

APPROVED

HAROLD GARY
Chairman
RAYMOND COTE
Vice-Chair

BOARD MEMBERS

CARL GREENWOOD
JOHN MOLLOY
JAMES MEYER
ANTHONY GIANNICO
CRAIG PAEPRER

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 MARCH 12, 2014

PRESENT: CHAIRMAN, HAROLD GARY, VICE-CHAIR, RAYMOND COTE, CARL GREENWOOD, JOHN MOLLOY, ANTHONY GIANNICO, CRAIG PAEPRER

ABSENT: JAMES MEYER

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
LaPorte, Andrew & James	53.-1-14 & 15	1	Resolution	Resolutions Adopted.
Timber Trail Homes	75.10-1-10	1	Resolution	Resolutions Adopted.
CVS/Pharmacy	55.10-1-12	1-6	Site Plan	Denied to ZBA and Referred to ECB.
MK Realty	55.6-1-44&45	6-7	Extension	1 Year Extension Granted.
Woodcrest Gardens	76.9-1-19	7	Re-Approval	1 Year Re-Approval Granted.
Minutes – 1/29/2014		7		Approved.

The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Rose Trombetta

LAPORTE, ANDREW & JAMES – PEEKSKILL HOLLOW RD – TM – 53.-1-14 & 15 – RESOLUTION

Mr. Carnazza had no comments.

Mr. Franzetti had no comments.

Mr. Cleary stated you have two resolutions before you, one for SEQR and the other a Lot Line Adjustment – Final Subdivision Approval.

Mr. Cote moved to adopt Resolution #14-02, dated March 12, 2014; Tax Map # 53.-1-14 & 15 entitled LaPorte Subdivision (Lot Line Adjustment) SEQR. The motion was seconded by Mr. Greenwood with all in favor.

Mr. Cote moved to adopt Resolution #14-03, dated March 12, 2014; Tax Map # 53.-1-14 & 15 entitled LaPorte Subdivision (Lot Line Adjustment). The motion was seconded by Mr. Greenwood with all in favor.

TIMBER TRAIL HOMES – 135 MYRTLE AVE – TM – 75.10-1-10 – RESOLUTION

Mr. Carnazza stated all zoning comments have been addressed.

Mr. Franzetti stated all technical comments have been addressed.

Mr. Cleary stated you have two resolutions before you, one for SEQR and the other for final subdivision approval.

Mr. Molloy moved to adopt Resolution #14-04, dated March 12, 2014; Tax Map # 75.10-1-10 entitled Timber Trail Homes - SEQR. The motion was seconded by Mr. Greenwood with all in favor.

Mr. Greenwood moved to adopt Resolution #14-05, dated March 12, 2014; Tax Map # 75.10-1-10 entitled Timber Trail Homes Final Subdivision Approval. The motion was seconded by Mr. Molloy with all in favor.

CVS/PHARMACY – 1906 ROUTE 6 – TM – 55.10-1-12 – AMENDED SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to occupy the former A&P in Carmel and add a drive-thru prescription pick-up window. In doing so the traffic circulation and parking calculation are being modified. Variances are required for signage. Only one freestanding sign is permitted per property. The way the signage is proposed now, the applicant either needs a variance for the 2nd freestanding sign or for the overall area (draw a rectangle around the entire “sign” portion of the pylon).

Mr. Franzetti read his memo which stated the applicant has addressed most of the comments offered in the Engineering Departments January 23, 2014 memorandum and meeting of March 5, 2014. Based upon our review of this updated submittal, we wish to offer the following comments:

1. The cover sheet should identify to Richard J Franzetti PE, Town Engineer and not John E. Folchetti, PE Chief Engineering Consultant.
2. The applicant will need to provide documentation from the New York State Department of Environmental Conservation (NYSDEC) and the New York City Department of Environmental Protection (NYCDEP) determining if additional permitting and a Stormwater Pollution Prevention Plan (SWPPP) are required.
3. The following referrals would appear to be warranted:
 - a. The Town of Carmel Environmental Conservation Board
 - b. Putnam County Department of Planning (GML 239n referral; proximity to County highway)
4. Permits from the following would appear necessary:
 - a. New York State Department of Transportation – depending on improvements to the ingress/egress along Route 6 (see detailed comment 12)
5. The design of the rain garden and pervious pavers should be per the NYSDEC Stormwater Design Manual. All design calculation should be provided.
6. The Landscaping Plan should provide the detailed plantings being used. All plantings should be per the Town of Carmel and the NYSDEC Stormwater Design Manual where appropriate.
7. The applicants engineer should submit a quantity take off for all proposed improvements for bonding inspection fee purposes.
8. The wetland flagging should be verified by the Town of Carmel Wetlands Inspector.
9. This Department agrees with the preliminary proposed course of action proposed by the applicant. This includes cleaning and video inspecting the drainage lines crossing Route 6 so as to evaluate the condition of the structures and drain lines in this area. This Department will review the findings to determine if additional actions are warranted.

Mr. Cleary read his memo which stated this application involves the reuse of a 14,600 square foot portion of the former A&P supermarket building located at 1879-1905 Route 6, to accommodate a CVS Pharmacy with a new drive-thru. Approximately 1,261 square feet of the existing building will be demolished to accommodate the drive-thru. The remaining 20,276 square feet of the former supermarket will remain vacant. The other existing uses on the site will remain unchanged. Fifteen (15) of the sites existing 269 off-street parking spaces are proposed to be eliminated to accommodate the new drive-thru, and to allow for the restriping of existing parking spaces. No change to the existing access driveway on Route 6 is proposed.

The CVS Pharmacy will employ 10 full-time and 10 part-time workers. The store will include a pharmacy with drive-thru, photo center and general retail merchandise area including health and beauty aids and grocery goods.

SITE PLAN REVIEW COMMENTS:

1. Proposed Use:

- The proposed CVS Pharmacy is classified as a retail use, which is designated as a permitted use in the C – Commercial zoning district.

2. CVS Operational Characteristics:

- The applicant is requested to clarify the operational characteristics of the CVS store. What are its hours of operation? Is this store open 24 hours?
- Are any non-traditional retail operations proposed at this store, such as the provision of medical services?

3. Zoning Dimensional Compliance:

- The following dimensional regulations apply in the C - Commercial zoning district:

ZONING PROVISION	REQUIRED	PROVIDED
Lot Area	40,000 sqft	203,404 sqft
Minimum Lot Width	200'	±610'
Minimum Lot Depth	200'	±300
Front Yard	40'	65.8'
Side Yard	25'	50.4'
Rear Yard	30'	44.2'
Maximum Building Coverage	30%	24.2%
Minimum Floor Area	5,000 sqft	49,285 sqft
Maximum Building Height	35'	<35'

**Subject to zoning compliance review by Director of Code Enforcement.*

4. Off-Street Parking:

- The proposed CVS replaces an A&P supermarket. Both uses are classified as retail uses – with an off-street parking requirement of 1 space for each 200 square feet of gross floor area.
- The proposed demolishing of 1,261 square feet of the existing building will actually result in a net reduction in the site’s parking requirement by 6 spaces.
- The total parking requirement for the site includes all the uses on the property, including the CVS, the vacant supermarket space, the nail salon, Vision City, hair salon, cleaners, Pagoda Express, Dunkin Donuts, pizzeria and KFC. The site’s parking requirement is 254 spaces. 254 spaces are provided, including 7 handicapped car and 1 handicapped van spaces.
- Is specific parking proposed to be designated for CVS tenants only?

5. Off-Street Loading:

- In accordance with §345-14D. 3 off-street loading spaces are required.
- 3 loading spaces are provided on the south side of the building (adjacent to Friendly’s).
- A new 1,123 square foot loading corridor is proposed to connect the CVS store with the rear loading dock area. Review by the Director of Code Enforcement is required to determine if the corridor meets all building code requirements.
- The number and frequency of deliveries should be documented. Will deliveries occur during no-peak hours?

- If trucks are parking in the loading spaces, how would a refuse disposal vehicle access the dumpster enclosures? The traffic aisle width is insufficient to allow for this maneuver to occur. The dumpsters should be relocated further west, toward the rear of the site.

6. Traffic:

- The applicant submitted a traffic assessment for the project. Based on the applicable trip generation ratios, the conversion of the A&P Supermarket to a CVS will result in reduction in vehicle trips. The weekday peak hour trip generation will decrease from 463 trips to 321 trips. The weekend peak hours will decrease from 573 trips to 360 trips. In total, the site's daily trips will decrease from 5,521 trips to 4,134 trips (a reduction of 1,387 daily trips).
- It should be noted that the 20,276 square foot balance of the former supermarket space will remain vacant (thus accounting for a portion of the significant reduction in trip generation). Once reoccupied, additional trip generation will result.

7. Vehicle Circulation:

- The existing 14 parking spaces located on the south side of the building have been eliminated to accommodate the new drive-thru.
- The geometry of the drive-thru turning movements should be documented, including turning radii, queue length, etc.
- Is a roof or enclosure proposed over the drive-thru window that might limit the height of vehicles accessing the window?
- It is recommended that consideration be given to installing a stop sign at the "outbound" traffic aisle adjacent to the drive-thru exit. The new "V" intersection created by the drive-thru is an undesirable intersection configuration, and the additional stop sign may help to avoid conflicts with the two vehicle movements.

8. Building Aesthetics:

- The former A&P building façade will be renovated to accommodate the new CVS. Exterior building elevations have been provided (drawing A-4). Clarification is requested regarding proposed colors and materials.
- Is new exterior building lighting proposed?
- Clarify signage lighting.
- Is any change to the existing HVAC and mechanical equipment proposed?

9. Site Lighting:

- Is new exterior site lighting proposed at the loading bays, or at the drive thru?

Ms. Shannon Rutherford, Director of Land Development for VHB, representing the applicant addressed the board and stated the consultants commented on all the changes that were made to the plan and at this time we are hoping to get a referral to the Zoning Board and ECB.

Mr. Gary asked if the water problem at the entrance was followed up on.

Mr. Franzetti stated the applicant proposes to a cleaning and video camera inspection of the facilities to see what condition they are in.

Mr. Molloy asked for a description of the rain garden.

Ms. Rutherford stated the rain garden is located adjacent to the drive-thru land and it's a teardrop shape. There will be a depression in the landscaping to store some stormwater. There will be about a 6" relief and there is also an underdrain. She said it will not hold water as far as a pond because the underdrain is there.

Mr. Franzetti stated it will allow infiltration to the extent that the soils will accept the water. The stormwater has the opportunity then to infiltrate into the ground, but the underdrain will convey that into the closed drainage system, so we are not dealing with a ponding issue. He commented that rain gardens are part of a green infrastructure type practice, low impact development type work that is out there. There are driven by the State as part of stormwater regulations. He said this is something the ECB has been doing. It was requested that if any change to impervious or additional impervious we would ask the applicants to do some kind of low impact development which was typically a rain garden.

Mr. Molloy was concerned about the possibility of someone drowning with just a couple of inches of water.

Mr. Franzetti stated your concerns are legitimate for drowning, but in this particular case the rain gardens are not meant to hold water. They are depressions that are dug out, and manufactured soil that has a high infiltration rate is put in. That infiltration actually cleans the water. He said it is not a retention and/or detention pond.

Mr. Gary asked if the D.O.T. was contacted in regards to the flooding problem.

Mr. Franzetti stated the Engineering Office has not.

Ms. Rutherford said we have not yet. She said that will be one of the next steps, because in order to do the video inspection we will need a permit from D.O.T.

At which time, a discussion ensued regarding the flooding situation.

Mr. Greenwood stated if the applicant should walk away, the flooding issue should still be dealt with. It is the property owner's responsibility.

A discussion ensued regarding the dumpster situation of when another tenant rents the remaining space with CVS.

Mr. Cleary said by the applicant pushing the dumpster back, the expansion area for the dumpster is next to that area. It is no longer in the middle of the parking lot, so if they had to expand it, it would be back there. He said we are not requiring the applicant to build dumpster space and have it sit there unused and may become a vandalism issue. He said the board has put the dumpster in the right location in the expansion spot, so in my opinion this has been well conceived. He said CVS was conscious of the owner's obligation to rent the rest of the building.

Mr. Greenwood moved to refer the applicant to the ECB. The motion was seconded by Mr. Giannico with all in favor.

Mr. Greenwood moved to deny the applicant to the ZBA. The motion was seconded by Mr. Molloy with all in favor.

MK REATLY - ROUTE 6 & OLD ROUTE 6 - TM - 55.6-1-44&45 - EXTENSION OF SITE PLAN APPROVAL

Mr. Carnazza had no objection to the extension.

Mr. Franzetti read his memo which stated the Engineering Department has no objection to approving the Site Plan Extension for this project. However the Planning Board should be aware of the following:

New York City Department of Environmental Protection (NYCDEP) Requirements

- The NYCDEP approved the Stormwater Pollution Prevention Plan (SWPPP) for this project on August 17, 2006.
- The NYCDEP provided a conditional extension to the August 17, 2006 SWPPP on August 11, 2011. A copy of the NYCDEP August 11, 2011 letter is provided as an attachment.
- The conditions of the SWPPP are now set to expire on August 17, 2016.

New York State Department of Environmental Conservation (NYSDEC) Requirements

- As the project was approved in 2006, the project did not need to seek coverage under the NYSDEC Stormwater Regulation in effect at that time (i.e., SPDES General Permit for Stormwater Discharges From to Construction Activities - GP-02-01)
- The NYSDEC updated the General Stormwater Permit in 2010 (GP-0-10-001)
- The project will have less than 1 acre but over 5,000 square feet disturbance and therefore must seek coverage under the GP-0-10-001 permit.
- Per the NYSDEC if a project was approved under an earlier version of the General Stormwater permit and is being built under an updated version of a General Stormwater permit, the applicant does not need to meet the updated technical criteria, only ministerial criteria.
- Therefore the applicant will need to submit a Notice of Intent (NOI) and a Municipal Separate Storm Sewer System (MS4) Acceptance form to the NYSDEC.

Therefore, if the applicant is required to update the SWPPP to meet the current regulatory design criteria, then the applicant will need to resubmit the site plan to the Planning Board for review and approval.

Mr. Cleary had no objection to the extension.

Mr. Greenwood moved to grant 1 year extension of site plan approval. The motion was seconded by Mr. Paerprer with all in favor.

WOODCREST GARDENS – 675 ROUTE 6 – TM – 76.9-1-19 – RE-APPROVAL OF SITE PLAN

The consultants had no objection to the re-approval.

Mr. Cleary re-capped the project to the new board members.

Mr. Molloy asked the applicant why they needed a re-approval.

The applicant stated they are trying to get a bond which has been very difficult to get.

Mr. Cote moved to grant re-approval of site plan for 1 year. The motion was seconded by Mr. Paerprer with all in favor.

MINUTES – 1/29/2014

Mr. Molloy moved to adopt the January 29, 2014 minutes. The motion was seconded by Mr. Greenwood with all in favor.

Mr. Greenwood moved to adjourn the meeting at 7:40 p.m. The motion was seconded by Mr. Giannico with all in favor.

Respectfully submitted,

Rose Trombetta