

# **APPROVED**

HAROLD GARY  
*Chairman*  
RAYMOND COTE  
*Vice-Chair*

## **BOARD MEMBERS**

EMMA KOUNINE  
CARL GREENWOOD  
JOHN MOLLOY  
JAMES MEYER  
ANTHONY GIANNICO

## **TOWN OF CARMEL PLANNING BOARD**



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MICHAEL CARNAZZA  
*Director of Codes  
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RONALD J. GAINER, P.E.  
*Town Engineer*

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

## **PLANNING BOARD MINUTES** **JULY 10, 2013**

**PRESENT:** CHAIRMAN, HAROLD GARY, VICE-CHAIR, RAYMOND COTE, EMMA KOUNINE,  
CARL GREENWOOD, JOHN MOLLOY, JAMES MEYER, ANTHONY GIANNICO

<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>
Quis, Michael	55.6-1-40 & 42	1	Resolution	Denial Resolution Adopted.
Hinckley Holding, LLC./ Paladin Group	55.10-1-1,3	1-7	Amended Site Plan	No Board Action.
Manzo, John	42.-1-21.1	7	Public Hearing	Public Hearing Closed. Full Return of Bond Recommended To Town Board.
Carmel Centre Senior Housing (Pulte Homes) – Lots #3 & 5	55.14-1-11.1 55.14-1-11.3	7-11	Public Hearing	Public Hearing Closed.
Minutes – 5/22/2013		11		Heldover.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Rose Trombetta

## **QUIS, MICHAEL – 1828 ROUTE 6 – TM – 55.6-1-40 & 42 – RESOLUTION**

Mr. Gainer had no comments.

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

Mr. Gary asked the board members if they had any comments.

Mr. Gary asked Mr. Charbonneau if he had any comments.

Mr. Charbonneau stated the board had directed me to prepare a resolution denying the Re-Approval. I have prepared that resolution and it is before you.

Mr. Molloy moved to adopt Resolution #13-14, dated July 10, 2013; Tax Map #55.6-1-40 & 42 entitled **QUIS Denial of Extension** of Site Plan and Special Exception Use Permit. The motion was seconded by Mr. Greenwood.

A roll call vote was taken as follows:

Mr. Cote	For the motion
Ms. Kounine	For the motion
Mr. Greenwood	For the motion
Mr. Molloy	For the motion
Mr. Giannico	For the motion
Mr. Meyer	For the motion
Mr. Gary	For the motion

Motion carries.

## **HINCKLEY HOLDING, LLC (GUIDEPOSTS) – 39 SEMINARY HILL ROAD – TM 55.10-1-1,3 – AMENDED SITE PLAN**

Mr. Gainer read his memo which stated Guideposts previously received “Conditional Site Plan” approval from the Carmel Planning Board in 2009 for a 50,000 sf office building and related site work on the property. The applicant subsequently sought and received an extension of this approval in 2010. However, all such approvals have since expired. Since the original approvals were granted, Guideposts vacated the property and the premises were subsequently occupied by Paladin Group, a “first responder” management company. Through this latest application, Paladin seeks to obtain new approvals for the 50,000 sf office building previously approved. They also seek to obtain the Planning Board’s formal approval of their occupancy of the existing facilities on the property, which represents a change of use from the “light industry” use which Guideposts was considered. The applicant proposes no physical site or property modifications to any of the previously approved plans. The materials submitted with this latest application are summarized on the enclosure. The project was the subject of extensive technical review during the original approval process. As a result, while we will continue our technical evaluation of the latest plans, we don’t anticipate that any new concerns will be identified. Any issues identified will be communicated to the design professionals for resolution. Nevertheless, given the period which has transpired since the original approval was granted, we recommend that the bonding and engineering fees be reviewed and updated, to reflect current costs.

Mr. Cleary addressed the board and stated when we approved this application in 2009, Guidepost was moving to the 50,000 square foot building and the existing building was to be used by a future tenant which was unknown at the time. Your board adopted a Negative Declaration based on a theoretical use of the larger building and Guideposts relocating to the 50,000 square foot building. He said there were issues that were specific to that, for example Guideposts told you they were relocating their employees to that building and the traffic study for the new office building was based on the Guideposts occupancy. Guidepost has since left and now it will be occupied as a typical office building. There was an updated traffic report done and it said the conditions were still the same but the trip generator rate for an office building is now different. He said similarly the Guidepost building which was theoretical, we now have Paladin Group there, so we know the numbers with respect to that. He said we need to verify a series of issues or thresholds that you set forward in your prior Negative Declaration such as traffic, parking, water and sewer issues. He said Paladin is a unique operation, so the large Guidepost building's energy demands, we don't know about. There is a data center in the facility and will operate during emergency conditions differently than Guidepost did. Are there upgrades to the electric service and telecommunications services because of what Paladin does in the facility? He said we should be aware of the aesthetic impacts and the noise thresholds may change because Paladin does training exercises on the site. He said we need to determine if they exceeded those threshold issues. And if they are exceeded, they need to mitigate those issues.

Mr. Philip Doyle of LADA, P.C., representing the applicant addressed the board and stated the application that was submitted to the board addresses both topics. He said the re-approval of the 50,000 square foot building at this point will be a general office use that will have an occupancy that's very similar to what Guidepost had. He said we expect to occupy about 140 to 170 employees in that building and that's what the updated traffic analysis was based upon. There are no physical changes proposed to that building. He said Hinckley Holding is now the property owner and the application is for their tenant Paladin Group to continue occupancy of the existing building. He said Paladin is a company that theorizes on how to develop first responder strategies both for the public sector and private corporations. He said they have all types of interest such as computer system and training first responders. They are occupying the entire building at the moment. As we move forward we want to be in a position, if building permits are necessary that they will be issued for renovations. We have provided the parking analysis; we have given you the breakdown on how the building may work in the future. Mr. Doyle asked the board to consider declaring themselves as lead agency. He said they would like to move forward as expeditiously as possible.

Mr. Gary stated since you received prior approval Paladin has moved in. He asked Mr. Doyle to explain the difference between the two operations, what has changed, what was added or taken away.

Mr. Doyle stated internally Guidepost was scaling back over a number of years. They had printing operations, data center, cafeteria and offices throughout the facility and a lot of warehouse space. They ran their entire corporate headquarters out of that location. Paladin has moved in with a limited number of employees. They are using the building for offices and they are warehousing emergency equipment for NYSE&G, National Guard, supplies and so on. There is no printing going on. There are plan to rehab the data center. He said the old section of the building that had been primarily offices during

Guidepost is now a training center for first responders. The other space on the second story of the existing industrial looking building is vacant.

Mr. Gary asked Mr. Cleary if there is any change in the traffic pattern.

Mr. Cleary said the use has been determined to be the same use; the physical operation by Paladin is what they will talk to you about during this process.

At which time, Mr. Doyle displayed renderings of the proposed building and the existing building which will remain unchanged to the board members. He said the site plan has been modified in a very minor fashion. We changed the site data table to reflect what the parking numbers were. He pointed to notes made on the L3 drawing indicating where there may be occasional training of first responders. He said the area adjacent to the soccer field may be used for helicopters to land in emergency situations. He said everything else is consistent with the original approved site plan.

Mr. Felix Carcano, CEO of Paladin Group addressed the board and stated they started operations in January of last year. We are a homeland first responder training center. He said we work with all aspects of first response, fire, EMS, police, Department of Defense, Utility and Public Works. He said we also had the honor of being called upon during Hurricane Sandy to provide a 24 hour emergency operations support center that ran for 10 days. We were then re-activated during the Christmas Day storm and Nemo winter storm. Since then we have been working to formalize plans with the County, State and Federal government. We are trying to improve the response and recovery time for this region. He also stated we had the distinction of hosting the largest homeland security exercise in the city of Yonkers history. It was hosted here in Putnam County last October. We hosted the first ever NYS Regional SWAT School. We are bringing a lot of attention back to the County. The local businesses along Route 6 love us. We have had tremendous support from the community and from our neighbors.

Mr. Meyer asked if the helicopters are just for emergencies.

Mr. Carcano replied the helicopter operations are for training purposes. We are asking for medavac clearance and also for utility companies to do rapid line assessment from an aerial platform during emergencies rather than driving through rain, wind or snow. You could cut days off your damage assessment.

Mr. Thomas McDermott of Paladin Group addressed the board and stated the helicopters will be used more for emergency purposes than for training. He said would like to have the option to use it for training from time to time. He said we want to be good neighbors.

Mr. Carcano said as a rule when we are doing something for training purposes we have a system for alerting people within a certain radius by doing reverse 911 to call out. Direct neighbors we personally knock on their door and let them know what's going on. He said we do not put training exercises on the radio or newspaper for security reasons.

Mr. Gary said I think what you are doing is fantastic, but you have to understand the board is use to a certain operation being at this site. He said if there is any kind of change this board is here to help you and the community. There may be some things that are permissible and is not this board's jurisdiction and we may have to send you somewhere

else for their approval. He said I am not sure if you could have a helicopter pad and is it permissible. That's why we need a thorough explanation of what is going on at the site.

Mr. Molloy asked how long did it take to plan the exercise for the City of Yonkers?

Mr. Carcano replied about 9 months to 1 year.

Mr. Molloy stated for the most part it was mostly office work and little of training the day of the exercise.

Mr. Carcano replied that's correct.

Mr. Molloy asked if Mr. Carcano if he knew how many other places in town have landed helicopters in the last five years.

Mr. Carcano said he does not have that information but could get it. I do know Putnam Hospital is your primary landing site for level 1 trauma.

Mr. Molloy asked Mr. Carcano if he felt it is safer to have a known landing zone to pilot as opposed to Ad-hoc landing zones that may be near an accident.

Mr. Carcano replied it is much safer; there is less risk if it is a known set place.

Mr. Molloy asked if there will be live fire training.

Mr. Carcano replied we use a product called Simunition, which is a military grade product. It uses a firearm that looks like a cartridge, but instead of lead bullets on the end, it has a detergent base marking round. He said it is non-lethal and it uses gun powder as a projectile. Those are the types of rounds we use.

Mr. Molloy clarified his question. Are there any potentially lethal exercises.

Mr. Carcano replied no.

Mr. McDermott stated the day of the Newton tragedy, the Putnam ERT team was training at Paladin and they called to see if they needed any help. He said we are trying to come up with best practices for all first responders to make their job easier and keep the public safe.

Mr. Carcano invited the board members to visit the Paladin Center at any time for a tour of the facility. He said they are very proud of what they do.

Mr. Meyer asked if there was a shooting range.

Mr. Carcano replied no. We have a judgmental use of force simulator. It's state of the art. It's for all levels of security, personal safety, learning risk awareness, situation awareness and risk mitigation. He said it does involve using laser based air operated equipment. We hope in the future to put in an indoor shooting range.

Mr. Gary asked if there is any limitation to what the building could have.

Mr. Cleary said there may be. This entity overlaps so many different jurisdictions.

Mr. Gary said that shouldn't be. It shouldn't be too many jurisdictions. It should be a stated purpose and have permission.

Mr. Cleary said what we are doing tonight is for the applicant to tell us what they do. For example, the helicopter landing facility. He said the FAA may have very distinct requirements for what they need to do. Those would have to be shown on the plans and there would be a limit and a threshold established for what we are trying to get an understanding of what they're doing and what other agencies may be involved. We need all the requirements and regulations and have them reflected on the plans so we have an enforceable site plan.

Mr. Greenwood stated we had a similar situation with the hospital when it came to their landing zone and dealing with the FAA.

Mr. Molloy said what they are doing is training people to do a job that they have to do out in public. What they are training them to do is not any more dangerous than day to day life in the year 2013. He said the nearest facility that he is aware of is in New Mexico. He said this brings a certain pride to Putnam County.

Mr. Cleary addressed the board and stated there are two elements with respect to Paladin. The training operations we will understand and deal with that effectively. The bigger challenge is what they will do when become an emergency operations center.

Mr. Molloy asked how common is it to use a benign facility for a Command Center during an emergency without giving to many locations.

Mr. Carcano stated back-up sites are more common than ever now.

Mr. Harold Lepler of Hinckley Holding addressed the board and stated there are thirty one people that are responsible for Paladin. He said all are dedicated first responders in public service and have dedicated 2 years of their lives to make this happen. Many have their primary jobs or are retired. They have done this for the community and we provided them the facility to do it. He said everyone is thrilled with what they are doing and their mission and dedication.

Mr. Gary stated again we are not here to criticize what they are doing. We are here to understand what is going on. That's what we are trying to do. He said we will review what we have, certain things may not be permissible, some things may be questionable, but that's all in the process.

Mr. Cleary said we will give the memos to the applicant and they will provide us with more information.

At which time, Mr. Doyle asked if it was at all possible to consider declaring lead agency.

Ms. Kounine stated she thinks it is a little premature. We have some major concerns.

Mr. Cleary said the reason I'm suggesting to designate lead agency early because there are a lot of agencies involved. I would rather not have Homeland Security choosing to be lead agency.

Ms. Kounine stated she has the utmost respect for all first responders and I am not questioning the work you do, but there certain questions I have as a planning board member. There are questions with the Building Inspector with respect to change of use or zoning change. Maybe using Route 6 as an exit should only be used for emergency situation not on a regular basis. She would like someone to look at that. How will ingress, egress and parking affect both buildings if they are filled to capacity? Those are some of the questions I would like answers to.

Mr. Doyle said a lot of the information is in the book that was submitted. He said we see the process as moving forward following the zoning and SEQR process so if there was intent to declare lead agency we know who would be making the environmental decisions and then go through the site plan process.

Ms. Kounine said this is the first time you are in front of us and some members weren't here when we went through the Guidepost process. She said I don't think we are ready to declare lead agency, maybe at the next meeting. Not all of us have the report that was submitted.

Mr. Gary asked Mr. Cleary basically to declare lead agency means that I would like this board to be lead agency.

Mr. Cleary said that's all it is.

Mr. Gary said so if we do not do it, a month from now, another agency may want to be lead agency. He asked Mr. Cleary to explain it better.

Mr. Cleary stated lead agency means this board would like to control this project. That's all it means.

Ms. Kounine said for me I don't have enough clear information. It's too soon.

Mr. Gary said it has nothing to do with declaring lead agency.

Ms. Kounine replied yes it does.

At which time, the board continued to discuss whether or not they should declare lead agency.

Mr. Greenwood stated you are actually declaring intent to declare lead agency which is circulated to any possible jurisdiction that would have anything to do with this process.

Mr. Cleary said that's exactly right.

Mr. Molloy said he was in favor of declaring our intent to declare lead agency.

Mr. Gary said I would prefer to declare lead agency, but what we could do is to get all the information that was requested and then declare ourselves as lead agency. He said it would be delayed two weeks and asked the board members if they were okay with that.

The board members were fine with that.

No board action taken.

**MANZO, JOHN – 630 BARRETT HILL ROAD – TM – 42.-1-21.1 – PUBLIC HEARING**

Mr. Gainer stated the applicant received a regarding permit from the Planning Board. They subsequently completed the work and requested a bond return. At the prior planning board meeting you received a memorandum from my office indicating that the most recent site inspection all work required by the regarding permit has been completed and full return of the bond is recommended.

Mr. Cleary had no comments.

Mr. Gary addressed the audience and stated this is an open public hearing and asked if anyone in the audience wished to be heard.

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

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

**CARMEL CENTRE SENIOR HOUSING (PULTE HOMES) – LOTS 3 & 5 – TERRACE DR. – TM – 55.14-1-11.1&11.3 – AMENDED SITE PLAN (OPEN PUBLIC HEARING)**

Mr. Gainer had no new technical comments on the latest submittal.

Mr. Cleary addressed the board and stated most of the revisions deal with the tennis court area and recreation area that was discussed at the last meeting. The parking lot has been expanded and there have been modifications to the access roadway. Landscaping modifications has been done as well as grading along the stream area.

Mr. Paul Lynch of Putnam Engineering, representing the applicant addressed the board and stated since the last meeting changes have been made to the plans such as the emergency road that goes around building #37. We increased the number of parking spaces from 3 to 9. He said we are trying to set up an appointment with the fire chief to review everything with him. As of yet we did not get a return call from the fire chief. We upgraded the width of the emergency driveway and labeled it as such to come down to the tennis court and provided a turnaround. We slightly modified the playfield and pocket park because of the grading changes that were made to accommodate the additional width. Those are basic changes for lot 3. He said for lot 5 we had to modify the grading along

the northern side of the development. We needed to maintain a 50 ft. strip of land and as a result of that we made some minor changes to the landscaping.

Mr. Gary addressed the audience and stated this is an open public hearing and asked if anyone wished to be heard.

Mr. Spencer Tassler a resident of the Retreat addressed the board and stated they did not have the opportunity to review any of the plans because they were just submitted today. He said it is unfair and asked to possibly continue the public hearing to the next meeting.

At which time, Mr. Gary interjected and stated it is not your job to come here and review what was submitted from the comments that were made at the last meeting. He said it is this board's job to review the revisions that we directed the applicant to do. He said when we are satisfied that they followed the rules of this board then we can call back another public hearing. He asked Mr. Tassler if he understood.

Mr. Tassler replied I understand.

Mr. Gary stated no planning board works in conjunction with an audience to fulfill its duties and regulations of the Town. He said it's this board's job not to instill in you to come here and help us force the applicant to do something. He said we can force the applicant as a board as long as the public hearing is closed to make sure they bring the plans up to the standards in which this board has directed him to do. He said we cannot do anything with the applicant until this hearing is closed. He said I have been on this board for 30 years and I know the process and this is the wrong process that we are taking.

Mr. Tassler said I am not disagreeing with you.

Mr. Gary reiterated that we cannot do anything and we have no authority to tell them what to do until this hearing is closed and that's the law. He said I am on your side, but we can't help you as long as this hearing is open.

Mr. Tassler asked if there will be a path leading from the parking lot to the tennis court. He asked about the restrooms and if it will be connected to the recreation area. Also, he would like to see more detail of what's in the recreation room, community room, garden house and greenhouse. He asked what happened to the fitness trail versus the 3 hole pitch and putt on lot 4. He said he would like those questions answered.

Mr. Gary stated I will answer those questions for you right now. Nothing has been done because we cannot act until this hearing is closed.

Ms. Margo Turano of 24 Langdon Grove addressed the board and stated a public hearing is for the public to say what they want to say. We can't say it unless we know what we are what we are saying it about. She said you can't close a public hearing and then talk about it. She stated at the last meeting you promised that we would have weekly meetings. She said she is very upset about the whole situation.

At which time, Mr. Gary proceeded to discuss what a public hearing is. He said once a plan meets all the rules and regulations of the Town we have a public hearing for the public to express their concerns. The public dissects what concerns they may have such as water, sewer and traffic. The public hearing is then closed and the board reviews all of the concerns and informs the applicant what needs to be done or corrected. He said when the applicant comes back and does not meet the required standards then the planning board has the option of calling another public hearing.

Ms. Turano interrupted Mr. Gary and asked Mr. Charbonneau for his legal opinion on public hearings.

Mr. Molloy asked when does a citizen come forward and asks for a legal opinion from the town attorney? Mr. Molloy asked the Chairman if the public could ask for a legal opinion.

Mr. Gary responded they could ask for anything they want. It's a public hearing. We are not going to criticize them for asking for a public hearing.

Ms. Turano stated I have been to hundreds of planning board meetings and this is a fiasco. She said you are not letting us respond to what's on the new plans and we haven't seen them! How are we going to know what we want?

Mr. Greenwood interjected and said this is unique; it is different from most public hearings. You are residents that live on the site and I agree that you are affected by the recreation areas on the other lots, but the planning board has an obligation to put a site plan together that meets the requirements of the Town of Carmel. He said because of the uniqueness of this application is the reason why you are here. He said it is not this board's obligation to provide you with what you want; its obligation is to provide an approval that meets the requirements of the Town. He said there are technical questions that need to be answered, but what you want is not our obligation.

Ms. Turano stated there are conditions that have not been followed.

Mr. Greenwood said if you point them out to us, we will review them.

Ms. Turano stated the wildlife corridor and preservation areas have been destroyed.

Mr. Greenwood stated we have dealt with all that.

Ms. Turano said what is the result? Tell us how you are enforcing what has been written.

Mr. Greenwood said they are putting together a landscape plan that will mitigate what was affected. As the Chairman said it will not get done during a public hearing.

Ms. Turano asked then what is a public hearing for?

Mr. Greenwood stated basically, it's whether the general public is in favor or opposed to a specific project.

Mr. Charbonneau stated the purpose of a public hearing is for the public to comment on various aspects of a plan that's before the board.

Ms. Lori Kemp an adjoiner of Lot 3 addressed the board and stated she would like to read a letter that was to be submitted to the planning board. In summary, the letter addressed the SEQR process and Final Impact Statement and how Pulte homes should have re-opened the process because of the change of use from the Corporate Park. It also stated how she was subjected to blasting, exposed to dust, noise, fumes, scorched earth and construction vehicles. The letter stated the drainage basin was not operating in accordance with design specifications and that she is the owner of that portion of the land. At which time, Ms. Kemp presented pictures of the drainage basin holding water to the board members. The letter further stated the property was fenced in by stonewalls, barbed wire and wood fencing which was removed by Pulte during the construction of the detention pond. She said her property endured years of blasting, water damage and killing of trees. She said in the last three weeks the setback requirement of 50 feet that was set by the Zoning Board has been ignored and they have been working on the pond. She requested that the planning board require Pulte to complete a Supplemental Environmental Impact Statement for this most recent site plan. She said if Pulte gives her screening, she would like to choose her own landscaper.

Hearing no other comments from the audience, Ms. Kounine moved to close the public hearing. The motion was seconded by Mr. Cote.

A roll call vote was taken as follows:

Mr. Cote	For the motion
Ms. Kounine	For the motion
Mr. Greenwood	For the motion
Mr. Molloy	For the motion
Mr. Giannico	For the motion
Mr. Meyer	For the motion
Mr. Gary	For the motion

Motion carries.

Mr. Gary said to Mr. Mullen of Pulte homes to meet with the Town Engineer to go over the plans that have been submitted. He said the next time you come back we would like to see progress of what was illustrated on that list.

Mr. Mullen stated we have done a lot of it if not all of it already. I will confer with your consultants and make sure we have it right.

Mr. Gary stated to Mr. Cleary before any resolution is prepared to make sure we

have an answer to all of the questions.

Mr. Cleary said we will have any answer to every question, whether or not they agree to do what's been requested.

Mr. Gary said we need an answer of why they reject it. Mr. Gary asked how do we proceed with the pitch and putt.

Mr. Cleary said they are keeping the pitch and putt.

Mr. Giannico said it's a mess and unusable.

Mr. Gary said they need to submit a plan to fix the pitch and putt.

Mr. Meyer asked about the timing process.

Mr. Gary said we have 45 days.

Mr. Cleary said I think they will be more motivated now that the public hearing is closed.

At which time a discussion ensued amongst the board members regarding the 45 day process and whether the public hearing should have been left open until now and if anything got accomplished since the last meeting.

### **MINUTES - 5/22/2013**

Heldover.

Mr. Greenwood moved to adjourn the meeting at 8:45 p.m. The motion was seconded by Mr. Molloy with all in favor.

Respectfully submitted,

Rose Trombetta