

# **APPROVED**

**CRAIG PAEPRER**  
*Chairman*

**ANTHONY GIANNICO**  
*Vice Chairman*

## **BOARD MEMBERS**

**RAYMOND COTE**  
**ROBERT FRENKEL**  
**VICTORIA CAUSA**  
**JOHN NUCULOVIC**

## **TOWN OF CARMEL** **PLANNING BOARD**



60 McAlpin Avenue  
Mahopac, New York 10541  
Tel. (845) 628-1500 – Ext.190  
[www.ci.carmel.ny.us](http://www.ci.carmel.ny.us)

**MICHAEL CARNAZZA**  
*Director of Code  
Enforcement*

**RICHARD FRANZETTI**  
**P.E.,BCEE**  
*Town Engineer*

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

## **PLANNING BOARD MINUTES** **OCTOBER 25, 2023**

**PRESENT:** CHAIRMAN, CRAIG PAEPRER, RAYMOND COTE, ROBERT FRENKEL,  
VICTORIA CAUSA, JOHN NUCULOVIC

**ABSENT:** VICE CHAIRMAN, ANTHONY GIANNICO

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| <b><u>APPLICANT</u></b>                | <b><u>TAX MAP #</u></b> | <b><u>TYPE</u></b> | <b><u>PAGE</u></b> | <b><u>ACTION OF THE BOARD</u></b>              |
|--|-------------------------|--------------------|--------------------|--|
| Executive Session – Pending Litigation |                         |                    | 1                  | Approved Entry into Stipulation Of Settlement. |
| P & R Estate Corp.                     | 44.13-2-68              | Resolution         | 1                  | Resolution Adopted & Denied to the ZBA.        |
| Carmel Terminals                       | 55.11-1-23,24&27        | Site Plan          | 1-5                | Declared Lead Agency & Denied To The ZBA.      |
| Lake Plaza Shopping Center             | 65.10-1-45&46           | Bond Return        | 5                  | Bond Return Recommended To The Town Board.     |

The meeting was adjourned at 7:26 p.m.

Respectfully submitted,

Rose Trombetta

## **EXECUTIVE SESSION – PENDING LITIGATION**

Chairman Paepfer stated we opened the tonight's meeting with an Executive Session to discuss pending litigation. He stated we have closed the Executive Session and as a result is there any resolution from that meeting?

Mr. Frenkel offered a resolution and motion to approve entry into stipulation of settlement to be executed by the Town Board of the Town of Carmel in the matter of New York SMSA Limited Partnership d/b/a Verizon Wireless and Homeland and Homeland Towers LLC versus the Town of Carmel pending in the United States District Court Southern District of New York docket number 19-cv-10793. The motion was seconded by Mrs. Causa with all in favor.

## **P & R ESTATE CORP – 122 GLENEIDA AVE – TM – 44.13-2-68 – SEQR NEGATIVE DECLARATION**

Mr. Carnazza had no comments.

Mr. Franzetti stated he had no comments to the SEQR Neg. Dec.

Mr. Cleary stated you have the Negative Declaration resolution before you to be voted on.

Mr. Robert Sherwood, applicant's architect addressed the board and stated a couple of comments from the last meeting was the architectural design of the building. At which time, Mr. Sherwood displayed the drawings of the building. He added shutters to the front and sides to make it look more residential in style. At this point, we are looking to go to the Zoning Board of Appeals for the variances and then come back to this board.

*Mr. Cote moved to adopt Resolution #23-23, dated October 25, 2023; Tax Map #44.13-2-68 entitled P & R Estate Corp SEQR Determination of Significance Negative Declaration. The motion was seconded by Mr. Frenkel with all in favor.*

Mr. Cote moved to deny the application to the ZBA. The motion was seconded by Mr. Frenkel with all in favor.

## **CARMEL TERMINALS – 79 OLD ROUTE 6 – TM – 55.11-1-23, 24 & 27 – AMENDED SITE PLAN**

Mr. Carnazza read his memo which stated the applicant proposes to upgrade the existing oil terminal. This will include replacing old tanks and containment dike compatible with bio-fuels. They will be installing four, fifty-thousand gallon B-10 Bioheat tanks, one, twenty-five thousand gallon B-10 on-road diesel tank, and one, twenty-five thousand gallon B-100 storage tanks along with enclosures for the tanks, piping and control systems. The buildings (enclosures) are designed to look like farm buildings as requested in our pre-submission meeting.

- The property is in the C-Commercial zoning district. The code allows "Wholesale storage and distributive establishments, including lumberyards".
- Provide lot depth and lot width lines on the plat.
- How many employees will be employed at this property? I believe you said zero at our pre-submission meeting.
- Variances were granted by the ZBA for frontage, width, driveway width and side yard.
- Variances are required from the ZBA for Front setback and rear setback.

Mr. Franzetti read his memo dated October 20, 2023.

Mr. Cleary stated this application is generally an upgrade of an existing facility. It's an open facility now and the tanks are out in the open so is the fill facility. This would be all enclosed in new buildings so generally a very good thing to do on the site. A couple of variances are necessary. He said there is a trailer off to the side, presumably that was some sort of an office operation, that goes away. There's nothing else in these buildings, there's no new office space in the buildings at all.

Mr. Raymond Durkin, applicant, addressed the board and stated inside the building where the tanks are we will have just a small room no employees or anything, but it's mainly just for a computer equipment and cameras.

Chairman Paeprer asked will there be a restroom in the building?

Mr. Durkin replied no.

Mr. Cleary asked will there be an employee in the building?

Mr. Durkin replied no. Everything is automated and it goes back to our main office.

Mr. Cleary asked about the decommissioning of the equipment that's there now. He said under the supervision of DEC and I think the health department may have some role in that also. Coordinating that with our approval is essential if there's some condition or mitigation measure that's necessary that has to be reflected on the plan, obviously we should know that. A level of coordination is necessary between those agencies. He said right now the site has no curb cut, it's sort of all open. Typically, we like to have some understanding of how vehicles maneuver through the site, please provide a truck maneuvering sequence. Ideally, we'd like to have curb cuts. If that doesn't lend itself to that because of the nature of the business let us know.

Mr. Durkin stated that is an issue, because we come in with large trucks and tractor trailers and we don't have the depth the way it is to turn them around.

Mr. Cleary stated I figured that's the answer, but show us how those vehicles maneuver on the site, so we get an understanding of that. As far as the volume, we've had a couple of other propane storage facilities, how many trucks per day, how many trucks per week. He asked with your switch to biofuel is it changing the intensity use the site instead of two trucks a day now there'll be a 100 trucks a day. You need to clarify that. You don't have to answer now. Will you store and park vehicles on the site?

Mr. Durkin replied we do at times.

Mr. Cleary said that should be shown on the site plan. This is where overnight storage will be, it should be identified on the site plan. You've have given us some lighting details, but the spill plan illumination levels, does this have to be a secure site with lots of in high intensity lights. That should be on the plan as well. There is a new containment dyke, there's some new retaining walls and a little bit of grading. With respect to that that means soil movement on a site that may be contaminated to prior use, so that soil movement export needs to be carefully monitored. That's another DEC issue. Is fire suppression in the building.

Mr. Durkin replied by code it is not needed.

Mr. Cleary asked the applicant to clarify the dimensional height of those buildings. Are the buildings heated and cooled?

Mr. Durkin replied no.

Mr. Cleary asked if it was necessary to have more than one oil separator on the site?

Mr. Franzetti stated we will need the details on that.

Mr. Cleary stated this is unlisted action under SEQR, so designate yourself lead agency tonight so we can start that coordinated review with everybody else.

Chairman Paeprer asked for an overview of the project.

Mr. Durkin stated currently we sell number two fuel oil. We are switching over to biofuel. We also have a grant from the government. They're involved in it. The government wants it to be biofuel. We don't need to do the buildings, we're just doing it to make it look nicer from the road. They're not heated, it's just for show. It's basically to cover everything up. The use is going to be the same, there'll be no increase or anything like that. The only difference is the tanks are going to be hidden.

Mr. Franzetti asked if there was a timeframe with regards to the government funding.

Mr. Durkin replied there is a timeframe. It starts when we start construction. We have to tell them when we're starting. Our timeframe is very tight, because we want to start right after this winter and do it during the summer and be open for the following winter. The timeframe is on us, not the government.

Mr. Cleary asked does this put you out of commission for a season?

Mr. Durkin replied yes and we've already been in touch with the DEC. We're trying to start the communication with everybody early.

Chairman Paeprer asked if there will be a lot of soil movement. I would assume there's some not in a bad way but contaminated soil on site just because of the nature the business.

Mr. Durkin stated we've already done some test holes and we've come up with no contamination. All our tanks are above ground. They're all enclosed steel. We don't have contamination. We're going to be testing it again. We bought the site from another oil company many years ago. He said we're going to dig the wall back a bit but if we hit rock or ledge we're going to stop.

Mrs. Causa asked if electric was the only utility in the building.

Mr. Durkin replied currently we have sewer and water.

Mrs. Causa what about restrooms?

Mr. Durkin replied in the new facility no. We're going to use frost free to have water on site. when we wash stuff down or something like that.

Chairman Paeprer asked is the building staffed during the day?

Mr. Durkin replied no. It's all automated with cameras.

Mr. Frenkel asked are you currently doing business that way?

Mr. Durkin replied yes. It's been that way for 15 years.

Mr. Cote stated he is surprised to hear that no fire suppression is required.

Mr. Durkin stated oil is totally different than gasoline.

Mr. Carnazza stated oil is not flammable.

Mr. Frenkel asked is there something special about biofuel that requires different equipment or is it just basically the same.

Mr. Durkin stated it's basically the same. The equipment has been changing over the years to accept biofuel, so there wouldn't be any issues meaning gaskets and other fuels on an oil burner. Instead of coming from a foreign country most of it's made here in America. The carbon is carbon neutral it burns cleaner than natural gas or propane. It's very clean.

Mr. Frenkel asked about hours of operation.

Mr. Durkin replied we're a 24/7 operation. We're a weather dependent business.

Mr. Cleary stated this is the industrial road of the town, so this is where a facility like this belongs.

Chairman Paeprer stated this board serves as the architectural board as well. He asked what kind of materials and structure are you building?

Mr. Jack Durkin stated it is going to be a metal building with a metal standing seam roof. There will be a concrete dyke on the bottom (points to map). We might do some type of brick facade or stone facade or thin brick veneer around that to kind of spruce up the building a little to kind of complement the red and gray aspects of the remainder of the building. There is no insulation in the building. That pertains to the loading rack building as well. They'll be built to complement and match each other and the rest. He stated we're working in a partnership with the United States Department of Agriculture. They're providing grants to incentivize the distribution of biofuels. It's the way the energy industry is kind of shifting and has been shifting over the past 10 years or so. We're just trying to get ahead of the curve. There were grant opportunities made available to our industry and we chose to capitalize on them which is why we went after it and are working with them. It's our movement and trying to go green with the energy industry.

Mr. Cleary asked is this dependent on the grants? If you lose the grant, does the project go away?

Mr. Durkin replied we have signed grant agreements with the USDA and we have committed to building the project.

Mrs. Causa moved to declare the Planning Board as lead agency. The motion was seconded by Mr. Nuculovic with all in favor.

Mr. Thyberg asked if it was appropriate to be referred to the ZBA tonight.

Mr. Cleary stated none of our comments would change the footprint of the building.

Mr. Cote moved to deny the application to the Zoning Board. The motion was seconded by Mr. Frenkel with all in favor.

**LAKE PLAZA SHOPPING CENTER, LLC – 983 -1005 ROUTE 6 – TM – 65.10-1-45,46 – BOND RETURN**

Mr. Carnazza had no comments.

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 of the referenced property on October 18, 2023 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 Town of Carmel Engineering Department has performed numerous site visits the most recent on June 18, 2019. At that time the original bond of \$1,262,000.00 was reduced by \$912,000.00 to \$350,000.00. This Department reviewed the areas noted in the prior memorandum. The required plantings and striping have been installed. Based on the inspection, they are completed and the bond can be returned.

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

Mr. Nuculovic moved to adjourn the meeting at 7:26p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta