

APPROVED

HAROLD GARY
Chairman

CRAIG PAEPRER
Vice-Chair

BOARD MEMBERS
ANTHONY GIANNICO
DAVE FURFARO
CARL STONE
KIM KUGLER
RAYMOND COTE

TOWN OF CARMEL
PLANNING BOARD



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Director of Code Enforcement

RICHARD FRANZETTI, P.E.
Town Engineer

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

VINCENT FRANZE
Architectural Consultant

PLANNING BOARD MINUTES

DECEMBER 13, 2017

PRESENT: CHAIRMAN, HAROLD GARY, VICE-CHAIR, CRAIG PAEPRER, ANTHONY GIANNICO, DAVE FURFARO, CARL STONE, KIM KUGLER, RAYMOND COTE

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Kamala Associates(Barnwal)	44.15-1-37	1	P.H./Reso.	Public Hearing Closed & Resolution Adopted.
New York SMSA Limited Partnership-d/b/a Verizon Wireless	65.9-1-24	1-5	A. Site Plan	Referred to ECB & ZBA.
Tompkins Recycling	55.11-1-15	5-6	Extension	1 Year Extension Granted.
Minutes – 11/08/17		6		Approved.
11/29/17		6		Heldover.

The meeting was adjourned at 7:43 p.m.

Respectfully submitted,

Rose Trombetta

KAMALA ASSOCIATES (BARNWAL) – 87 FAIR STREET – TM – 44.15-1-37 – PUBLIC HEARING AND RESOLUTION

Mr. Carnazza had no comments.

Mr. Franzetti said all comments have been addressed.

Mr. Cleary stated you have a draft resolution before you tonight.

Chairman Gary asked if anyone in the audience wished to be heard on this application.

Hearing no comments from the audience, Mr. Giannico moved to close the public hearing. The motion was seconded by Vice Chairman Paepre with all in favor.

Vice Chairman Paepre moved to adopt Resolution #17-23, dated December 13, 2017; Tax Map #44.15-1-37 entitled Kamala Associates Final Site Plan Approval. The motion was seconded by Mr. Cote with all in favor.

NEW YORK SMSA LIMITED PARTNERSHIP – D/B/A VERIZON WIRELESS – 954 ROUTE 6 – TM – 65.9-1-24 – AMENDED SITE PLAN

Mr. Carnazza read his memo which stated they need a referral to the ECB and they need to go to the Zoning Board for variances.

Mr. Franzetti read his memo which stated the application involves installation of cellular antennas on the roof of an existing building. The site is located at 954 Route 6, Mahopac, NY (Ramiro's Restaurant). As no new site improvements are planned, the Engineering Department has no technical concerns on this application. This application should be referred to Town of Carmel Environmental Conservation Board, the Mahopac Fire Department and the Putnam County Health Department for review and recommendation per § 156-37E of the Town Code.

Mr. Cleary stated the applicant has submitted two new photo simulations dealing with the two alternative plans for the penthouse area. One shows a banding and one without a banding. He said they also submitted two affidavits from the applicant's experts dealing with lack of other suitable locations or alternative locations and the need to be on the site as well as Verizon's need for the facility itself.

Vice Chairman Paepre stated Mr. Franze and Mr. Furfaro visited the site a couple of months ago.

Mr. Furfaro stated we looked at the site, and the applicant submitted new renderings which we approved. He said this is how it should be done. He said it will blend in with the building and you won't know that it's there. He said they submitted two options and either one would be fine.

Mr. Stone asked about the rear view.

Mr. Furfaro stated there isn't much in the rear and it isn't a pretty view with garbage dumps and so on. He said it is buffered with a tree line.

Vice Chairman Paepfer stated the reason for having it on Route 6, the main thoroughfare, as you go off you lose strength.....

Mr. Jordan Fry of Snyder & Snyder, representing the applicant replied that's correct. He said with respect to the Kmart shopping center that was requested for Verizon to look at which is across the street, we did inquire and it is set very far back from the Route 6 corridor and the elevation is much lower, so it wasn't a feasible option.

Mrs. Kugler asked if this site will have additional service providers or just Verizon.

Mr. Fry stated this application is strictly for Verizon Wireless. It will not inhibit other carriers if they choose to go on that rooftop to join. Unlike a tower, this is designed for Verizon Wireless.....

Mr. Carnazza stated they would have to come back to the board if they wanted to.

Mr. Furfaro asked so there is no space inside that enclosure for any other carriers.

Mr. Fry replied no. It's exclusive for Verizon Wireless and it is a small enclosure.

Mr. Cleary stated with the new law now they will need to establish a preference for collocation, so if another carrier were to build a similar facility on the other side of the building there is no obstacle to doing that.

Mr. Fry said we are not taking the entire rooftop. It's a large rooftop.

Mr. Cote stated he has a concern with strictly focusing on the corridor which is our downtown. He said the antenna that went up on the funeral home is not their best work. He stated he reviewed the affidavit but it doesn't say anywhere that other areas were considered. He said my request to consider other locations in the area was never really considered.

Mr. Fry said with the radio frequency affidavit there is an actual graph showing the capacity for the nearby site is actually going to be exceeded. That is very clear in terms of why Verizon Wireless needs a site. In terms of the site acquisition consultant affidavit it does state that he did search for other facilities in the vicinity of the area to collocate on and there simply isn't any. He said I do understand the Town's concern with the funeral home, but with respect to this site, we conducted the site visit, we met with the architect, showed you simulations and we are only talking about a 4 foot extension and it will blend in very nicely with the building. He stated since we still have to go to the ECB and ZBA we would like to extend the FCC shock clock rule, which typically requires the board to make a decision in 90

days. He said that's not feasible here and we submitted additional materials. He said if we could mutually extend it to February 28th, I think that's a fair extension. We are talking about 2 months, so the board doesn't have to make a decision until we come back from the Zoning Board. He said that is something that we need to address tonight.

Chairman Gary asked Mr. Cleary I understand about the regulations, but suppose Ramiero's was not there where would they put it?

Mr. Cleary said they would have to find another location.....

Chairman Gary stated they just said they can't do that.

Mr. Cleary said they would need a monopole, that's the alternative.

Chairman Gary asked if the service would reach the Mahopac Golf Course?

Mr. Fry said he would confirm that information. He is not the radio frequency engineer, but given the distance the answer would be yes, but I need to confirm that question.

At which time, a discussion ensued regarding the placement of the antennas and possibly placing them in other areas instead of Route 6. The Joseph Smith funeral home was also brought up and the way that box was designed on the rooftop and how it got approved.

Mr. Furfaro stated you can't compare this application with the funeral home, because you really won't see this one. We need look at them on a case by case basis. He said also the law is getting changed. This is the last one that falls under the old code. In the new law we will have a little more leverage.

Chairman Gary said my objection is not about the antenna, it is about where they put them and we don't have a say, even when the federal government tells us where we should put them. He said if that is the only place where it would work I have no problem with it, but I guarantee you that is not the only place it would work. They did not give use any alternatives.

The board continued to discuss other alternatives other than where it's being proposed.

Mr. Fry asked again about the extension of the shock clock to February 28th.

Mr. Cleary stated with respect to that, you would be consenting to extend the shock clock.

Mr. Fry replied that's correct.

Mr. Cleary stated obviously the board would agree to you in extending the shock clock to allow the board to act. He said that's not an issue.

Mr. Charbonneau stated the board agrees to it, but if you could please send a letter to the office.

Mr. Fry replied we will send a written acknowledgement.

Vice Chairman Paepre said you were going to discuss the differences between the funeral home and this proposal.

Mr. Fry stated the funeral home has a flat roof, in this instance there are parapet walls here, so the view is a lot different from the street. He said there is less concealment involved.

Mr. Giannico stated the new parapet structure is going to house the antenna itself and on the west elevation on the parapet you have additional equipment, he said I want confirmation that it will not extend above the roof line. He said it doesn't appear to, but I want to make sure of that.

Mr. Fry stated it's my understanding it does not extend.

Mr. Giannico asked if a RF radio was submitted on this.

Mr. Cleary replied yes and they are well below the standards.

Mrs. Kugler asked if he could find out what the distance is of the antennas along the main street.

Mr. Fry replied sure.

Mr. Furfaro asked are we putting up antennas haphazardly, or is there some sort of master plan?

Mr. Fry stated when we come back from the zoning board; I will submit additional materials to help clear up that question.

Mr. Stone stated based on what you said it's a gap in coverage issue, it's a reach issue, we can't you put more antennas behind an existing facility?

Mr. Fry said you can't just put 3000 antennas on one rooftop and think it's going to supplement the whole area. You strategically would want to place in between four facilities as opposed to just adding a number of more antennas on the existing facility. He said I will request a plan for the future in the vicinity of this area.

Chairman Gary asked Mr. Cleary what are they looking for now.

Mr. Cleary stated they need a referral both to the ECB and ZBA.

Chairman Gary stated we are not looking to stop them, but we are looking for clarification and the appropriate documentation on how far the antennas will reach and how many sites have they looked at and with the sites that were looked at why they weren't sufficient for what they want to do.

Mr. Cleary stated I think the applicant understands what we are looking for.

Mr. Stone stated and going forward that kind of documentation should be part of the submission package.

Mr. Furfaro moved to refer the applicant to the Zoning Board and ECB. The motion was seconded by Mr. Cote with all in favor.

TOMPKINS RECYCLING – 70 OLD ROUTE 6 – TM 55.11-1-15 – EXTENSION OF FINAL SITE PLAN APPROVAL

Mr. Carnazza had no objection to the extension.

Mr. Cleary read Mr. Franzetti's memo which stated the Engineering Department has no objection to the extension of the site plan as there are no changes made to the project. However the Planning Board should be aware of the following:

Federal Emergency Management Agency

- The project was determined not to be in the flood plain if built according to the approved plan.

New York State Department of Environmental Conservation (NYSDEC) Requirements

- The project has coverage under the NYSDEC General Stormwater Permit for Stormwater Discharges from Construction Activities (GP-0-10-001), permit number NYR 10Q049.
- A NYSDEC wetlands permit was issued for this project (Permit # 3-3770-00371/0002) and is set to expire on December 31, 2018.
- A NYSDEC solid waste management permit was issued for this project (Permit # 3-3770-00371/0001) and is set to expire on December 17, 2017.

New York City Department of Environmental Protection (NYCDEP) Requirements

- The NYCDEP approved the Stormwater Pollution Prevention Plan (SWPPP) for this project. The expiration date is March 29, 2017.

The applicant provided email documentation that the NYCDEP permit is still valid.

Town of Carmel

- The project sought and received a Wetlands Permit (Permit 867) under§89 Freshwater Wetlands of the Town of Carmel Town Code. The permit expired on April 18, 2016 and needs to be renewed.

- The file **does not** contain documentation regarding the following items identified in the May 8, 2013 Planning Board Resolution (#13-10):
 - A posted performance bond and engineering inspection fee (Items 5 and 6);
 - A filed and executed “Stormwater Control Facility Maintenance Agreement” with the Putnam County Clerk as specified in §156-85 (Item 7);
 - Easement information (Items 15 and 16) - **The applicant provided easement language which will need to be reviewed by Planning Board counsel.**

Mr. Cleary had no objection to the extension.

Mr. Paul Lynch of Putnam Engineering, representing the applicant addressed the board and stated we are in the process of having the approval re-issued in the new owner’s name. He said there is a little bit of a time lag with the DEP. He said they want a correction deed to be filed that references the stormwater pollution prevention plan approval and certain aspects of it and it needs to be reviewed by them.

Mr. Stone asked if all the debris has been cleaned up at the site.

Mr. Lynch replied I believe so yes.

Mr. Carnazza stated it’s cleaner. There are things that are underground that need to be pulled out, but there need all of their approvals first.

Mr. Cote moved to grant a 1 year extension of final site plan. The motion was seconded by Mr. Giannico with all in favor.

MINUTES – 11/08/17 & 11/29/17

Mr. Cote moved to approve the November 8, 2017 minutes. The motion was seconded by Vice Chairman Paepre with all in favor.

The November 29, 2017 minutes were heldover.

Mr. Furfaro moved to adjourn the meeting at 7:43 p.m. The motion was seconded by Mr. Giannico with all in favor.

Respectfully submitted,

Rose Trombetta