

APPROVED

HAROLD GARY
Chairman

BOARD MEMBERS
CARL GREENWOOD
JOHN MOLLOY
JAMES MEYER
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 JULY 9, 2014

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
CVS/Pharmacy	55.10-1-12	1-2	A. Site Plan	Public Hearing Scheduled.
Lakeview Realty, 168 LLC	76.22-1-4	2-4	Site Plan	Denied to the ZBA and Referred to The ECB.
Hudson Valley Veterinary EMS	75.6-1-67	4-10	Site Plan	No Board Action.
Lutz, Wayne	65.17-1-14	10-11	Bond Return	Public Hearing Scheduled.
Staybridge Suites (Jaral Properties) G & F Subdivision Lot 1	55.-2-24.1	11	Extension	One Year Extension Granted.
Minutes – 4/30/2014 & 6/11/2014		11 11		Approved. Heldover.

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

Respectfully submitted,

Rose Trombetta

CVS/PHARMACY – 1879-1905 ROUTE 6, CARMEL – TM – 55.10-1-12 – AMENDED SITE PLAN

Mr. Carnazza stated all the necessary variances were granted by the ZBA and they are noted on the plat. They have a few notes that say variances that were granted on Hannaford and McDonald's on their plat, need to be taken off. Otherwise everything is good.

Mr. Franzetti stated most of the comments that were offered in the Engineering Department's March 12 memorandum have been addressed. The applicant is aware that the following referrals are warranted which is the Town of Carmel ECB which I think they are in front of now and a referral to Putnam County Planning. Permits from the following might be necessary, NYC DOT if there are any improvements along the ingress and egress along Route 6, the department still agrees with a preliminary course of action proposed by the applicant, which is the cleaning and inspecting of the drainage line crossing Route 6 at the entryway. Once those findings are there the department will review it, but otherwise the comments have been addressed satisfactory to the Engineering Department.

Mr. Cleary stated as you might recall the last time they were before us they made a number of revisions to the plan addressing all the site planning issues and we talked about those relating to the drive thru, the new pocket park that's being provided out on the road. So all the site planning issues have been addressed and we're at the point on this application where we can schedule a public hearing.

Chairman Gary asked about the drainage issue.

Mr. Neil Alexander of Cuddy & Feder, representing the applicant addressed the board and stated we are working with the landlord and we are undertaking in coordination with the landlord to have the area cleaned, we're also inspecting it and getting a video shot, which we will share with the engineer as soon as we have it. We're not sure what the issue is but we're going to try to assess and have everyone at the table understand what the scope of the issue is and what potential remedy would be. We're definitely committed to investigating it and knowing what it is and what the remedy would be.

Chairman Gary asked do you understand what the issue is.

Mr. Alexander stated we do and until we have somebody make sure that it is clean, it may have to do with piping that is offsite that's coming into the area and that may be the issue. I think where we are is that we are committed to investigating what the problem is and where it derives from and to the extent we can help fix it we will do that but it's not on our property we may not be able to help too much other than share with everybody the knowledge that we have from the video.

Chairman Gary stated if you had seen the flooding in the past, it surely would be beneficial to CVS, because your customers would not come in if flooding stays like it did all last year. It's not only to please someone else; it's to try to help you also.

Mr. Greenwood stated I've seen it directly and I think it's something that needs to be addressed.

Mr. Alexander stated we're not in disagreement, we're committed to investigating what the source of the problem is and we've been trying to push our landlord to get that done sooner rather than later.

Mr. Greenwood stated especially since we're considering a public hearing the fact of the matter is, it would be nice if work was put into actually looking at it before a person stands in front of us with a question that no one could answer.

Mr. Alexander stated we're in the same place that you are, we're doing everything we can.

Chairman Gary stated we'll schedule a public hearing for August 13, 2014.

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

Mr. Carnazza stated a variance is required from the ZBA, 11 parking spots are required; they provided 2, so a 9 parking space variance is required. In the memo that was attached it said the abutting zones were delineated on the map, I don't see them anywhere on my map; I don't know if they were on a different map just make sure you put that on there.

Mr. Franzetti read his memo which stated the following comments were offered:

1. The location, length and width of the proposed retaining wall along the south side of the property should be shown on the drawing. As shown on the drawings, it appears to be behind the arborvitae trees.
2. The Engineering Department was unable to locate the existing chain link fence.
3. The applicant should consider using pervious pavers for the parking area in lieu of the proposed macadam parking lot. All details should be provided.
4. The following referrals would appear to be warranted:
 - The Town of Carmel Environmental Conservation Board

Mr. Cleary stated when this was originally presented there was some confusion on our part regarding the relationship with this site with the Villa Barone property next door. And in fact Mr. Greenberg clarified that there is no connection, they're owned by similar properties but this property will be used privately and will have no connection to the Villa Barone operation. To that end the site is physically separated from the Villa Barone property. There's existing landscaping on one side and there is a new retaining wall landscape on the other side of the property, so there's physically no connection to that adjacent property as well. As Mr. Carnazza indicated there's two off street parking spaces provided, they will need a 9 space parking variance for this.

The one comment about the parking area which is now indicated on the plan is it's only about 5 feet off East Lake Blvd and we would want to see that parking area either setback or screened. If you could bring some of those arborvitaes along the front of the property so that the parking area is either pushed back or screened with some landscaping. As Mr. Franzetti indicated there's a new retaining wall being proposed on the left side of the parcel. There are no utilities being brought into the property and as Mr. Franzetti and Mr. Carnazza indicated this needs to go to the ECB as well as the ZBA.

Mr. Greenberg stated and if he could be referred to the ECB and ZBA and the comments will be addressed when we come back.

Mr. Carnazza stated this application is ready to go to the ZBA; this is a 9 parking space variance. But they need to give us the abutting zones, there is an area there that's residential and an area there that's commercial so they need to prepare that, otherwise it's complete.

Mr. Molloy stated with regards to the setback for the parking spaces, I would like to keep the cars up by the road. I wouldn't like to see the 40 feet setback applied because then you'd have a stretch of road and you'd still have parking spaces so I would be in favor of the screening.

Mr. Cleary the only reason I raised these issues is because the way these lots are used, they're used by people who don't live on these properties and they bring their stuff for the weekend or the day and car trunks are open and things are scattered around the property so there is somewhat of an untidy appearance sometimes on some of these lake lots. So the ability to either get that out of sight or screen it with some landscaping is the solution.

Mr. Greenberg stated I think you both make good points, and I don't think the applicant would have any problem placing arborvitaes.

Chairman Gary asked Mr. Franzetti you recommended that they go to another board.

Mr. Franzetti stated yes to the ECB, I can't guarantee it but I'm sure the ECB will require some form of control of order going into the lake so that's why I recommended the pervious pavers up front so that it avoids them having to make that comment.

Mr. Carnazza stated the ZBA already interpreted that pervious pavers are permanently improved so it's okay.

Mr. Greenberg stated so in other words pervious pavers are considered permanent improvement.

Mr. Carnazza responded yes.

Chairman Gary stated so he is all set to go.

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

Mr. Greenwood moved to refer the applicant to the ECB. The motion was seconded by Mr. Molloy 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.

- Variances are required from the ZBA:

Lot Area	40,000 s.f. req'd	35,383 s.f. provided	4,617 s.f. variance
Front Yd.	40 ft.	11.5	28.5 ft. variance
Rear Yd.	30 ft.	6.5 ft.	23.5 ft. variance
- Will the retaining wall exceed 6' in height at any point? If so, it needs to be labeled as a structure and added to the list of variances requires.
- Provide wetland buffer line to the wetland across Rt. 6N. This project should be referred to the ECB.
- Location of the well is provided but maybe a circle with a W would be easier to find.
- Location and size of any proposed signage on the property. (Provide dimensions of existing signage). Architect claims all signage will comply with code. I recommend we get the information on the plat.
- Curb-cut permit will be required from Town Highway Dept. The only provided egress from the Vet EMS (rear of the building) is via Yorke Rd., a residential, Town Road. Would it be possible to gain access through the abutting Commercial neighbor's property? Possibly by easement. Or in the alternative, remove part of the existing building to make the driveway adjacent to York Rd. a two-way driveway. Either option would be better than coming out to a residential road.
- On the Tax Map or Area Map, the abutting zones need to be delineated.
- There are almost no buffer areas between the parking areas and the adjacent properties. The applicant proposes a 6' stockade fence.
- Site lighting plan needs to be submitted.
- Is the transfer of the property finalized? Provide all information for review by counsel.
- 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?
- The decision of the ZBA at the bottom middle of the page needs to be more specific. Provide hours of operation and days that the Clinic will be open on the plat and I'll verify compliance with the interpretation.

Mr. Franzetti read his memo which stated based upon review of the plan provided and the site visit performed the Engineering Department offers the following comments:

The Engineering Department has concerns about the proposed exit onto Yorke Road, as the proposed exit is from a commercial development entering onto a Town of Carmel road in a residential area. The exit as it is currently aligned is perpendicular to a residence on Yorke Road. The applicant should consider an alternative ingress/egress for this site.

DETAILED COMMENTS:

1. The applicant has provided an updated legend however it does not contain all significant features of the site.
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)
3. The location and dimensions of the NYSDOT right of way must be provided.
4. The applicant must provide a property survey with adjoiners.
5. 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.
6. Various plan information required pursuant to §156-61 ("Site Plans") is currently lacking and must be provided. These include, but are not limited to:
 - 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.
7. The stormwater pollution prevention plan (SWPPP) and stormwater management facilities were originally provided to the Engineering Department in October of 2013. This Department has not reviewed these documents as the site plans have not been updated to reflect the current site plan.
8. Various construction details must be provided, these include:
 - Curbing
 - Parking stalls/striping
 - Details on all landscaping proposed (planting details, number of plants, and their height at planting)

- Lighting spill plan denoting illumination levels.
9. 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.
 10. The applicant did provide sight distance of 300 feet along the west side of Yorke Road from the proposed exit. During the site visit this Department reviewed the site distance and determined it to be over 200 feet, but not 300 feet. In addition, the applicant must provide a sight distance along the east side of Yorke Road towards Route 6N.
 11. The applicant must identify any clearing along the edge of the roadway R.O.W. that may be necessary to assure appropriate sight distances.
 12. Any existing PCDOH approvals must be submitted, for the Board’s records.
 13. 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 proposed (drainage piping, catch basins, manholes, etc.) should be provided. Please see note 5.
 - 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.
 14. The applicant provided a note stating that “All food to be stored indoors in sealed, airtight containers in a dedicated storage area”. The storage area and details for storage should be provided.
 15. 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.
 16. 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.

Mr. Cleary read his memo which stated as discussed in detail at the last meeting, the Yorke Road driveway created concerns regarding vehicular ingress and egress. The

applicant has modified the site plan to reflect an exit only driveway onto Yorke Road. Several concerns remain regarding this configuration:

- While the exit only driveway is preferable to the two-way driveway previously proposed, it seems likely that late night emergency traffic may still use this driveway for ingress.
 - The traffic directional arrows on the site plan indicate that a southbound vehicle flow is still permitted on the west side of the building, presumably to access the handicapped parking space, and parking spaces #18 & 19. This directional flow of traffic conflicts with the one-way northbound flow established in this area.
 - It is requested that the applicant explore the feasibility of completely eliminating the Yorke Road driveway.
- The site plan indicates landscaping within the Yorke Road right-of-way, as well as on adjacent property to the north and east. Does the applicant have permission to install this landscaping? How will this landscaping be permanently maintained, and by whom?

If landscaping is being proposed on adjacent property, it is recommended that this landscaping be extended along the full length of the northern and eastern property lines.

- It has been noted that the NYSDEC wetland ML-10 is located adjacent to the site. Does the wetland buffer extend onto the site? If so, a NYSDEC wetland permit may be required.
- By acquiring the parking area, a number of the required variances are eliminated, or reduced. The remaining variances are for lot area (reduced) and front and rear yards (pre-existing, with no change). The comments regarding the acquisition of the parcel noted above, should be addressed prior to referring this back to the ZBA.

Chairman Gary asked Mr. Cleary from a planning point of view aren't there certain types of businesses that should never come off of a residential road?

Mr. Cleary stated primarily commercial businesses should be on a collector street not a private or local street, that's a rule of thumb.

Chairman Gary stated that in itself sometimes will cause a lot of problems trying to do that. He said that's probably a zoning question.

Mr. Cleary stated it's actually not, it's not in our code but it's a planning practice, it's something we try to adhere to in all instances and in the case of a corner lot that has the option, Route 6 is not even a collector street it's an arterial street. So that's a preference for a non-residential location and Yorke Road is a residential street.

Chairman Gary stated if you could get it off of that street it would be more of an advantage than one way in and one way out on a residential. He said we have to keep in mind that this is 2014, and it will fit 2014 but will it fit 2020.

Chairman Gary stated the board had some question about the transfer of property, the county owning property that the applicant paid for and was transferred to him. He said we asked Mr. Charbonneau to take a look at it.

Mr. Charbonneau stated I don't have a definitive answer because the property hasn't been conveyed yet. He said we do not have a recorded deed yet, so I don't have an instrument that gives the applicant title to the property. So until I have that and get information from the Putnam County attorney's office relative to their deed search I don't have a definitive answer. He said I have spoken with an independent title researcher who has agreed to assist me in going back and tracing the title to ensure that the county is the actual owner and has the interest to convey here lawfully. He said but until I have those mechanisms in place I can't really report on this issue because it will require the assistance of an independent title researcher in order for this to be answered definitively.

Mr. Molloy if I'm not mistaken Benchmark Title did the search and they said that they could not ascertain who owned that property and the county intends to convey a quick claim deed, they don't intend to convey ownership, they intend to convey whatever ownership they might have but we'll have to see. You've spoken with another title researcher other than Benchmark? And there was going to be a question whether or not Benchmark was going to issue title insurance.

Mr. Charbonneau stated to my understanding they were not going issue title insurance.

Mr. Greenberg stated according to the applicant's attorney the title company and will give title insurance.

Mr. Charbonneau stated I have yet to see any of that.

Mr. Molloy stated Mr. Franzetti agreed that it's at least 200 feet site distance if you were exiting onto Yorke Road and looking to the right you have at least 200 feet and it's a 30 MPH zone, at 30 MPH a car is going 44 ft per second. So if you look to the right and you have 200 feet, you have about 5 seconds that any car pulling out would be observed 5 seconds in advance by a car coming out of the residential area and 5 seconds at 30 MPH you could stop and get out and change your windshield wipers in 10 seconds so 5 seconds is a long time. I agree though that we should keep looking for a safer way, but if there isn't I don't have a problem with exiting onto Yorke. It certainly can't be two way, you can't stop people from doing something that's physically possible anywhere in town, you can't stop somebody from pulling in there, but if it's the middle of the night how dangerous would that really be.

Mr. Franzetti stated the only comment I would have to add to yours is while you're correct in your assessment of the math, you have to take into account that the top of that 200 feet is off of a curve and it's also on an incline so that speed is probably going to be a little quicker than that 5 seconds. He said where that exit is right now is

basically in someone's property. When people are driving out which will be mostly at night time, you're coming out and your lights are hitting into somebody's bedroom and/or living room. So that needs to be taken into account.

Mr. Greenwood stated not only are you looking at the traffic from the veterinary place, but also the other places in the facility are still going to be exiting or having the possibility of exiting that same route at any given part of the day. My question is, is it really necessary to have a driveway of any point at that part of the property. Is there a possibility of making that an emergency entrance only pertaining to fire protection or something like that?

Mr. Cleary stated it would be hard to design that as an emergency exit only.

At which point a discussion ensued detailing traffic flow and the safety of the one way entrance.

Mr. Greenberg stated if you recall back in October of 2013, originally there was no entrance or exit onto Yorke Road at all. All the traffic was coming up and down this driveway. This existing driveway is wide enough for two way traffic; however the little piece of triangle apparently is on town property. We went to the Town Board to see if we could acquire that and the town board said no. The alternative that we had was to have two-way traffic and the whole site plan would work great. But the 150 square feet is what's changing this from two ways to one way. As you recall at the last meeting we had this as an entrance and it was the consensus of the board that it would be better as an exit. I met with Mr. Franzetti to go over all the comments and I think we addressed all the comments with regard to the flow. Is it the best thing in the world? Probably not, but unfortunately the Town Board refused to let us use that 150 square feet, which is there but the Town Board said no. As far as the other concept of acquiring easements for additional property that can certainly be looked into. As far as cars coming out and the house being across the street you can go into every residential zone where you'll see houses and driveways opposite each other, that's not an unusual situation. Again there might be nights where there might be absolutely no traffic at all and in the worst situation you might have 12 patients coming in, so you're talking about 12 cars over a period from 5 pm to 8 am. With regards to the lighting we plan to have the lighting lower than 12 feet to a point where it won't disturb any adjacent neighbors. With regards to the landscaping there is a 6-foot fence on the property and arborvitaes will be planted so there will be plenty of screening. Again originally this was an entrance, but I believe the consensus was to have this as the exit. The wetlands have been flagged and I believe the 100-foot buffer will come into the parking lot but not enough to where we're doing any work, but I think it should be looked at by the ECB to see if they have any comments.

Mr. Greenwood stated without a clear cut decision by our attorney that it is a piece that can be conveyed, I don't see it going anywhere.

Mr. Meyer asked do they currently have an easement for ingress and egress off 6N?

Mr. Greenberg replied no. He stated at the last meeting I brought a picture from

1915, which showed Route 6N going right through here, and maybe 50-60 years ago the state realigned 6N and was paved and this area was used as a parking lot for this building. The state has "maintenance" on this property even though they never maintained it; whoever owned the property maintained it. Supposedly the State claimed they have maintenance jurisdiction over this property.

Mr. Charbonneau asked do you know whether or not the State has conveyed that property to the County.

Mr. Greenberg replied I do not know. I do know that they do not own it and they seem to be convinced that the county does. We've gone through the County Legislature as you know and you saw the resolutions, we've gone through the County Attorney's Office and they're ready to give us a deed. The only thing we're waiting for now is the state to release that maintenance jurisdiction; once they release that we can get the deed.

At which time a discussion ensued regarding the non-payment of taxes for that property and who owns it. Is it the State or the County? And the possibility of not being able to get a clear title for that property.

Chairman Gary stated as far as this board is concerned we cannot act on this property until we have an ironclad paper showing they own that piece of property.

Mr. Charbonneau stated right now they don't.

The board members agreed with the Chairman.

At which time the board members had a discussion regarding the fees involved with hiring outside consultants such as an independent title company and the requirement of an escrow from the applicant.

At the end of the meeting, Chairman Gary asked for two volunteers to help the Planning Board Attorney, Mr. Charbonneau with the process.

Mr. Paepre and Mr. Greenwood volunteered their services.

Mr. Charbonneau said he will get back to them when he gets more information from Mr. Greenberg regarding the property.

LUTZ, WAYNE - 230 EAST LAKE BLVD - TM - 65.17-1-14 - BOND RETURN

Mr. Meyer recused himself and left the podium.

Mr. Carnazza had no comments.

Mr. Franzetti read his memo which stated a representative from the Engineering Department performed a field inspection on the referenced property to evaluate the status of a site construction. The original bond amount posted was \$10,408, the full

bond amount is still being held by the town. Based on our inspection all of the site improvements required pursuant to the board site plan approval have not been completed on this basis. The Engineering Department recommends that the entire bond of \$10,408 be released.

Mr. Cleary had no comments.

Chairman Gary said to schedule a public hearing.

Mr. Meyer returned to the podium.

STAYBRIDGE SUITES (JARAL PROPERTIES) G & F SUBDIVISION LOT 1 - ROUTE 6, CARMEL - TM - 55.-2-24.1 - EXTENSION OF SITE PLAN APPROVAL

Mr. Carnazza stated this was held because the variances that were granted expired so they went back to the ZBA a month ago, they got their variances and are noted the plat. I have no objection to the extension of approval.

Mr. Franzetti had no objection to the extension.

Mr. Cleary had no objection to the extension.

Mr. Greenwood moved to grant a one year extension for site plan approval. The motion was seconded by Mr. Molloy with all in favor.

MINUTES - 4/30/2014 & 6/11/2014

Mr. Molloy moved to adopt the April 30, 2014 minutes. The motion was seconded by Mr. Greenwood with all in favor.

The minutes for June 11, 2014 were heldover.

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

Respectfully submitted,

Rose Trombetta