to this in the last three months.

At which time, the board members and Mr. Caruso continued to discuss the new design of the building and the original approval.

Mr. Tom Nejame, applicant addressed the board and stated he was directed by the planning office to do exactly what he did, which was to go to the ARB and got approval. He said we went ahead and got the plans made up, changed the structure, changed beams, columns under a great expense. As we move forward, there was an issue and we got a cease and desist. He said we had a meeting with you, our attorney and architects and you said this problem could be simply solved by changing the façade of this building.

Chairman Gary replied absolutely.

Mr. Nejame said when we asked you about the rear of the building, you said you didn't care about the rear of the building.

Chairman Gary said I never said that. I said to Ms. All that is on that building is nothing but a façade. He said you could go through any section of town and you could re-construct the façade and it won't cost that much money to do it. And I also said to you that I spent 38 years doing that. He said the roof and the façade can be changed. He said to change that building back does not mean you have to tear it down to do it. It means you have to add a façade to it.

Mr. Nejame stated originally when we got the ARB approval and what we built.....

Chairman Gary said to leave the ARB out of it.

Mr. Nejame said I have to talk about the ARB, because that is where you directed me to go.

Mr. Greenwood said no we did not!

Mr. Nejame said that is how I understood it.

Chairman Gary said you cannot go to a secretary in this building and think they have the authority to give you direction on what to do to correct something that the planning board had agreed upon. Do not bring it up anymore.

Mr. Nejame said understood. He said what we ended up building was a building with no peaks, flat roof and a look that is exactly like the building in Danbury. He said I did exactly what you told me to do which was to change the façade. He said the façade was changed by the peaks, columns and roofline.

Chairman Gary stated all of those dormers, the pitch that is in the front, all of the columns are a part of the building, but it's only a facial part of that building, and the

structure of the building is behind there. And that is what you have now. All of that could be put on there. Add it back to it. It could be done.

Mr. Nejame said that is what I did.

Mr. Carnazza said you didn't add a front porch, no side roofs and no back roofs.

Mr. Nejame said the problem is I'm so far along; the driveway is in and so on.

Mr. Caruso stated what Mr. Nejame is expressing is that we acted on a protocol, we went through ARB, we have a shovel in the ground, we have steel up.....

Chairman Gary stated did we approve that original site or did we approve that you could make changes to it.

Mr. Caruso said we had a referral to the ARB.

Mr. Greenwood said the ARB does not exist anymore. But going back to the original code any applicant who applied for a building permit under Mr. Carnazza's discretion was referred to the ARB for a review. They never had the authority to approve a plan or supersede the planning board.

Mr. Charbonneau under the prior statute where the ARB was enacted, if any subsequent change in the siting or exterior appearance of the building which in the opinion of the building inspector is significant in that said change would cause or contribute to one or more of the harmful effects that is set forth by the criteria listed in the ARB formation. It shall not permitted, except upon re-submission to the board. He said that's where we are.

Mr. Caruso stated the fact that it was not referred back to planning doesn't change the fact that it went to ARB and the plan changed.

Chairman Gary stated after all that you have said, we would like to see that building completed. We would like to see it done in the most economical way that it could be done, but if you leave here tonight with what you have now, that building will be denied. Do you want to do that or do you want to go back and try to bring that building back to where it was.

Mr. Caruso said what we would like to do is have a reasonable opportunity to have this plan heard by the board in a manner that's productive. We want to get the building up.

Chairman Gary said so you want the board to vote on that plan.

Mr. Caruso said part of our application was for waiver of site plan because we feel the plan that came out of ARB is our site plan. That's our approved site plan.

Chairman Gary asked again are you asking the board to vote on that plan.

Mr. Greenwood said there is no site plan approval by the ARB.

Mr. Carnazza said there is no waiver of site plan in front of us right now. He said you applied for amended site plan.

Mr. Charbonneau stated in the amendment process you can request a waiver of the public hearing. He said this is an application for an amended site plan approval this is not an application for a waiver of site plan approval. They are two different things.

Mr. Caruso asked if the board had any other suggestions that would keep us along a productive path to getting this building built with the applicant's goals and vision in mind. He said we obviously do not have a position impression of what we presented tonight. We would like to keep the applicant in good standing with the board. He asked if the board doesn't vote on this tonight what other alternatives do we have.

Mr. Tom Nejame's brother addressed the board and stated if we do something on the southwest side.....

Chairman Gary said it is up to the board. He said the board will either vote on it or adjourn it.

Mr. Ed Nejame stated if we went back with the same vision as we changed in the front and addressed the entire back that way, would the board consider reviewing this application again. He said the main issue was the rear and we added gables.....

Mr. Greenwood said that is not the main issue. Part of the criteria of the planning board is as it reviews an application and design is to make it fit in the character of the neighborhood. And this planning board did that along with the applicant in the original application.

Mr. Ed Nejame asked the board if they would consider if we kept the same harmony as the front on the rear. Would you look at that?

Mr. Molloy said what I heard tonight is words taken out of context and there is no doubt in my mind if we say yes we will consider something, you will make a couple of pencil marks on the plan and tell us that you promised us that you would approve it. So, the answer from my position is I will not consider anything but that approved plan.

At which time, a discussion ensued with regards to the consistent pattern of development in the commercial corridor.

Mr. Molloy moved to deny the application. The motion was seconded by Mr. Paerprer.

Chairman Gary asked Mr. Charbonneau if we could discuss this amongst the board members.

Mr. Charbonneau said unless you have a valid reason, I don't see it.



Chairman Gary said I don't want to see the building sit there and I want to see it finished. He addressed Mr. Nejame and said you could bring that building back, maybe not 100%, but 90% to where it is. The architect knows he could bring it back to a certain degree and you don't have to tear your building down. He said if you move the building up the road it fits, but it's sitting in a neighborhood and that's why this board spent so much time with you. He said just before we vote, I think that you and your group need to see if you want this long ordeal to get that building completed or do you want to relent and come across with something that would make it work.

Mr. Peder Scott addressed the board and stated what you said just now makes the most sense. We should calm down on both sides, talk to the client and come back again. He said I don't think we should have a vote tonight. It would be counterproductive.

Chairman Gary said they can't come back with little touches of pencil work.

Mr. Scott said I will talk to the client with regards to this. We all want the building finished. We would like to be on the next agenda.

Chairman Gary asked Mr. Charbonneau where do we go from here.

Mr. Charbonneau said you could table the motion.

Mr. Molloy said he will agree to table the motion as long as we are finished with discussing this tonight.

Chairman Gary said before we table it are you going to seriously going to try and bring the building back to it looked like.

Mr. Tom Nejame said I will seriously consider it.

Mr. Molloy moved to table the motion with all in favor.

**CARGAIN FUNERAL HOMES, INC - 416 ROUTE 6 - TM - 75.15-1-6 - AMENDED SITE PLAN**

The application was taken off the agenda.

**FISHER & SIMONE - 418 ROUTE 6 & 7, VESCHI LANE NORTH - 75.15-1-6 & 75.15-1-8 - SUBDIVISION**

The application was taken off the agenda.

**WIXON POND ESTATES - WIXOND POND ROAD - TM - 53.20-1-19 - EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL**

Mr. Carnazza had no objection to the extension of preliminary subdivision approval.

Mr. Cleary read Mr. Franzetti's memo which stated, The Engineering Department does not have any objection to the extension of subdivision approval. The Planning Board should be aware of the list of permits required for the project.

Mr. Cleary had no objection to the extension of preliminary subdivision approval.

Mr. Greenwood asked for the reason they are requesting the extension.

Mr. Greenberg stated it's been 6-7 years but finally in the last month or so we received DEP approval. We're now waiting for the Health Department so hopefully that process will go a lot faster. Hopefully we get that Health Department information in the next few months before we come back for our final.

Mr. Greenwood moved to grant a 6 month extension for preliminary subdivision approval. The motion was seconded by Mr. Molloy with all in favor.

**PUTNAM COMMUNITY FOUNDATION - STONELEIGH AVE - TM - 66.-2-58 -  
EXTENSION OF APPROVAL**

Mr. Charbonneau addressed the board and stated at the conclusion of the last meeting the board through the chairman had requested that the applicant's attorney, Mr. Leary and I speak and obtain sufficient proof to demonstrate that Putnam Hospital is no longer interested in the moving forward with the previously granted lot line adjustment. Mr. Leary provided me an item that was part of the stipulation of partial discontinuance from the prior Article 78 wherein we allowed Putnam Hospital Center out of that existing litigation. One of the provisions as to why we permitted that was that the hospital has now changed its mind based on an affidavit from their attorney. They are no longer pursuing the purchase of the 18.26 acres from the foundation. This is now part of the record and I will submit it to the planning office for the file. He said I now have sufficient evidence to demonstrate that there is a lack of willingness to move forward with respect to the lot line adjustment approval.

Chairman Gary asked Mr. Cleary what we are voting on.

Mr. Cleary said it is for an extension of the original site plan approval.

Mr. Charbonneau said which is the senior housing approval which was placed back before this board based on the decision from the Article 78.

Mr. Molloy moved to grant a 1 year extension of approval. The motion was seconded by Mr. Giannico with all in favor.

**CAMPANELLI , MICHAEL - 424 BALWDIN PLACE ROAD - TM - 75.11-2-25 -  
WAIVER OF SITE PLAN APPLICATION**

The application was adjourned.

**MINUTES - 9/17/2014**

Mr. Molloy moved to adopt the minutes. The motion was seconded by Mr. Paepfer with all in favor.

Mr. Greenwood moved to adjourn the meeting. The motion was seconded by Mr. Molloy with all in favor.

Respectfully submitted,

Rose Trombetta