

APPROVED

CRAIG PAEPRER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS

RAYMOND COTE
ROBERT FRENKEL
VICTORIA CAUSA
JOHN NUCULOVIC
NICHOLAS BALZANO

TOWN OF CARMEL **PLANNING BOARD**



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*Director of Code
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RICHARD FRANZETTI, P.E.
Town Engineer

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

PLANNING BOARD MINUTES **DECEMBER 14, 2023**

PRESENT: CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, ANTHONY GIANNICO,
ROBERT FRENKEL, VICTORIA CAUSA, JOHN NUCULOVIC,

ABSENT: RAYMOND COTE, NICHOLAS BALZANO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Carmel Fire Department	44.14-1-24	Public Hearing	1	Public Hearing Closed & Waiver Of Site Plan Granted.
Diamond Point Develop.	86.10-1-2&3	Site Plan	1-3	No Board Action.
Union Energy Center LLC	86.11-1-14	Site Plan	3-5	Referred to the ECB.
Serino, Americo	65.17-1-6	Special Site Plan	5-7	Referred to the ECB.
Minutes – 10/12/23, 10/25/23 & 11/09/23			7	Approved.

The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Rose Trombetta

CARMEL FIRE DEPARTMENT – 94 GLENEIDA AVENUE – TM – 44.14-1-24 – WAIVER OF SITE PLAN APPLICATION

Mr. Carnazza had no comments.

Mr. Franzetti stated there's no problem with the waiver except that in speaking with the Town Counsel, they would like to have an easement because they're putting some of the amenities on top of a sewer line that's there. We would like to have an easement recorded and filed that must identify the limits of the improvement within the easement and contain language which acknowledges the proposed improvements would have to be removed or relocated if repaired to the town sewer would be required. The applicant is aware of it.

Mr. Cleary had no comments.

Mr. Adam Thyberg of Insite Engineering, representing the applicant addressed the board and stated we will draft the easement and submit it to the Town for approval.

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

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

Vice Chairman Giannico moved to grant waiver of site plan application. The motion was seconded by Mr. Nuculovic with all in favor.

DIAMOND POINT DEVELOPMENT – 4 BALDWIN PLACE ROAD – TM – 86.10-1-2&3 – SITE PLAN

Mr. Adam Thyberg of Insite Engineering, representing the applicant addressed the board and stated we're here tonight to request that the board direct the Planner to draft a conditional approval. As the board is aware the Negative Declaration resolution was approved at the last meeting. He reiterated that Mr. Cleary prepare a draft conditional approval resolution for the January meeting.

Mr. Carnazza read his memo which stated by letter dated November 29, 2023, the applicant granted an extension of the 45 day clock to January 11, 2024 to decide the application after the closing of a public hearing. In the future, the public hearing should either be kept open or not opened until all of the comments of the consultants have been addressed.

Mr. Franzetti stated the applicant has acknowledged the necessary referrals that were needed. The permits that are necessary. They've provided a traffic study which I think the consultant is reviewing. That approval will be needed as part of any Planning Board resolution. The SWPPP is still under review and it needs to be reviewed by the New York City DEP. That might be a big stumbling block or hurdle because they can be a little onerous in their review process. A maintenance agreement is needed, we will not be taking any ownership of the storm water management practices. We need bond information and engineering fees. The applicant has acknowledged any work in the DOT, they will need approvals from them. Details of the well and septic and Fire Protection tanks must be provided.

Mr. Cleary stated they have addressed all the site planning issues. The question is will any of Mr. Franzetti's issues affect layout configuration or the site plan in any way. If they

would we don't move to an approval resolution. He said that's really a question for Mr. Franzetti.

Mr. Thyberg stated that my understanding is that there has been correspondence with Creighton Manning as far as the traffic comments response and that they have no further comments and they are satisfied. As far as the maintenance agreement, bond information we can certainly get that to Mr. Franzetti ahead the potential vote on a resolution in January. None of the outstanding items certainly there are outside permitting as there very frequently is and is included as conditions of approval, whether it be DOT or the Health Department. Since we have gotten the Neg Dec especially with the DEP we're moving forward on that. We've made submissions to the DEP and those things are moving along. There's nothing in there that we anticipate to have any substantive impact on the site. The other details that Mr. Franzetti had mentioned are certainly things that we can provide as a condition of the approval.

Mr. Franzetti stated I agree with Mr. Thyberg. The only caveat is that the DOT could say move something, we don't know if that's the case, they're starting the process with DEP. That would be a site change, so we're going to approve something that may be amended or altered by a different regulatory agency. Same thing with the DOT, they may say we don't like this opening the way it is and it might have to change. Again, it can be done the way it is right now, but as Mr. Cleary alluded to if there are site changes we're going to approve something that may need to be changed again, do we want to do that. The way it is right now everything looks good but I can't speak for any of those two other outside agencies.

Chairman Paeprer asked what is the timeframe for the other agencies?

Mr. Cleary stated as you know the DEP could take a while, certainly DOT as well. It's the applicant's jeopardy. You can grant this approval, but a modification from any of the agencies, they're coming back and going through this process again including a new public hearing.

Mr. Thyberg stated the applicant's target construction date is sometime in the spring or summer of 2024. He stated from my experience here, DOT and Health Department approvals have been conditions of approval before. My understanding is if there were some minor adjustment it would be obviously at the board or the consultants discretion as to whether it needed an amended site plan if it rose to a level of change that required that.

Mr. Cleary stated Insite Engineering knows the agencies, so they know what's expected of them.

At which time, the board members and Mr. Thyberg continued to discuss if there was a significant change to the site plan and having a new public hearing.

Mr. Thyberg stated we do not anticipate any material change in terms of the location of those driveways or the shape of anything significant.

Chairman Paeprer stated when you get closer to approvals from the outside agencies, then come back to the board.

Mr. Cleary said send there could be an interim step which is send the applicant to those agencies to report back to you with something specific from that.

Chairman Paeprer said that's fair.

Mr. Thyberg stated if we report back at your January 11th meeting, maybe the second meeting in January we may have something more tangible.

Chairman Paeprer stated I don't want to string this along any further, but I don't want to have it just hanging out there for three months with no action on it either. He said the board is willing to move along with you when you're ready and we won't be a hinder or slow you down as long as all the work is prepared.

Mr. Thyberg replied okay.

UNION ENERGY CENTER, LLC. – 24 MILLER ROAD – TM- 86.11-1-14 – SITE PLAN & SUBDIVISION PLAN

Mr. Carnazza stated it's basically the same comments as last time. He said the site plan are the same comments. The fire department is satisfied as long as you do the four or five things. As far as the subdivision, there is one non-conformity, but they don't need a variance because they're increasing the lot area. The only question is there was supposed to be another lot off of one of the residential streets that's not shown on anything is there a reason why it's not shown?

Mr. Scott Connuck stated we've been in discussions with the landowner to hammer out a couple of more details. He said the eastern subdivision has not been fully done.

Mr. Carnazza stated until that's complete and we know what we're looking at we really shouldn't move this too far along, because we don't know what we're looking at yet.

Mr. Connuck stated we're hoping to have that cleared up fairly soon.

Mr. Franzetti read his memos dated December 5, 2023.

Mr. Cleary stated the driveway that is going to access the facility crosses a wetland. It's a local, state and federally regulated wetland. It requires ECB, NYSDEC and Army Corp of Engineer. It's a relatively small impact to the wetland and a buffer impact as well. They are mitigating that through a planting plan. He said typically our wetland mitigation plans look for something like a two to one replacement ratio. They're doing 12 to 1, so it's an extensive replanting plan and it's really functionally improving this wetland area. It's all along the driveway that gets through that wetland area. Not only is it extensive in the amount of plantings but the functions those plantings will provide are significantly improved from what's there today. That's good news with respect to that wetland mitigation, however DEC and the Army Corps still have to weigh in on that. We asked about how often maintenance folks are coming to the site. It will be a couple times a week. It's not a big deal, it will be very low traffic impact. There won't be a lot of tree removal and it has been clarified on the plan. There's a lot of open area within the site. They've given us a lighting plan. At the property lines they're zero-foot candles and there will not be lighting impacts off the site. They have given us details on the generators and they've given us an emergency response plan, fire safety plan and a decommissioning plan. He said there was a lot of conversation about the Pilot, so they've submitted some of that information.

Mr. Adam Thyberg of Insite Engineering, representing the applicant addressed the board and stated we provided the wetland functional assessment. We are asking to have an initial meeting with the ECB just to make an initial presentation. I'm hoping the board would make that referral tonight. We are continuing to advance the stormwater design and we're hoping to do testing within the next several weeks. He said we may be making some

adjustment to the driveway with our next submission. He said initially we graded it at 15% or under 15% as the town code requires. We reduce that just for ease of access with trucks to 12%. We have heard back from the fire department and they've asked if it were possible for us to reduce it to 8%. The thing to understand about putting this driveway into this slope is that the less steep we try to make it the further we have to go with and the more distance we need. A longer driveway means more disturbance. We would like a compromise. We think we can accommodate 10%. The fire code speaks about a maximum of 10%, but with the ability for the local fire officials to wave that to higher slopes. We would like to target 10%, since that's what's written in the fire code. We think we could accommodate that. The more we level off that driveway the more disturbance we're going to wind up having and more disturbance potentially in the adjacent area, so we're just trying to find that balance.

Chairman Paepre asked will the driveway be paved?

Mr. Thyberg replied the driveway will be gravel or millings.

Mr. Frenkel stated it's going to be a quite a long process for you to get all your regulatory approvals. What happens if recommendations come out of New York State about fire safety that would change what you have to do. What comfort do we get that you will adhere to those?

Mr. Connuck asked change in what.

Mr. Frenkel stated either construction or something to avoid the concerns of fire that have happened so far.

Mr. Connuck stated if there are new state codes that are required, then we will need to update our plans to accommodate those. My understanding is that report is supposed to be released imminently and that it's not going to significantly alter the landscape of the fire codes that already exist.

Mr. Frenkel stated as far as the bonding, I see in the calculations that you've included as a net against the amount the salvage value. Do we normally in bonding net out the salvage value of the property.

Mr. Cleary stated it would normally be included.

Mr. Frenkel asked where in the process will the Town of Carmel Assessor actually look at your numbers and tell us that he agrees with them.

Mr. Connuck replied I don't know the answer to that. He may wait for State guidance which we don't know if that's coming or until we are much further along in the building process.

Mr. Frenkel asked would that have to happen in order for the Pilot to be put to bed?

Mr. Connuck stated I've never actually gone all the way through the process before so I'll need to check on that.

Mr. Frenkel referred in the assessed value going through the years, noting that it's starting at one level and then after maybe the seventh year it starts to drop off and then much later in the number of years, it starts going up in value again. What accounts for that?

Mr. Connuck stated with the Pilot as proposed which again is very much subject to change depending on what the IDA decides. We are proposing in one example paying X number of thousand dollars per year per megawatt up to 15 years. You're paying that level plus the fire department taxes for those first 15 years and then you go to the status quo as if there wasn't a Pilot so the taxes will significantly increase.

Mr. Frenkel stated in looking at the purple column which assumes no Pilot and it's really the same across until about the seventh year it drops down to 972,000. Then much later on it goes from 981,000 up to a million and starts increasing again.

Mr. Connuck stated that the reason for that is we are assuming that the millage rate for Carmel is slowly increasing over time. In this we assume 2% per year. Obviously, we don't know precisely how that will go so that accounts for the increase or at some of it.

Mr. Frenkel said when you look at the three scenarios with regards to the economic proposition, why would a town ever choose to do 20 or 25 year Pilot when they could make so much money more quickly on a 15 year.

Mr. Connuck stated in the longer Pilots we are paying more dollars per megawatt up front, so you're getting more money sooner. It depends on what the community wants. To have more of it up front or more of it over time.

Vice Chairman Giannico asked will there a secured gate entry to the site?

Mr. Connuck replied yes. It will be about six feet, but that can be altered if needed.

Vice Chairman Giannico asked is there enough room for a vehicle to pull up off the road to unlock the gate.

Mr. Thyberg replied yes.

Chairman Paeprer asked if there will be cameras on the site?

Mr. Connuck replied yes. There will be security cameras with motion sensors.

Mr. Carnazza asked does the entire facility have a fence around it.

Mr. Connuck replied that's correct.

At which time, Mr. Thyberg points to the map showing the fencing around the site.

Chairman Paeprer stated he was in favor of referring this to the ECB if the rest of the board members agree.

Mr. Frenkel moved to refer the application to the ECB. The motion was seconded by Mr. Nuculovic with all in favor.

SERINO, AMERICO – 205 EAST LAKE BLVD – TM – 65.17-1-6 – SPECIAL SITE PLAN (BOATHOUSE)

Mr. Carnazza read his memo which stated the applicant proposes to add a boathouse to his property on East Lake Blvd. in Mahopac. The zoning table needs to be corrected, front yard setback is not required for a boathouse on a dock lot, lake frontage is required (50 ft), 15 ft.

side yard for boathouse is required, lot coverage does not apply, and parking (1 p.s./750 sq. ft.) The following variances are required from the ZBA:
Lot area- 3,000 s.f. required, 2,609 s.f. provided, 391 s.f. variance needed.
Parking spaces, 4 p.s. required, 1 p.s. provided, 3 p.s. variance needed.
This project needs to be referred to the ECB for comments.

Mr. Franzetti read his memo dated December 5, 2023.

Mr. Cleary stated just one issue in addition to what Mr. Carnazza and Mr. Franzetti raised which is a fairly large patio that's being proposed around the boathouse. It's a waterfront property, typically we like to minimize impervious surfaces next to the lake. Is the size necessary, and if it is could we do pervious pavers not impervious papers. The size of the patio is a minor issue. They appropriately filed an application with New York State. A joint application that covers everything. In the application they checked the box of what's the application for and they checked the box for a dock. He said you're also removing a piece of seawall and carving out a piece of the site to accommodate the boat house. There's another box to be checked for excavations. The State came back and said no issues with this for a dock, I don't know that they looked at it for the excavation in addition to the dock. He said to resubmit the application to the State just to make sure that they are aware that excavation is occurring in the lake and on the property as well. That needs to be clarified.

Mr. Dan Monaco, applicant's engineer addressed the board and stated the applicant is looking to build his boathouse. He's been on the lake for about 30 something years. He wants to improve the waterfront feature for his kids and grandkids and that's why he's pursuing this. We listen to all the comments, and one thing to note is that you received an uncorrected version of the drawings. The new version which was submitted to the secretary will have the corrected setbacks and variances required.

Mr. Carnazza stated let's discuss it and make sure it's right.

Chairman Paeprer asked how many parking spaces do you need at that site?

Mr. Serino replied there is an existing parking space there already.

Chairman Paeprer stated by code you need four parking spaces.

Mr. Serino stated we could park across the street where I live.

Mr. Carnazza said that will be your argument for the Zoning Board.

Chairman Paeprer asked are you putting a bathroom there?

Mr. Serino replied no.

Chairman Paeprer stated to meet with the consultants regarding the comments.

Mr. Franzetti stated my comments are fairly straight forward. He suggested to go to §156-27.

Vice Chairman Giannico asked if they had any elevations of the boathouse.

Mr. Monaco replied not yet.

Vice Chairman Giannico said as it progresses we would want to see them.

Mr. Monaco said in speaking with the DEC that there's no actual mean high-water elevation for Lake Mahopac.

Mr. Carnazza said you have a seawall, so it doesn't affect you anyway.

Vice Chairman Giannico asked will there be a deck on top of the roof?

Mr. Monaco replied yes.

Vice Chairman Giannico asked don't we have a height restriction?

Mr. Carnazza replied yes. It's in the code. It's either 10 or 15 feet.

Mr. Serino said that's why we didn't put a peak roof, because of the height.

Chairman Paeprer asked is the height on the drawings.

Mr. Monaco replied yes. At which time, Mr. Monaco points to the map to show the height.

Chairman Paeprer said we could send them to the ECB to get things moving. There are too many comments for the Zoning Board.

Mr. Frenkel said we also would like to see the elevations.

Mr. Cleary stated to re-apply to Office of General Services with regards to the excavation.

Mr. Carnazza said the height of the building is on the land side not the water side, so the fluctuation and the height doesn't affect it. Which is to your benefit.

Chairman Paeprer stated this board also acts as the architectural review. We want to make sure it's aesthetically pleasing.

Mr. Monaco said we will put something together.

Mrs. Causa moved to refer the application to the ECB. The motion was seconded by Mr. Frenkel with all in favor.

MINUTES – 10/12/23, 10/25/23 & 11/09/23

Mr. Frenkel moved to approve the minutes as amended. The motion was seconded by Mr. Nuculovic with all in favor.

Vice Chairman Giannico moved to adjourn the meeting at 7:45 p.m. The motion was seconded by Mr. Frenkel with all in favor.

Respectfully submitted,