

APPROVED

CRAIG PAEPRER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS

RAYMOND COTE
ROBERT FRENKEL
VICTORIA CAUSA
JOHN NUCULOVIC

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

PLANNING BOARD MINUTES
FEBRUARY 22, 2023

**PRESENT: CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, ANTHONY GIANNICO;
VICTORIA CAUSA, RAYMOND COTE, ROBERT FRENKEL & JOHN NUCULOVIC**

| <u>APPLICANT</u> | <u>TAX MAP #</u> | <u>TYPE</u> | <u>PAGE</u> | <u>ACTION OF THE BOARD</u> |
|---------------------------|-------------------------|--|--------------------|---|
| Kiwi Country Day School | 77.17-1-31 & 32 | Public Hearing | 1 – 2 | Public Hearing Closed; Final Site Plan Resolution Adopted |
| Random Ridge Subdivision | 76.10-1-23 | Public Hearing | 2 – 6 | Public Hearing Closed; Denied Bond reduction |
| WillowWood Country Club | 87.7-1-6, 7 & 11 | Amended Site Plan | 6 – 9 | Public Hearing Scheduled |
| Yankee Land Development | 76.15-1-12 | Ext. preliminary Subdivision approval | 9 –10 | Reapproval granted for 180 days |
| Joe Zakon d/b/a 14 Nicole | 65.6-1-22 | Bond Reduction | 10 -11 | Public Hearing Scheduled |
| Pulte Homes; Lot 4 | 55.14-1-11.2 | Bond Return | 11 | Public Hearing Scheduled |
| Pulte Homes; Lot 5 | 55.14-1-11.3 | Bond Return | 11 -12 | Public Hearing Scheduled |

The meeting was adjourned at 7:47 p.m.

Respectfully submitted,

Dawn M. Andren

KIWI COUNTRY DAY CAMP – 825 UNION VALLEY ROAD - TM: 77.17-1-31 & 32;
PUBLIC HEARING & RESOLUTION

Mr. Carnazza said this is on for a public hearing. All of my comments have been addressed.

Chairman Paeprer said (to Rich Franzetti and Pat Cleary) I don't believe you had any comments either?

Mr. Cleary said none and you have a draft resolution of approval for the yurtz.

Chairman Paeprer said anyone from the public wish to be heard? (no response)

Mr. Carnazza said the only thing that was really discussed at the Zoning Board hearing was the ability to get people off of the side roads and into their site for pick-up of the kids. I don't know if that's something that you want to discuss or something that you want to try to get on there.

(Mr. Adam Thyberg of Insite Engineering, Surveying, Landscaping and Architecture, P.C. appeared before the Board.)

Mr. Thyberg said what did come up, as Mr. Carnazza mentioned, were a couple of comments regarding traffic on Union Valley Road. So, as was presented previously, the applicant's got a new queuing arrangement which I think we've discussed. We've got about 1,800 linear feet of queuing space before parents, who are picking up or dropping off, hit the parent drop-off/pick-up area. So, queuing is happening on site. In addition to that new.....

Chairman Paeprer said so where was that queuing happening? Was it happening closer to the road?

Mr. Thyberg said yes. It was closer to Union Valley Road. Again, they come around here, they pick-up/drop-off and then they exit to Blossom Lane and leave the site that way. In addition to that, they also have, on site at the pick-up/drop-off, a traffic safety team that are employees of the Camp that help facilitate traffic moving through the site. In addition to that, they also have a town police office, on-site, from 3:30 – 4:15 p.m. during pick-up to help facilitate all of that. The Director, Wil Yahr, has made it clear that if there are any specific concerns of any of the neighbors, that he is always available to field any of those issues and deal with it. He did say that the bus drivers are continually trained and directed. They do park, legally, on Ernhofer for 5 – 10 minutes at pick-up before they come into the site. They're continually trained on things that go without saying: don't block driveways, be respectful of the neighborhood, etc. As Mr. Carnazza mentioned, we did get a couple of comments. I think we fielded those at the ZBA and I'll be happy to respond to any others.

Ms. Causa said what's the capacity of the camp?

(Mr. Dom Milazzo, Manager of Logistics & Operations for Kiwi Country Day Camp appeared before the Board.)

Mr. Milazzo said the capacity is 500 for the camp to answer your question.

Ms. Causa said and that's full-time?

Mr. Milazzo said we don't have the camp year-round. For the Camp, our capacity is 500 for the summer.

Chairman Paeprer said let me just clarify. The capacity is 500. Are there 500 children on site?

Mr. Milazzo said not all at one time. We do have separate sessions for the summer.

Chairman Paeprer said you're a full camp then.

Mr. Milazzo said yes.

Chairman Paeprer said I didn't know if the capacity was 500 but you only had 300 there.

Mr. Milazzo said no.

Mr. Thyberg said to that point, I'll just again point out that nothing that's being proposed with the site plan is in any way related to an anticipated increase in enrollment or increase the intensity use on the site.

Chairman Paeprer said the Board got an education on yurts. Are there any comments from the public? Does anyone wish to be heard? (no response)

Ms. Causa moved to close the public hearing for Kiwi Day Camp; seconded by Mr. Cote with all in favor.

Mr. Nuculovic moved to adopt Resolution #23-04, dated February 22, 2023; Tax Map #77.17-1-31 & 32 entitled Kiwi Country Day School Final Site Plan Approval. The motion was seconded by Mr. Frenkel with all in favor.

**RANDOM RIDGE SUBDIVISION – KENNICUT HILL ROAD - TM: 76.10-1-23;
CONTINUATION OF OPEN PUBLIC HEARING & BOND REDUCTION**

Mr. Carnazza said this is on for a public hearing. I don't have any comments. I did drive by today. Up top where the parking for the pool used to be, there are piles of dirt that looks like they just left behind so maybe that's something that we need to make sure they also address.

Chairman Paeprer said I also drove through there today. I'm not familiar with where the pool was?

Mr. Carnazza said it would have been at the upper – the entry is at the lower side – as you come up, if it's on your left, keep going up on your left on the same side. There's a dirt parking area where they had the trailers. It's just another thought that this also needs to be addressed.

Chairman Paeprer said is there an applicant here from [Random Ridge]? (no response)

Mr. Franzetti said the original intention was the applicant wanted the bond to be reduced from \$600,000 to about \$300,000. At that time, they wanted to talk to us and walk the site with us. After that, we have not heard back from the applicant. They said they would walk with you, Mr. Chairman and myself and anyone else who wanted to be there to talk about any particular potential site deficiencies which we're aware of, and we, again, have not heard from them.

Mr. Cleary said this is a bond return; no comments.

Chairman Paeprer said (to Mr. Charbonneau) this Board is here tonight to vote on a bond return. Mr. Franzetti just said that we have not heard from the builder in this case – right?

Mr. Charbonneau said I don't have the date, but we met the applicant and their attorneys regarding their request for a bond reduction. We had some reservations at the time of that meeting but because they'd requested, we put it on the agenda. We opened the public hearing. We heard from a number of the residents up there. The public hearing was left open. There was an agreement that they were going to follow up with a punch list of work items and things that were necessary to either reduce or return the bond. We've heard "crickets" since then. I haven't been contacted by counsel for the applicant. My understanding is that the consultants haven't been contacted by the applicant. We're on for a continuation because I'd like for the Board to close the public hearing formally. Obviously, you can take public opinion with respect to this matter but in essence, it's a fait accompli because what was promised or what was efforted was never done. It's a de facto withdrawal of the request for the bond reduction by non-appearing and not cooperating with the Town. My suggestion would be to close the public hearing. Obviously, you can certainly listen to input from the public but my suggestion would be to close the public hearing and vote on a resolution to deny the bond return. At that point, it'll be up to, essentially, the Town Engineer to provide Town Counsel and the Town Board with an update as to the assessment of this project for purposes of making a determination, which will come from the Town Board, as to whether or not to call the performance bond that is in place in connection with this matter. This Board's jurisdiction is concluded at that point.

Chairman Paeprer said thank you Joe; very helpful. This is a public hearing. I do want to grant you time to speak but you just heard what Mr. Charbonneau said. We're not going to return the bond tonight. We're going to vote on it but I don't see us returning the bond tonight. The summary of your issues go to the Town Board but if you have anything you want to come up here and say that you haven't already said or that we don't know about, I'm happy to give you some time.

(Ms. Ruby Valencia, HOA President and on the HOA Board of Random Ridge appeared before the Board.)

Ms. Valencia said we have 20 plus people here tonight. Since our last meeting, the developer closed the last house on October 7th and since then, they've removed the construction trucks from the site and at the area where you saw today, they basically dropped all the construction trash there and left it. Besides that, we have made several attempts to contact them. I received a letter from the DEP as well addressed to myself saying the DEP has also tried, multiple times, to contact the developer without any answers. It basically states that they were required to install raingardens in several subdivisions as well as an underground filtration system behind lots 27 & 28. They have failed to comply to these requirements. The DEP has made multiple additional attempts to contact the developer but has not received any response. So, that is an additional cost, on top of what we already assume is going to be a cost for something that needs to be done. That should be added to the original letter that we'd submitted. We were not aware that this was something that also needed to be done. We want to thank you for not reducing the bond. We really appreciate and look forward to what the next step is going to be. We've been there for a long time now. They're done and we really have no idea when they will complete what they've promised to us. It would be great to know what the next steps would be for everyone.

Chairman Paeprer said I believe it's a \$600,000 bond?

Mr. Franzetti said it's \$600- and change.

Ms. Valencia said it's \$650,000.

Chairman Paeprer said (to Mr. Charbonneau) can you reiterate next steps? We're going to hold onto the bond for tonight. We're going to close the public hearing.

Mr. Charbonneau said your next steps are very simple.

Chairman Paeprer said I'm more concerned with the resident's [next steps].

Mr. Charbonneau said they can provide further information to Mr. Franzetti regarding bondable issues at the site. He will compile those; probably put them in memo form to the Town Attorney and Town Board so that they can then put the issue onto a work session to discuss the next steps; whether that be speaking directly with the bonding agency or commencing an action to call the bond.

Ms. Valencia said just a question. If the bond is, indeed, called. How does it work? Do you work with the HOA?

Mr. Charbonneau said it's not the purview of this Board so I'm not going to get into that because it's beyond the scope of this Board's jurisdiction. I'm sure, if you want, you can talk to the Town Attorney with respect to that but that's not what we do.

Ms. Valencia said okay; thank you.

(Ms. Emily Sabatella appeared before the Board.)

Ms. Sabatella said I've been a lifelong resident of Putnam County. I've been a teacher for 17 years so I suppose my lifetime of children has made me categorize people into good guys and bad guys. We, unfortunately, are all suffering because we chose to build our beautiful homes with a bad guy. I know that I'm speaking to a Board who is helping us to use the money that they have retained to help fix the problem but I just would have been remiss to, at least, not to speak to you on behalf of our community that we're counting on you to be the heroes. We need the support so I recognize the point that this is not the Board that tells us next steps but I just want to make sure to say my piece in keeping it an amicable relationship in which we recognize that we have been so grossly wronged by how this project is being abandoned. It cannot become our fiscal responsibility. We are full-time employees, we're mothers, we're fathers, we're community members and we need some kind of reconciliation and to be made whole from this. I get nauseous every time I think about it because I don't understand it all the way. I can't afford to supplement the amount we need to finish the space. The fact that it hasn't been paved and there are concerns about how it was paved so that we can turn it over to make it a Town Road so that we're not fiscally responsible for having it be a private road and being plowed all the time. These are genuine concerns that are falling on us financially. We're individual residents or a community and we need the support of a bigger establishment to help protect us from what has been done here. It's just disappointing that the bond was reduced, so dramatically, early on in the project against the bad guy. I just really hope that we can be made whole in all of this. Thank you for the support that you've given us thus far and I look forward to not being really nauseous every time I think about where I live.

Mr. Charbonneau stated the deficiencies with respect to the roads up there are something that the Town Engineer is well aware of which is why they don't make specifications for dedications. That's definitely an issue that we're well aware of.

Chairman Paeprer said when this goes to the Town Board, is there an open session? There's usually 3 minutes that you can speak before the rest of the agenda? Will the agenda be published so that people can come out and be heard with the Town Board?

Mr. Charbonneau said the agenda is always going to be published. Because this has the potential for litigation, it may be discussed in executive session only. I can't answer that question. It wouldn't be fair to the Town Board for me to put them in a box with respect to that.

Chairman Paeprer said no. It's education for myself.

Mr. Charbonneau said it potentially involves litigation so it would be right for an executive session.

Mr. Frenkel said even if it's an executive session, that would not prevent residents from coming up in the 3-minute public hearing part and just saying their piece. They may not get feedback from the Town Board.

Mr. Charbonneau said that's every Town Board but the better way to do it, in my opinion, would be to address those to the Town Engineer so that he can incorporate those into a single document to the Town Attorney and Town Engineer. That's the better way to do it in my opinion.

Chairman Paeprer said so did everybody hear that? You know the Town Engineer is Mr. Rich Franzetti. He will be forwarding your information to the Town Board and Town Supervisor. So, consolidate and get your information to Mr. Franzetti, he will take it forward.

Mr. Franzetti said I will do that. My memo, I think prior, speaks to a lot of those issues that are performance bond based. Some of your concerns are performance bond based. Some of them aren't. We can certainly bring that up and talk to the Town Board. It would be part of the record given to the Town Board. The focus here is that if the Town Board is going to call a bond, it has to be based on the information that is bondable. It can't be that if you didn't like your roofing. I use that as a silly example. That's not what we can call the bond on but there are issues here that are bondable issues. That is why this discussion was had. That is why they came in for a public hearing. They wanted to reduce the bond amount for the information that they believe was completed. They've never come back as we've said before. That's already been stated. So, that's where we are at. The Chairman and I can still walk the site and look at it. We can talk together. We had talked about walking the site before for when the applicant was going to be there and give us a punch list. I can come up with that punch list. You've given me a lot of information already. I have received it. I just want to have it in the public forum here when we have everybody here at the Board. We can certainly go out there and walk around and look at those deficiencies based on the performance bond.

(Ms. Julie O'Connor appeared before the Board.)

Ms. O'Connor said I just wanted to ask you, Mr. Franzetti: I have a copy of the bond but it doesn't have the attachment that talks about what is actually bondable. Can I work with you to get a copy of that so we understand what exactly is bondable?

Mr. Franzetti said sure. My suggestion is that you can contact Rose [Trombetta]. We can get you a copy tomorrow. If she's in the office, we'll get you a copy tomorrow.

Ms. O'Connor said okay. There's no homeowner that's fighting over anything in their house or any kind of little things like that. I think there's only four main issues: final topcoat of the road; it's this DEP water infiltration plant; it's the landscaping plan and the clean-up of what we refer to as the trailer area that you'd mentioned earlier. It's really just those four things I believe that we're concerned about.

Mr. Franzetti said so the first three are bondable. It depends on what the site plan that was approved had for that area. Obviously, there shouldn't be trash there. What that should look like would fall back to the landscaping. Again; bondable issues.

Ms. O'Connor said just for us next steps then would be just to reach out to you Mr. Franzetti and work with you to come up with this list that you'll then forward onto the Town Board for the issue to rest with them?

Mr. Charbonneau said you're represented by an HOA. My suggestion would be to have some member of the HOA compile an aggregate listing and just send that over in one shot to Mr. Franzetti so that he can incorporate that into his memo.

Ms. O'Connor said okay. I think you have everything that we've talked about previously but I will do that tomorrow.

Mr. Franzetti said yes. So, appoint a single person. It's just easier that way. You talk amongst yourselves and have a single person get us that info. I'll work with that person and we'll go with it from there. It just makes it a lot easier.

Ms. O'Connor said I understand. One of us will reach out to you. Thank you.

Mr. Cote moved to close the public hearing; seconded by Ms. Causa with all in favor.

Vice-Chairman Giannico moved to deny the reduction of the bond; seconded by Mr. Cote with all in favor.

WILLOW WOOD COUNTRY CLUB, INC. – 551 UNION VALLEY ROAD - TM: 87.7-1-6, 7 & 11; AMENDED SITE PLAN

Mr. Carnazza said (tape cuts out) parking spaces, parking space size and gravel parking spaces. There was a noise study done by Mr. Erich Thalheimer that was confirmed by Epsilon. I guess the Town hired another sound person to verify (tape cuts out) replaced. I think that you had pictures earlier so that was one of my earlier comments; the ones down below had to be replaced. They're getting aged over the (tape cuts out).

Mr. Franzetti said comments have been stormwater permit – applicant (inaudible) the need for a permit. SWPPP is currently under review. Applicant is required to supply a stormwater maintenance agreement. I believe they've provided that. I think we have to give it to counsel to review and just approve. They should note that the application of the schedule A along with the bond must be provided. Applicant noted the need for a pro-performance bond and associated engineering fee. The only detailed comment I have is the Wetland limits must be shown on the drawing. The applicant has acknowledged this comment and will work with the department to determine if this requirement is needed as

the Wetland Delineation validation from the State was performed in 2019. The validation map is still in process from the State.

Mr. Cleary said all of my general planning comments have been addressed Mr. Chairman. The Thalheimer report, which was prepared by WillowWood, was reviewed by our separate and independent third-party consultant. Our guy has reviewed their response to his comments so, we haven't gotten the full final sign-off from our guy but apparently they've addressed all the comments. Our guy was generally satisfied with the methodology that was used but there were some technical comments in there that he required some additional confirmation from him. That's where we are with respect to that. This is an application that's ready to be set for public hearing so you can get public comment on this.

Chairman Paepfer said any comments from the Board before I turn it over to Mr. Calganini?

Mr. Frenkel said I'm confused on two issues and I wonder if you can help me. The sound level testing was done for a decibel level of what 60 or 65?

- *Mr. George Calganini, Esq. and an Officer of WillowWood Country Club appeared before the Board and introduced himself and his qualifications to the attendees.*

Mr. Calganini said 60.

Mr. Frenkel said I believe the Town ordinance, correct me as I may be wrong, suggests that if it's an impulsive sound, that it should be done at 55.

Mr. Calganini said no, it's 65 (inaudible) then it drops to 60. You're correct on the drop but it's 65 vs. 60.

Mr. Frenkel said and your testing was done at 60.

Mr. Calganini said yes.

Mr. Frenkel said second question is with reference to the residence that is at 5 Wilson Road, can you point to that on the map?

Mr. Calganini said 5 Wilson Road doesn't appear on this map because the Town line is over here to the south and 5 Wilson would be somewhere about 6" below the bottom of this map.

Mr. Frenkel said and was the testing for the sound, with respect to that residence, performed on the property line?

Mr. Calganini said the measurement was done on the road in front of that house. That's one of the test locations. The methodology of the noise report was – ambient sound was measured in a number of different locations as well as specific testing with gun shots being fired on command. We'd arrange that with cell phones. So, the report lists 5 measured locations but then there's a very sophisticated program that the engineer used to calculate everything.

Mr. Frenkel said I guess the question derives from a suggestion that I read in the file – correspondence from the resident. The Town Law requires testing for this on their property line as it borders your property line.

Mr. Calganini said the Town Ordinance does that but remember we're an existing club. So, the existing trap fields, particularly the trap fields that are close to the property line, could

never satisfy that. So, what we've done is the testing that would not exceed that at all. The measurements that he gets are going to be loudest from the existing trap fields. If you went from our property line adjoining them, it's less than what he's currently getting which we're grandfathered in because we pre-date the ordinance. In fact, there's an issue about the general business law that applies a much higher level. We haven't taken that approach here. We want to work with the Town but that would raise it to 90 decibels.

Mr. Frenkel said so, I guess one area of clarification that I think the Board needs is get clarity from our counsel, Mr. Charbonneau, as to what takes precedence here: Town Law or GDL.

Mr. Charbonneau said I'll take a look.

Chairman Paepre said out of curiosity, when did WillowWood open for business?

Mr. Calganini said 1955.

Ms. Causa said has it always been a gun club since 1955?

Mr. Calganini said yes. It's always been a gun club. It was, originally, also a pistol and rifle as well as the trap fields. We do not shoot rifle and pistol. Rifle, in particular, is vastly louder than shotgun. If you look at the internal pressures of a shotgun barrel and a round is fired, you're having a sudden surge of pressure that's about 14,000 pounds per square inch. Some of the really high-powered rifles can bump that all the way up to 90,000 pounds per square inch. Those pounds per square inch equate to noise levels.

Mr. Paepre said I'm anxious to get you in for a public hearing but I have a couple more questions. There were two stations, in particular, that I think we had problems with in the back there. You were going to build them out a little differently?

Mr. Calganini said [stations] 13 & 14 are the stations that we're proposing to put wings/sidewalls on and we've also proposed to put sound proofing materials on the shooter's side.

Mr. Paepre said that hasn't been done yet.

Mr. Calganini said we've been shut down. We're not operating the sporting clay sport. In fact, we have a stop work order.

Mr. Paepre said right. So, you didn't want to make the investment.

Mr. Calganini said right. Because the sound absorbing material is actually degradable by UV rays, we put like a rubberized material over it to block the UV rays. This is how it would go on the walls.

Mr. Paepre said I'm glad I asked. I know there was a stop work order but I just wasn't sure how far, if at all, you had gotten along with construction.

Mr. Calganini said the existing ones at [stations] 13 & 14 are up one wall. They're 12' wide and 10' high. Those are going to have sidewalls/wings on them.

Vice-Chairman Giannico said would you point to those stations on the map please.

Mr. Calganini approached the map and said 14 is right over here and 13 is right here.

Vice-Chairman Giannico said and the closest residence to those two stations would be?

Mr. Calganini said these two houses up on Union Valley.

Mr. Carnazza said if you put that rubber on there, is that still going to work properly?

Mr. Calganini said that's what the sound company tells me.

Mr. Carnazza said okay; so, it's been tested. You don't want to put something on it that could deflect more.

Mr. Calganini said this came from the sound company. They're the ones that told me that you just can't put the stuff on because it'll degrade. You have to put this other material on that it doesn't get degraded by UV.

Mr. Carnazza said that's fine. I just don't want you to put something on there that would negate the first thing.

Vice-Chairman Giannico said update your drawings to show the wings on the stations.

Mr. Calganini said yes. There's not currently sound barriers at 12. There's also going to be one at 4.

Chairman Paeprer said other questions from the Board Members?

Vice-Chairman Giannico moved to schedule the public hearing on this application; seconded by Mr. Frenkel with all in favor.

YANKEE LAND DEVELOPMENT – BAYBERRY HILL ROAD & OWEN DRIVE - TM: 76.15-1-12; EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL

Mr. Carnazza said this is on for a regrant of their preliminary approval. They have the new map coming in with two seven lot subdivisions instead of the fourteen; just for buildout purposes. That's what they're proposing now.

Chairman Paeprer said how many times have we extended this?

Mr. Carnazza said we just discussed that and they plan on getting their map updated with the two 7-lot subdivisions so they can move forward with it the way they can build it. That's their plan of this moment.

Mr. Franzetti said no objection to granting the 180-day extension. The Board should note to follow up with your question, February 15, 2012 was when the preliminary subdivision approval was given by the Planning Board. There is a whole bunch of other things that will be needed: stormwater permits, State, City, wetlands, etc. It's all in my memo. If they're not going to follow through on this one, they'll have to do it on the other two 7-lot subdivisions that they're looking to do in the future.

Mr. Cleary said no objection to the extension Mr. Chairman but part of the delay in revised plan was to update the survey on the property which I think the applicant has just recently completed?

(Mr. Angelo Lupino, Jr. of Yankee Land Development appeared before the Board.)

Mr. Lupino said we finally just got a survey company to come out and do this. It's been months that they made us wait.

Chairman Paeprer said I just want to clarify and make sure I understand as well as the Board. We had a 14-acre parcel here. We subdivided into two.....

Mr. Franzetti said it's not 14-acres; it's 14 lots.

Chairman Paeprer said okay; 14 lots – now it's 7 lots. Which is it; which are we going forward with.

Mr. Lupino said we're eventually going to go forward with two 7-lot subdivisions. Right now, we're keeping the 14 active until we can get the two 7-lots going with the Board.

Chairman Paeprer said I just don't want both on the books. There's 14 lots and two 7s. We can state in the record that we'll approve this 14-lot to give you time to make the transition but this will be the last approval on the 14-lot.

Mr. Lupino said we hope so; yes.

Chairman Paeprer said we should let the record speak to that – right.

Mr. Carnazza said I don't think that's optional now. I think they're saying this is the last one they're going to give you.

Chairman Paeprer said exactly. I feel like we're going to keep the 14-lot going; going to keep the two 7s.

Mr. Lupino said the two 7-lots I don't have yet. Until we do our lot line separation, the two 7-lots will be in plan at that time. That's our plan.

Mr. Charbonneau said tonight's extension is for the 14-lot. It's not likely that you'll get another extension on the 14-lot plan.

Mr. Lupino said even if something went wrong and (inaudible) came out? I'm just asking.

Mr. Charbonneau said it's not a guarantee.

Chairman Paeprer said it's been 10 years. If something goes wrong, bring it forward. We mean this as a positive. Let's get this thing going.

Mr. Lupino said I know. You guys have been good to me.

Mr. Cote moved to grant the preliminary approval of the 14-lot subdivision for 180 days; seconded by Mr. Frenkel with all in favor.

JOE ZAKON D/B/A 14 NICOLE WAY LLC – 14 NICOLE WAY: 65.6-1-22; BOND REDUCTION

Mr. Carnazza stated this is on for a bond reduction. I have no comments on this.

Mr. Franzetti stated the applicant has requested a bond reduction for the referenced project. The original bond amount was in the amount of \$242,000. The bond has not been reduced in the past. The Engineering Department has performed numerous site visits throughout the construction; the most recent being February 16, 2023. Based on the inspection, the performance bond I have identified and the applicant's request are completed and the bond can be reduced to \$98,000.

Mr. Cleary stated no comments on this.

Chairman Paeprer said (to Mr. Franzetti) explain to me why \$98,000.

Mr. Franzetti said typically we do not go lower than the 20% but this is actually higher than the 20%. It's what they have remaining to do. They have asphalt to do on the property. They still have some stormwater work to do. They still have some site features that need to be completed; landscaping. It's itemized in the list that was provided by their engineer.

Chairman Paeprer said quite honestly, I think you've done a great job up there. I know we've been around on this for a couple of years but I think this is a good example of we got a great product. You did a great job.

Mr. Frenkel said I want to second that sentiment. Every time I drive by, I look at the building and it looks good; nice work by all.

Vice-Chairman Giannico moved to schedule a public hearing on the bond reduction; seconded by Mr. Cote with all in favor.

PULTE HOMES OF NEW YORK, LLC – LOT 4 TERRACE DRIVE: 55.14-1-11.2; BOND RETURN

Mr. Carnazza said their attorney is not here yet.

Mr. Charbonneau said Mr. Chairman, I spoke to Mr. Mike Caruso this evening who is actually sitting as a Town Judge tonight. He said he was coming here afterwards. I told him that I would advise the Board that I don't see any reason.....we're just setting a public hearing date. I'm happy to text him and let him know that and save him the trip but there was somebody going to be here.

Chairman Paeprer said so tonight, we're just talking about the bond return and scheduling the public hearing. I'm fine with that. Joe [Charbonneau]; do you want to let him know?

Mr. Charbonneau said yes, I'll let him know.

Mr. Cote moved to schedule a public hearing for Pulte Homes – Lot 4 Terrace Drive; seconded by Ms. Causa with all in favor.

PULTE HOMES OF NEW YORK, LLC – LOT 5 TERRACE DRIVE: 55.14-1-11.3; BOND RETURN

Chairman Paeprer said we also have on the agenda tonight Pulte Homes – Lot 5 Terrace Drive. It's the same.

Mr. Cote moved to schedule a public hearing for Pulte Homes – Lot 5 Terrace Drive; seconded by Mr. Frenkel with all in favor.

Mr. Frenkel moved to adjourn the meeting at 7:47 p.m.

Respectfully submitted,

Dawn M. Andren