

**APPROVED**

HAROLD GARY  
*Chairman*

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

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

**PLANNING BOARD MINUTES**  
**June 11, 2014**

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

**ABSENT:** JAMES MEYER

<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>
Paladin Center, LLC.	55.10-1-1	1	Resolution	Resolution Adopted.
Hudson Valley Veterinary EMS	75.6-1-67	1-6	Site Plan	No Board Action.
Lakeview Realty 168, LLC	76.22-1-4	6-10	Site Plan	No Board Action.
Old Forge Estates	75.15-1-19-40	10	Re-Approval	Re-Approval Granted.
Minutes – 4/30/2014 & 5/14/2014				Heldover. Approved.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Rose Trombetta

## **PALADIN CENTER – 39 SEMINARY HILL RD – TM – 55.10-1-1 – RESOLUTION**

Mr. Carnazza had no comments.

Mr. Franzetti had no comments.

Mr. Cleary stated you have a waiver of site plan resolution before you this evening.

Mr. Molloy moved to adopt Resolution #14-06, dated June 11, 2014; Tax Map # 55.10-1-1 entitled Paladin Center Waiver of Site Plan Approval Resolution.

The motion was seconded by Mr. Greenwood with all in favor.

## **HUDSON VALLEY VETERINARY EMS – 559 ROUTE 6 – TM 75.6-1-67 – SITE PLAN**

Mr. Carnazza read his memo which stated the applicant proposes to add an EMS building for Veterinary Care to the existing Old Red Mills Plaza. The previous application did not get approved but the applicant purchased additional property to reduce the variances. Show dash line where property line previously was. The four sheds/barns are going to be removed and are labeled as such. Variances are required from the ZBA. Provide wetland buffer line to the wetland across Rt. 6N. Provide a tree plan. This project required a wetland permit from the ECB. Location of the well and SSDS? Location and size of any proposed signage on the property. (Provide dimensions of existing signage). This plan should not be referred to ZBA until the signage details are all submitted. Curb-cut permit will be required from Town Highway Dept. The only access to the Vet EMS (rear of the building) is through Yorke Rd. There are almost no buffer areas between the parking areas and the adjacent properties. The applicant proposes a 6' stockade fence. What is the height of the pole lights? Site lighting plan needs to be submitted. When backing out of space 41, how will the driver maneuver to exit the site? There is a 4 ft. tall retaining wall right next to the space. Very difficult to maneuver out of the space. Is the transfer of the property finalized? Provide all information for review by counsel. I'm not exactly clear how this process works. 156-78A requires that Notification signs be mounted not more than 10 ft. to a property line. The property line has now moved so the signs need to be moved to the proper location (Remove the ZBA sign until the application returns to the ZBA). This past winter, there was an issue with piling snow on the corner of 6N and Yorke Rd. It was difficult to see to the East as you were pulling out of Yorke Rd. How will this be addressed by this plan? Is the concrete patio at the rear of the existing building going to be removed? It appears that it will be in the building. Label it to be removed if it going to be removed. Is the front of the existing building handicapped accessible? Provide a ramp to the front of the building if there is not an accessible route. Is the access off the Rt. 6N ROW? The plan is unclear. If access is off adjacent property, easement should be forwarded to counsel for review.

Chairman Gary asked Mr. Carnazza for clarification regarding Yorke Road.

Mr. Carnazza stated the only access to get to the new building addition is through Yorke Road.

Chairman Gary asked will they be able to exit onto Yorke Road?

Mr. Carnazza replied no, it will be a one way in only.

Chairman Gary asked why it was only one way.

Mr. Carnazza stated it was Mr. Greenberg's design.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated as you may recall from the last we were in front of the board, it was a 2 way. He said we got the survey of the property it was discovered that the triangular piece of land which is already paved and has been that way for 50 to 60 years and is about 150 square feet is a part of Town R.O.W. We appeared before the Town Board to ask for an easement to continue the 2 way across but it was denied. So we had to keep it as 1 way and the entrance is off of Yorke Road only for the center is still off of Route 6N. As far as making it an entrance on Yorke Road was many years ago there was a 2 way on Yorke Road into the parking lot and it created a big problem. So we felt that making it a one way in would be easier and makes more sense.

Chairman Gary asked who closed that entrance and exit on Yorke Road years ago? Was it the state or the town?

Mr. Greenberg stated I think it was the state.

Chairman Gary asked can it be two 2 ways?

Mr. Greenberg said yes it could be. We were trying to accommodate the residents that live in Red Mills.

Mr. Cleary asked do you have enough width to make it a 2 way curb cut.

Mr. Greenwood stated an entrance and exit would be more plausible instead of just an entrance.

Mr. Greenberg stated that's fine.

Mr. Franzetti read his memo which stated based upon review of the latest plans; we wish to offer the following preliminary comments:

**TECHNICAL COMMENTS:**

1. The drawing should provide a legend which contains all significant features on the drawing not just lights.
2. The following referrals would appear to be warranted:
  - The Town of Carmel Environmental Conservation Board
  - Putnam County Department of Planning (GML 239n referral; proximity to County highway)
  - New York State Department Of Transportation (NYSDOT)
  - The Town of Carmel Highway Department
3. The site abuts residential properties to the south, west and northwest, details regarding all intended landscaping and screening proposed should be provided so as to determine whether the development's visual impacts are adequately mitigated. A comprehensive landscaping plan shall be provided showing schematically the proposed location of trees, shrubs, grass area or other planting and identifying the types and size of trees and plants. Existing trees or wooded areas to be retained shall be so identified.

4. The "Site Data Notes" on this latest plan specifies a total of 8 employees (2 Doctors and 6 staff) however; at the bottom of the same table 30 employees are noted. This discrepancy must be clarified as it bears heavily on parking calculations, water consumption and wastewater generation.
5. Various plan information required pursuant to §156-61 ("Site Plans") is currently lacking. These include, but are not limited to:
  - Spot Elevations should be provided at the parking lot corners to facilitate grading.
  - Stormwater Management facilities (existing and proposed).
  - Location of all utilities serving the site.
  - Construction details of all proposed site improvements.
  - Type and location of public and private utilities (e.g., water, sewage disposal) including the capacity of these systems.
6. Various construction details remain to be provided, including:
  - Pavement/curbing/sidewalks
  - Retaining walls
  - Parking stalls/stripping/traffic signage
  - Details on all landscaping proposed (planting details, number of plants, and their height at planting)
  - Location, height and type of exterior lighting, lights, along with a spill plan denoting illumination levels.
7. The applicant now proposes to re-grade the access along Yorke Road and this work is proposed in the Town of Carmel Right of Way (R.O.W.) and therefore, in addition to obtaining appropriate "Use and Occupancy" Permits additional Highway Work Permits will now also be required.
8. Available sight distances at the driveway location should be specified on plan. Any clearing along the edge of the roadway R.O.W. that may be necessary to assure appropriate sight distances are provided, should be identified.
9. Any existing PCDOH approvals should be submitted, for the Board's records.
10. Concerning the increased development proposed on the site:
  - The increase in impervious surfaces to be created, as well as the overall area of site disturbance planned, should be identified on plan. This would establish the applicable stormwater permitting requirements and the need for a stormwater pollution prevention plan (SWPPP).
  - All appropriate calculations and details for the stormwater management facilities (drainage piping, catch basins, manholes, etc.) should be provided.
  - All re-grading required to accomplish the intended development must be shown.
  - Further, once all details are finalized, per Town guidelines the Applicant will be required to execute and file with the Putnam County Clerk a "Stormwater Control Facility Maintenance Agreement" (as specified in Town Code §156-85) to assure long-term maintenance of the on-site treatment devices proposed.

11. Given the intended use of the addition, special consideration should be paid to the storage of animal food on the premises. Poor storage protocol could lead to an increase in vermin.
12. The project is located proximate to a NYSDEC regulated wetland (ML-10). The wetlands and associated buffer zone should be delineated and provided on the drawings. The applicant may need to obtain a permit from the Town of Carmel Environmental Conservation Board.
13. 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.

Chairman Gary commented that there should be some sort of indication that the entrance on Yorke Road is a one way only. He said a one way sign is not good enough.

Mr. Cleary said it could be striped or curbed so you can't exit onto York Road. He has enough room to do that.

Mr. Greenberg stated he will curb it to make it a one way.

Mr. Franzetti stated the curbing has to address the turning radius and that has to be to code.

At which time a discussion ensued regarding the traffic flow from the gas station to the shopping center and vice versa and how all the traffic comes together.

Mr. Greenberg said he will put a stop sign for the people exiting the EMS. He said the facility will only be open from 6 p.m. -8 a.m. So most of the traffic would be coming out in the middle of the night and when the gas station is closed.

Mr. Cleary addressed the board and stated the initial application was brought to you for the addition of the Veterinary Facility on top of the Red Mills Shopping Center. The initial concerns of the board were what you are addressing now. The second series of issues that were raised related to the operations of the facility. We then realized there was a parking issue in front of the property. Somebody else owned that property. The applicant needed 16 variances from the ZBA and we sent the applicant to the Zoning Board. He said the ZBA required the applicant to acquire the property. The ZBA said to buy it. Over the last few months the applicant secured the property in the front from the County. So the parking lot is now part of the whole property. The applicant now has to go back to the ZBA for modified variances but also has to deal with all the site plan issues Mr. Franzetti commented on. He said the applicant has a lot of site plan issues to deal with. So the question before you tonight is, do we sort out some of the site plan issues first or do we deny him to ZBA.

Chairman Gary commented that we should make the site as safe as possible in case they change the use of the building down the road.

Mr. Carnazza stated the only control you have is the one use (Veterinary EMS). If he changes from that use, he has to come back to this board.

Chairman Gary stated not necessarily. He said he could keep that use and go back to the ZBA and building department to get a variance to change the use.

Mr. Carnazza stated as long as it complies. That's correct.

Chairman Gary reiterated our concern is no matter what the use is that it's safe.

Mr. Greenwood stated I agree with Chairman.

At which time a discussion ensued regarding the traffic flow and whether or not to make it one way or two way traffic and signage.

Mr. Molloy stated this could all be resolved if the one way next to the building is turned the other way. So you would enter in the front (6N) and go up the side of the building and then you would also resolve the traffic conflict between the entrance off Yorke Road and the one way exit.

Mr. Carnazza stated the only negative is that the people are now coming out onto Yorke.

Mr. Molloy stated its 150 feet away. It's not close to 6N and I've never seen a backup of cars there.

Mr. Greenberg stated by switching it around I think that's actually a very good idea because if somebody comes here from out of town they see this big opening here.

Mr. Giannico asked what is going to happen during the day with this facility.

Mr. Greenberg responded nothing.

Mr. Giannico stated that doesn't sit well with me, I can't see a facility like this being shut down all day and just being there for emergency use at night.

Mr. Greenberg stated there are places in Westchester and Dutchess Counties that are exactly the same. It's not a brand new concept, its being done all around us.

At which time a discussion ensued regarding the actual use of the proposed addition and the board members had reservations that this facility will only be used during the night hours.

Mr. Molloy stated in New York City they have one on 62<sup>nd</sup> street and FDR Drive and people come from all over the city at all hours of the day and night, here it's not going to be in the day time because of competing facilities but I can see a use for this. I don't think this is a bad move at all.

Mr. Greenberg stated the plusses are it's going to provide employment; obviously it's going to provide a lot of taxes because a facility like this the taxes are going to double.

Mr. Molloy stated you're going to pay tax on property that no one has ever paid tax on before and you're going to bring people to town.

Mr. Greenberg stated it's a win-win for everybody.

Mr. Carnazza asked Mr. Charbonneau if they could go to the Zoning Board right now with the front square footage up in the air.

Mr. Charbonneau stated well we haven't gotten there yet, there's a lot I want to see. I want to see the deed and the title report. There's mixed references with respect to whether or not the title company is going to insure or not insure it. I'd like to see the underlying title report that shows the search they did with respect to ownership of the property. So I want to take a look at all that, but the square footage is a definitive number.

Mr. Carnazza stated the ownership is the question that I'm talking about.

Mr. Charbonneau stated my understanding is the resolution has passed full legislature and now it's just a question of the county attorney's office doing a quick claim deed. So I'd like to see not only the transfer documents but also the underlying title search documents and reference documents that brought us to this point. The ZBA is going to want to see that too. So whether you show it to me or show it to Mr. Folchetti you're going to have to show it to somebody.

Mr. Giannico stated there are some hefty waivers that the ZBA is going to have to grant. Based on Mr. Carnazza's memo the front and rear waivers are fairly large.

Mr. Greenberg stated the three variances that are required have nothing to do with the addition of the building. Any time you have a site plan and you have an existing building (which is probably 100 years old), it requires that any non-conformities get approval. These variances whether it's 1 foot or 1000 feet will never change. None of the variances have to do with our proposal; they all have to do with the existing property.

Mr. Molloy stated you are not creating anything that is non-conforming, but you cleaning up pre-existing and non-conforming.

Mr. Greenberg stated that's correct.

Chairman Gary asked Mr. Cleary if the applicant is looking to go to the ZBA.

Mr. Cleary stated that is what he is asking for. He said all of the variances relate to the existing building. He said none of the things that we would do such as changing the circulation of the driveway would affect the variances in anyway.

Chairman Gary stated there are still a lot comments from the consultants.

Mr. Greenwood agreed with the Chairman. He said a lot of the comments that were brought up from the consultants pertain to a site plan application which in opinion is not completed.

Mr. Cleary stated your first referral to the ZBA was done when they needed 16 variances and didn't own the property and the board probably thought they wouldn't be successful at the ZBA. That's why we didn't settle all the site plan issues that time around. Now they only need 3 variances.

Mr. Greenwood said by sending them to the ZBA the last time brought up another issue of the parking lot and ROW and it probably should have been resolved prior to going to the ZBA. He said I would like to avoid that by taking more time to get everything done first.

Mr. Gary asked Mr. Cleary for his opinion.

Mr. Cleary stated he didn't have a problem with refining some of the issues with the site plan before going to the ZBA. The last time he needed 16 variances which he probably wouldn't have gotten them. Now he needs 3 existing variances and he probably won't have a problem. He should respond to our comments before going back to the ZBA.

At which time, a discussion ensued regarding the traffic flow.

Mr. Franzetti commented that there may also be site distance issues. He said there is a hill on Yorke Road which we need to look at.

Chairman Gary stated to Mr. Greenberg to meet with Mr. Franzetti.

Mr. Greenberg said no problem.

#### **LAKEVIEW REALTY 168 LLC – EAST LAKE BLVD – TM – 76.22-1-4 – SITE PLAN**

Mr. Cleary read Mr. Carnazza's memo which stated the applicant proposes to add a dock to an existing lake front parcel on Lake Mahopac. A variance is required for the parking. He needs 11 spaces and none are provided. What is the height of the fence or gate at the front of the property at the fence section? Wetland permit is required from the Environmental Conservation Board. Provide abutting zones on the area map. The area map should show adjacent lots. The property is in the c-commercial zoning district. The Site Data Notes have it as R- Residential.

Mr. Franzetti read his memo which stated the application involves construction of two docks and a boat slip. Based on review of the plans the engineering department offers the following preliminary comments:

Drawings should provide a legend which contains all significant features on the drawing. The following referrals appear to be warranted. The Town of Carmel Environmental Conservation Board. It is unclear based on the information provided which site features for example, masonry wall, arbor trees, chain link fences, gates etc. are existing and which are proposed. It is suggesting that an existing and proposed site plan or site drawings be provided. Additional detail should be provided regarding the material being used to build the docks and boat slip, how the proposed features will be installed and also the geographic reference system should be referenced on the drawing. Various plan information required pursuant to 156-27 site plans is currently lacking. Including but not limited to high water mark to determine the starting point of the proposed docks and the height of the fencing. As is the project on Lake Mahopac wetlands and associated buffer zoning should be lineated and provided on the drawings. The applicant will need to obtain a permit from the Town of Carmel Environmental Conservation Board.

Mr. Cleary stated these are two docks on a parcel that's been purchased by Villa Barone. They'll use it in conjunction with special events, so presumably weddings and photography and so forth for special events. It is in our code what's called a private water facility, that's regulated by a special section in our ordinance and there is a series of criteria that must be met in order to comply with those standards. Most of those standards are met, there is one issue that is unclear and that requires the use of the site to be limited to the owner or leasee of the property. So in fact that is not clear, this is owned by Villa Barone, is this only going to be used by Villa Barone?

Mr. Joel Greenberg stated this is private; this has nothing to do with the wedding pictures that are on the site next door.

Mr. Cleary replied so who is going to own this?

Mr. Greenberg replied John and Nick Crecco.

Mr. Cleary asked will this be used separately and independently.

Mr. Greenberg replied it will be used by them.

Mr. Cleary stated nothing to do with Villa Barone?

Mr. Greenberg answered no.

Mr. Cleary stated as Mr. Carnazza pointed out in his memo, 11 spaces are required, the site is level and no spaces are proposed. He said it's easy to provide parking on that sight and there has been no effort to meet any of the parking requirements. Ordinarily we've seen these in the past and there is some effort to meet the parking requirement because it will be used as a recreational site. He said people will go to there to access their boat and vehicles should be parked somewhere. So normally we



want to see some ability to park on the site and there is no real impediment to providing parking on the property.

Mr. Molloy asked Mr. Cleary how the parking is calculated.

Mr. Cleary said it is based on the square footage...

Mr. Greenberg said one spot for every 750 sq. ft.

Mr. Cleary stated it is a huge number, I don't know where the number came from originally, but it results in these very large parking requirements. There should be a large parking requirement because the theory is people are purchasing these properties just to keep their boats there and they'll show up with their friends and families on the weekends so you need to provide a number of parking spaces, but I do think the number is probably excessive, but nevertheless it's our number and we have to live with it. Are you bringing in any utilities in there, is there any need to do that, any lighting being proposed, walkways or paths being proposed? As Mr. Franzetti and Mr. Carnazza both indicated it has to go to the Environmental Conservation Board, that is one of the requirements as well for these provisions.

Mr. Carnazza stated Villa Barone will not be taking pictures there, and they have the adjacent lot.

Mr. Greenberg said that's right.

Mr. Carnazza asked can we get a note on the map that says that.

Mr. Charbonneau asked if this will be used in conjunction with Villa Barone.

Mr. Greenberg replied no, this is recreational for the owners of Villa Barone, nothing to do with the parties. They own the property next door.

Mr. Cleary said that is an incestuous relationship. We are concerned with the adjacent property with the owners of Villa Barone. So I think Mr. Charbonneau is right, there needs to be a note on the plan or something that says it is not going to be used in conjunction with the adjacent properties.

Mr. Charbonneau said we don't want to have a problem where the building department is getting a complaint every time there's a wedding on all these properties and the police get involved.

Mr. Greenberg said no problem.

Mr. Cleary asked will there be a physical separation between this piece and the Villa Barone piece?

Mr. Greenberg said yes there will be.

Mr. Cleary asked if there was a fence or a wall.

Mr. Greenberg said there is a physical barrier. I'm not sure what. At which time, Mr. Greenberg displayed the map and pointed to the location. He stated we are going to put a series of arborvitaes for screening between this property and the next property.

Mr. Molloy stated he was concerned about paving 11 parking spaces on a piece of property that is on the lake. I'm not concerned about the expense; I'm concerned about turning grass into blacktop right at the edge of the lake.

Mr. Cleary said the last time we saw one of these applications, they did a gravel parking area and they provided a certain number of parking spaces, but they did not come close to providing all of them, but we didn't want them paving all of them it was right next to the lake.

Mr. Paepfer said you can understand the need for parking, but 11 spaces and the blacktop that is a different problem. He said that is a horrible street to park on.

Mr. Molloy stated and if he has the spot next door, the spot next door is used for photography for weddings from what I understand. I think it's more likely that the owners of Villa Barone who have this with the docks are going to use the next door more than the brides are going to use the lot. I think that's ideal.

Mr. Greenwood you can't guarantee that in the future this is a separate lot. It's not part of the lot across the street, it's not part of the Villa Barone lot. So the idea of providing no parking on this site, I'm not talking about 11 spaces, but there's no reason you couldn't put 2 or 3. At least if in the event if somewhere down the road it ends up getting sold to someone else who doesn't own the lot next door you don't end up with parking on the street.

Mr. Molloy asked if there will be a merger of the two lots.

Mr. Greenberg replied no.

Mr. Giannico asked if it can definitely be gravel.

Mr. Carnazza replied if they did gravel they would need to get a variance because it needs to be permanently improved.

Mr. Giannico asked would we want to request the variance to have gravel as opposed to blacktop?

Mr. Carnazza said grasscrete is considered something that is permanently improved per interpretation of the ZBA.

Mr. Cleary stated part of this requirement is we have to send it to the Environmental Conservation Board, so I'd let the Environmental Conservation Board provide some guidance with respect to the appropriate way to surface that parking lot.

Mr. Greenberg stated so the pavers are considered permanent?

Mr. Carnazza stated the board interpreted that a semi-pervious paver is permanently improved.

Mr. Greenberg stated he will respond to the comments and come back to the board.

Mr. Giannico said to show the existing barrier dividing the properties.

Mr. Greenberg replied yes.

**OLD FORGE ESTATES – BALDWIN PLACE ROAD – TM – 75.15-1-19-40 – RE-APPROVAL**

Mr. Carnazza stated he had no objection to the re-approval.

Mr. Franzetti stated no comments from the Engineering Department.

Mr. Cleary had no comments, this is a re-approval.

Chairman Gary asked any comments around the board?

Mr. Greenwood asked what the reason was for the re-approval.

Mr. Paul Lynch of Putnam Engineering, representing the applicant stated the reason was the inability to get bonding for the project.

Mr. Greenwood moved to grant final subdivision re-approval. The motion was seconded by Mr. Paepfer with all in favor.

**MINUTES – 4/30/2014 & 5/14/2014**

4/30/2014 – Heldover.

Mr. Molloy moved to adopt the May 14, 2014 minutes. The motion was seconded by Mr. Greenwood with all in favor.

Mr. Greenwood moved to adjourn the meeting at 8:00 p.m. The motion was seconded by Mr. Molloy with all in favor.

Respectfully submitted,

Rose Trombetta