

# 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  
Enforcement*

RICHARD FRANZETTI, P.E.  
*Town Engineer*

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

### PLANNING BOARD MINUTES SEPTEMBER 17, 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>
Hosch & Torres Subdivison	53.15-1-40	1	P.H.	Public Hearing Closed & Planner To Prepare Resolution.
Infantino, Thomas	64.8-1-19	1	P.H.	Public Hearing Closed & Bond Reduction Recommended to Town Board
Kobu Asian Bistro	75.12-2-5	2	P.H.	Public Hearing Closed & Bond Return Recommended to Town Board
Lakeview Realty 168, LLC	76.22-1-4	2	Resolution	Resolution Adopted.
Coco Farms Gas Station	55.11-1-40	2-4	Site Plan	No Board Action.
Cargain Funeral Homes, Inc.	75.15-1-6	4-6	Site Plan	No Board Action.
Fisher & Simone	75.15-1-6 & 75.15-1-8	6-7	Lot Line Adj.	No Board Action.
Lakeview Development at Carmel	55.9-1-17	7	Bond Return	Public Hearing Scheduled.
Putnam Community Found.	66.-2-58	7-9	Extension	No Board Action.
Campanelli, Michael	75.11-2-25	9	Waiver	No Board Action.
Minutes – 8/13/2014		9		Approved.

The meeting was adjourned at 8:03 p.m.

Respectfully submitted,

Rose Trombetta

**HOSCH & TORRES SUBDIVISION – 490 LONG POND ROAD – TM – 53.15-1-40 – PUBLIC HEARING**

Mr. Carnazza had no comments.

Mr. Giannico read Mr. Franzetti's memo which stated all Engineering Department comments have been addressed.

Mr. Cleary stated he had no further issues and it's on for public hearing.

Chairman Gary addressed the audience and asked if anyone wished to be heard.

Hearing no comments from the audience, Mr. Greenwood moved to close the public hearing. The motion was seconded by Mr. Molloy with all in favor.

Chairman Gary asked the Planner to prepare the resolution.

**INFANTINO, THOMAS – SPLIT ROCK ROAD – TM – 64.8-1-19,20,21 – PUBLIC HEARING**

Mr. Carnazza had no objection to the bond reduction.

Mr. Giannico read Mr. Franzetti's memo which stated the Engineering Department performed a field inspection of the referenced property on September 2, 2014 to evaluate the current status of the site construction, for the purpose of determining whether a bond return was warranted. The results of our investigation are presented below.

The original bond amount posted on May 19, 2010, which is currently being held, is \$56,952.00. Based upon our inspection, 80% of all the site improvements required pursuant to the Board's Site Plan approval have now been completed. The only remaining work to be performed is the plantings in the rain garden. On this basis, this Department recommends that the bond be reduced to \$11,400.00 and the remainder, \$45,552.00 be released.

Mr. Cleary had no comments.

Chairman Gary addressed the audience and asked if anyone wished to be heard.

Hearing no comments from the audience, Mr. Greenwood moved to close the public hearing. The motion was seconded by Mr. Meyer with all in favor.

Mr. Greenwood moved to recommend bond reduction to the Town Board. The motion was seconded by Mr. Molloy with all in favor.

**KOBU ASIAN BISTRO – 903 SOUTH LAKE BLVD – TM – 75.12-2-5 – PUBLIC HEARING**

Mr. Carnazza had no objection to the bond return.

Mr. Franzetti had no objection to the bond return.

Mr. Cleary had no objection to the bond return.

Chairman Gary addressed the audience and asked if anyone wished to be heard.

Hearing no comments from the audience, Mr. Molloy moved to close the public hearing. The motion was seconded by Mr. Greenwood with all in favor.

Mr. Meyer moved to recommend bond return to the Town Board. The motion was seconded by Mr. Molloy with all in favor.

**LAKEVIEW REALTY 168, LLC – EAST LAKE BLVD – TM – 76.22-1-4 – RESOLUTION**

Mr. Carnazza had no comments.

Mr. Franzetti had no comments.

Mr. Cleary stated you have a draft resolution before you. He said this is a type 2 action under SEQR so there is no environmental approval required for this application.

Mr. Molloy moved to adopt Resolution #14-10, dated September 17, 2014; Tax Map # 76.22-1-4 entitled Lakeview Realty 168, LLC Final Site Plan Approval. The motion was seconded by Mr. Paepre with all in favor.

**COCO FARMS GAS STATION – 1923 ROUTE 6, CARMEL – TM – 55.11-1-40 – AMENDED SITE PLAN**

Mr. Carnazza read his memo which stated the applicant proposes to add a retail convenience store and change the traffic pattern at the existing gas station on Rt. 6 in Carmel.

- Provide Setbacks to property lines for all buildings and underground tanks to all property lines to insure compliance with code.
- Variances are required from the ZBA

Front yard	40 ft. Required	24 ft. Provided	16 ft. Variance
Canopy signs	1 Permitted	2 Provided	1 Additional Sign
- Provide measurements on the building elevations (include area of sign(s)). This is needed to insure compliance with code for both the building and the sign ordinance.

- This project must be referred to ECB for comments.
- Provide a list of all previously approved variances.

Mr. Franzetti read his memo dated September 12, 2014.

Mr. Cleary read his memo dated September 16, 2014.

Mr. Carnazza stated they also need to add all the previous granted variances on the map so we can see if they are in compliance or not.

At which time, a discussion ensued regarding a previous application that was before the board to install a canopy and the numerous comments from the consultants.

Mr. Mark Day of Day Engineering addressed the board and stated they looked at this site a number of months ago and we knew the difficulties. One of the ideas we had was to relocate the building from this area back to this area (points to map). We noticed that this would be a situation where we could do a fairly good landscaping project that would differentiate this a little bit. We thought it would be a better connection to move this entrance across from the plaza entrance. One of the things we are proposing is to change the building to a different style building than what's already there, something more traditional that would fit into the area. One of the problems we ran into is there is an existing pipe that crosses through here. We've had a few meetings with the D.O.T. and the County and nobody seems to know whose it is, so that's going to be one of the issues we're going to have to deal with on this project so that it no longer crosses the sight. He said we welcome a meeting with the consultants to resolve some of the issues we've had.

Mr. Meyer asked how many buildings are going to be on the site and if the carwash is going to be separate.

Mr. Day responded it's going to be one building. It's going to be part of the convenience store.

Mr. Paepre asked what will the hours of operation be.

Mr. Day responded the approximate hours will be from 6 AM to 11 PM.

Mr. Molloy stated you mentioned there was an entrance and exit out on Route 6. Is there also an entrance and exit on Stoneleigh?

Mr. Day responded yes there is a proposed entrance. He said we are actually relocating it. He said we are trying to create an entrance that would be in line with entrance across the street. He said we realize it causes a potential for a pass through, but at this point we would like to keep it if we could.

Chairman Gary stated there was a lot of talk and consideration when the canopy application was before the board previously and that entrance off of Stoneleigh was not available.

At which time, a discussion ensued with regards to the entrance off of Stoneleigh Avenue, the proposed entrance and exit into the car wash and traffic flow. Also, there was a discussion of the location of the proposed building.

Chairman Gary asked Mr. Day if he was a traffic engineer also.

Mr. Day replied no, but we will get one.

Chairman Gary said glad to hear that. He suggested before you meet with the consultants, the traffic needs to be taken care of. You need a traffic engineer to look at that at the whole area.

Mr. Day replied will do.

Mr. Greenwood commented that the three different uses for that area is a lot to handle. It's a very tight site.

Mr. Day stated they will get a traffic engineer on board with this project.

No board action taken.

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

Mr. Carnazza read his memo which stated this application is for an enlarged parking lot and amended site circulation. The property is currently in front of the board for a "Lot Line Adjustment". The key map (Vicinity Map) needs to be at a scale of 1"= 800'. The Vicinity map is 1" = 1000 feet. Provide a detail of the trash enclosure. Provide a detail of the heights of the retaining walls. 6' tall or higher must meet the setback requirements. He said he would like to meet with the project engineer to discuss the project.

Mr. Franzetti stated the Engineering Department does have some comments and we suggested meeting with the applicant to discuss them. He said there is an extensive list of questions that should be discussed.

Mr. Cleary read his memo which stated this application involves the expansion and reconfiguration of the parking lot for the Cargain Funeral Home. Currently 25 spaces exist. The new lot will accommodate 31 spaces.

#### **SITE PLAN REVIEW COMMENTS:**

- Is the parking expansion being proposed in response to an increase in the intensity of the operation of the business, or to better accommodate the existing business?
- The layout and orientation of the proposed parking lot is appropriately designed to follow the angle of the western property line.

- How will the one-way traffic flow be identified from Route 6?
- Why are wheel stops proposed in the spaces on the east side of the parking lot and not the spaces on the west side?
- It is noted that the rear retaining wall extends to 14' in height. Generally lower, staggered walls are preferred. The Town Engineer would appropriately address this issue.
- Is the "snow area" to be paved? If so, how will cars be prevented from parking there? Generally, snow areas should be pervious to allow for melting.
- The proposed plantings detailed on the "Planting Schedule" should be graphically depicted on the site plan.
- Stockade type fencing should be provided along the eastern side of the new parking lot adjacent to the "land to be transferred to Simone" to screen the parking lot from the neighbor.

Mr. Joe Zarecki of Zarecki and Associates, representing the applicant appeared before the board and stated this application is for an expansion of the parking lot. He said the when the parking lot is full, the cars park along Route 6 and it is causing a lot of problems for everyone involved. He said the applicant is not planning to enlarge the facility or building at all. He said it is basically to get the cars off Route 6. He said we have met early on with the planning board consultants and got good direction from them to meet their goals, but we may have not met them all. He said the wall will be a concrete retaining wall with a stone veneer fascia for the entire length with some lighting that will be built into the wall. He said we made a submittal to the D.O.T. for the stormwater. He said we are not changing any ingress or egress to the property.

Chairman Gary asked about the lot line adjustment.

At which time, Mr. Zarecki displayed the drawings for the lot line which is a separate plat. He said the property line is about 3½ feet off the neighbor's house. He said when we walked back there we noticed excavation going on. He said the neighbor had put in extra laterals for their septic system. He said the applicant knows the neighbors very well and decided to give them that piece of land so they could have a place for their septic system. That's the only reason why we are doing that favor for the neighbor. He is in a very tight space. The property line is right on the road. He said that was the reason for the lot line change.

Chairman Gary asked if that was an improved septic system.

Mr. Zarecki stated I think it was a just a repair.

Mr. Carnazza stated the health department will have to stamp the plan also.

Mr. Molloy asked if the before they fixed the septic system was that property used for anything?

Mr. Zarecki stated it was just their backyard. There was nothing there, just vacant land.

Mr. Molloy asked how far back are you going from the existing parking lot?

Mr. Zarecki replied roughly 150 feet.

Mr. Molloy asked will the grade of the new parking lot will be the same as the grade in the front or will you go uphill?

Mr. Zarecki replied we will go uphill and the grade will not exceed 7%.

Chairman Gary stated to Mr. Zarecki to meet with the consultants to address all of their comments.

No board action taken.

**FISHER & SIMONE - 418 ROUTE 6 & 7 VESCHI LANE N. - TM - 75.15-1-6 & 75.15-1-8 - LOT LINE ADJUSTMENT**

Mr. Carnazza stated it is the same application that was just in front of us. Mr. Carnazza read his memo which stated this application is for a Lot Line Adjustment to clear up an issue that the Simone parcel has the existing septic system on the adjoining property. Provide seal and signature of professional engineer or land surveyor preparing the plat. The key map (Vicinity Map) needs to be at a scale of 1"= 800'. The Vicinity map is 1" = 1000 feet. Provide a legend, including names of all adjacent landowners and those within 500 feet of any property line. All proposed lot lines, dimensions in feet and the areas of all lots in square feet; metes and bounds description of all proposed lot lines. The code reads "A lot line adjustment shall not result in additional lots, any lot becoming substandard nor increase/decrease any lot by more than 20% or 20,000 square feet of its original lot area". The larger lot is not increasing by 20% and the smaller lot is not decreasing by 20% which is the intent of the law. In this case, the smaller lot is increasing by over 20% but it is coming more into conformity, therefore, it meets the code.

Mr. Franzetti stated we do not have any comments regarding the lot line adjustment.

Mr. Cleary read his memo which stated the proposed transfer of land is being done in conjunction with the parking lot improvement project for the Cargain Funeral Home. The transfer will improve the conformity of the Simone property, and allow for the continued use of the existing subsurface septic system, which is currently on the Cargain site, to be used for the Simone residence. The transfer will not result in the creation of any zoning non-conformities on the Cargain parcel.

Mr. Greenwood asked if enough is being provided to do the septic.

Mr. Carnazza stated that's all he could provide.

Mr. Franzetti stated that would be deferred to the County.

Mr. Greenwood stated if you do the lot line change and the County says it's still sub-standard and you may have to come back here to re-adjust it again.....

Mr. Molloy asked if we could make it contingent upon the County approving the septic system.

Mr. Cleary stated ultimately that condition would be established because we don't control the health department. What would be useful is to find out if it is going to be suitable or not. If the County doesn't approve it, we are wasting our time. Maybe, Mr. Zarecki could find out and report back to us.

Mr. Zarecki replied I will do the best I can to get the information you are looking for.

Chairman Gary reiterated to meet with the consultants.

**LAKEVIEW DEVELOPMENT AT CARMEL – 1611 ROUTE 6 – TM – 55.9-1-17 – BOND RETURN**

Mr. Carnazza had no objection to the return of the bond. The property is currently in compliance with zoning.

Mr. Franzetti read his memo which stated in response to a request by the above applicant, a representative of the Engineering Department performed a field inspection on September 10, 2014 for the referenced property to evaluate the current status of the site construction, for the purpose of determining whether a bond reduction was warranted. The results of our investigation are presented below.

The original bond amount posted was on June 14, 2013 for the amount of \$416,000.00. The full bond amount is still being held by the Town. Based upon our inspection, all of the site improvements required pursuant to the Board's Site Plan approval have now been completed. On this basis, this Department recommends that the entire bond be released.

Mr. Cleary had no objection to the bond return.

Chairman Gary said to schedule a public hearing.

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

Mr. Carnazza stated he had no objection to the extension of approval. The only change is the lot line adjustment that was approved by the board.



Mr. Franzetti read his 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.

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 March 23, 2010.

The NYCDEP permit is good for 5 years and will expire on March 22, 2015.

The applicant will need to seek an extension from the NYCDEP for the SWPPP approval prior to this date.

New York State Department of Environmental Conservation (NYSDEC) Requirements

The project received coverage under the NYSDEC the General Stormwater Permit on April 2, 2010. (Permit Number NYR10S384)

Mr. Cleary had no objection to extension of approval.

Chairman Gary asked if we could grant a one year extension.

Mr. Cleary said yes you can.

Chairman Gary asked for a motion.

Mr. Meyer moved to grant a one year extension.

Chairman Gary asked for second on the motion.

No one seconded the motion.

Mr. Cleary said the motion does not carry and it would be re-considered at a different time.

Mr. Charbonneau asked the applicant's attorney, Mr. Dan Leary where are we within the court's decision in terms of the time frame that the board has to act on it. Are we still within the 45 days, correct?

Mr. Leary replied yes, we are still within the 45 days at this time. The 45 days to seek the extension ends somewhere around September 20<sup>th</sup>. He said the decision was issued on August 6<sup>th</sup>.

Chairman Gary said September 20<sup>th</sup> is only 3 days away. Is that when we have to act on it?

Mr. Charbonneau replied no. The decision from the court said that they had to make an application for an extension in that period of time. They have complied with that. He said the board could continue to consider the application if the board is looking for additional information. If so, the board should direct their attorney to provide that and then you could place this on an upcoming agenda to re-consider.

Chairman Gary asked Mr. Cleary for our next meeting to research what other things we are seeking from them. He said should we write them a letter explaining that.

Mr. Cleary replied I will research that for the board and provide you with information regarding questions that may be outstanding in the minds of some of the board members.

Chairman Gary stated we will put him on the agenda after you have made all of these inquiries and come back to the next meeting with recommendations.

Mr. Leary stated on behalf of the applicant, we don't believe there is any substantial change in the conditions of the site under the applicable section of your code 156-61(i) and under the case law which says there is material changes and circumstances. He said there hasn't been any.

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

Mr. Meyer recused himself and left the podium.

Chairman Gary at the last meeting the applicant was supposed to talk with the consultants.

Mr. Cleary stated nothing has been submitted.

Mr. Charbonneau stated I haven't received any additional information also.

Chairman Gary stated we will carry it over to the next meeting.

Mr. Meyer returned to the podium.

**MINUTES - 8/13/2014**

Mr. Greenwood moved to approve the minutes. The motion was seconded by Mr. Paepre with all in favor except Mr. Molloy who abstained.

Mr. Greenwood moved to adjourn the meeting at 8:03 p.m. The motion was seconded by Mr. Paepre with all in favor.

Respectfully submitted,

Rose Trombetta