

APPROVED

HAROLD GARY
Chairman

CRAIG PAEPRER
Vice-Chair

BOARD MEMBERS
ANTHONY GIANNICO
DAVE FURFARO
CARL STONE
KIM KUGLER

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 **JANUARY 27TH, 2016**

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Itzla Subdivision	55.14-1-6	1	P.H.	Public Hearing Closed & Planner to Prepare Resolution.
Cargain Funeral Home	75.15-1-6	1-2	P.H.	Public Hearing Closed & Planner to Prepare Resolution.
Thomas Fisher, Inc & Joseph Simone	75.15-1-6 & 8	2	P.H.	Public Hearing Closed & Planner to Prepare Resolution.
PCSB/Mahopac Branch	86.11-1-1	2	Resolution	Resolutions Adopted.
Route 6 Retail Lot 2	86.11-1-1	2-3	Resolution	Resolutions Adopted.
New York SMSA Limited Partnership d/b/a Verizon Wireless	75.19-1-12	3-7	Amended Site Plan	No Board Action.
Wixon Pond Estates	53.20-1-19	7-8	Extension	Preliminary Subdivision Granted.
Hamlet at Carmel (Formerly Putnam Community Foundation)	66.-2-58	8-9	Re-Approval	Re-Approval Granted.
Minutes- 1/13/2016		9		Approved.

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

Respectfully submitted,

Rose Trombetta

ITZLA SUBDIVISION – 9 MECHANIC STREET, CARMEL – TM – 55.14-1-6 – PUBLIC HEARING

Mr. Franzetti said the project encompasses a subdivision of 1.446 acre parcel into two merely equal parts. The comments that we have on the subdivision plan provided is we don't have any objection to the final subdivision for approval. However, the following should be noted, the project should be referred to the Carmel Fire Department, the Town of Carmel Highway permit is needed, storm water pollution prevention plan for NYS DEC regulations is required, the storm water pollution prevention plan for the DEP is also required, performance bond associated engineering fee bonding must be developed and the applicant may need a storm water bond per Town Code section 156-87. Any resolution in the future needs to address those or prior to this project moving forward all of those comments need to be addressed.

Mr. Cleary said as Mr. Franzetti indicated this is a two lot subdivision, variances for this were granted in 2014, they have addressed all the site planning issues related to this application and it is in front of you this evening for a public hearing. Mr. Cleary said there is a frontage issue in relation to the adjacent site plan application, there is now an easement indicated on the plan. If you remember we spent a considerable amount of time dealing with that. The intersection next to the adjacent project had the intersection modification that was part of this approval.

Chairman Gary asked if there were any questions around the board, he then opened the public hearing on this application and asked if anyone in the audience wished to be heard on this application.

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

Mr. Cleary said we are ready to do a resolution subject to Mr. Franzetti's comments.

CARGAIN FUNERAL HOME – 418 ROUTE 6 – TM – 75.15-1-6 – PUBLIC HEARING

Mr. Franzetti said all engineering comments have been addressed there are no additional comments.

Mr. Cleary said all the site planning issues have been addressed, there are no other issues, and it is on before you for a public hearing. He said I have Mr. Carnazza's last memo asking for a note showing the fencing on the property which has been indicated, this is now on for a public hearing.

Chairman Gary asked if there were any questions around the board. He then asked if anyone from the audience wished to be heard on this application.

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

THOMAS FISHER, INC 7 JOSEPH SIMONE – 6 & 7 NORTH VESCHI LANE – TM – 75.15-1-6 & 8 – LOT LINE ADJUSTMENT

Mr. Franzetti said all engineering comments have been addressed.

Mr. Cleary said all the planning issues have been addressed; this is the project right next to the prior application of the funeral home.

Chairman Gary asked if anyone in the audience wished to be heard the on this application. Hearing no comments from the audience, Mr. Giannico moved to close the public hearing. The motion was seconded by Mr. Stone with all in favor.

PCSB/MAHOPAC BRANCH LOT 1 –150 ROUTE 6 – TM –86.11-1-1– RESOLUTIONS

Mr. Franzetti said I have no additional engineering comments.

Mr. Cleary said this is the Mahopac Branch; you have the two resolutions before you this evening a negative declaration and a site plan approval resolution.

Mr. Giannico moved to adopt Resolution #16-02, dated January 27, 2016; Tax Map # 86.11-1-1 entitled PCSB/Mahopac Branch Final Site Plan Approval. The motion was seconded by Mr. Paepre with all in favor.

Mr. Giannico moved to adopt Resolution #16-01, dated January 27, 2016; Tax Map # 86.11-1-1 entitled PCSB/Mahopac Branch SEQOR Determination of Significance Negative Declaration. The motion was seconded by Mr. Furfaro with all in favor.

ROUTE 6 RETAIL LOT 2 – 150 ROUTE 6 – TM – 86.11-1-1 – SITE PLAN

Mr. Franzetti said all engineering comments have been addressed.

Mr. Cleary said all of the planning issues have been addressed on this and once again you have the two resolutions the negative declaration and final site plan resolution.

Chairman Gary asked if there were any comments from the Board.

Mr. Giannico moved to adopt Resolution #16-04, dated January 27, 2016; Tax Map # 86.11-1-1 entitled Route 6 Retail Final Site Plan Approval. The motion was seconded by Mr. Furfaro with all in favor.

Mr. Giannico moved to adopt Resolution #16-03, dated January 27, 2016; Tax Map # 86.11-1-1 entitled Route 6 Retail SEQR Determination of Significance Negative Declaration. The motion was seconded by Mr. Stone with all in favor.

**NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS – 361 ROUTE 6
– TM – 75.19-1-12 – AMENDED SITE PLAN**

Mr. Franzetti said the application involves the installation of cellular antennas on the roof of an existing building located at 361 Route 6 in Mahopac, no new site improvements or plans so the engineering department has no technical concerns on the application. The applicant should know that this should be referred to the Towns ECB Board, The Mahopac Fire Department and the Putnam County Health Department. We are here by recommendation per section 156-37E of the Town Code.

Mr. Cleary said there was one zoning compliance issue that was related to the prevision of off-street parking; the applicant submitted documentation stating that they are legalizing two existing parking spaces. That is not clear what is meant by that, if those two parking spaces were previously devoted to the existing Sam's Flooring use or if those are excess spaces. The second issue was the collocation of the antennas on the building and where they can be located, the board had some suggestions and options, the applicant provided no response to that issue. He said Mr. Carnazza has to weigh in with this legalization of the parking spaces.

Mr. Edward Teyber of Snyder & Snyder, representing the application said the application was referred to the Putnam County Health Department and the Mahopac Fire Department; I have the certified receipts for the mailings. We appeared last week before the Environmental Conservation Board and they referred this application back to the Planning Board to grant site plan approval because there were no environmental issues. What we are here for tonight is to discuss the parking. He said the parking from the 1999 Site Plan which was the last time this property gained site plan approval. It shows 16 parking spaces on the property, the zoning code has since changed so we can characterize by an existing non-conformance. There are more than 16 parking spaces at the property now, so we were proposing to just legalize any of those 2 parking spaces that are not shown on the 1999 site plan and have that reflected on our amended site plan application. The two existing parking spaces that are painted on the ground would be designated as Verizon Wireless's spots, keeping in mind that this isn't a manned public utility wireless communication facility, one truck would be there once a month for about 30 minutes. He said this is to completely comply with the zoning code.

Mr. Cleary asked how many parking spots are on the site in total.

Mr. Teyber said I believe 24.

Mr. Stone asked if those are all accessible or is any of them around the back of the building.

Mr. Teyber said no there is no parking around the back.

Mr. Stone said so it is all to the side.

Mr. Teyber said yes.

Mr. Stone said it just seems odd that it was approved for 16 and now there are 24, they could have been improperly striped.

Mr. Cleary said that's why Mr. Carnazza will have to weigh in on this issue to verify what was there was done legally and in fact that they are excess spaces. He said Mr. Carnazza will have to verify this.

Mr. Stone said have you looked into putting the antennas in the interior of the building.

Mr. Teyber said yes we looked flush mounting the antennas and putting them inside the cupola. One of the antennas can be flush mounted but the other antenna cannot be, we have revised the exhibits and presented it to the owner of the property. We asked the property owner if he would be okay with this change in the design. He wrote a letter back to me and I have it tonight if the board wants copies.

Chairman Gary asked what his objection was.

Mr. Teyber said his objection was for the art of transparent screening he was very much opposed to rebuilding the roof because that would involve taking off the roof of the cupola which was pretty recently done and rebuilding everything from the antennas up with our transparent materials. For cost and fear that the roof won't be as sturdy and his position was they designed it to be the best looking design so they wanted the antennas to be flush mounted. I also have revised stimulations; Mr. Cleary requested for view #2 to be zoomed in and an additional view #4 be taken from the Putnam County Trailway. He said I have those here with me tonight.

Mr. Cleary said we have a submission deadline so you will have to submit them to the secretary so everyone has a chance to review them.

Mr. Stone said you indicated that they cannot be flush mounted so I don't understand what that is in relation to. We were talking about having them inside the structure.

Mr. Teyber said we don't want to put them above the building. He said the top of the antenna would be parallel to side of the building. He said we were working on having them the same level of the roof outside.

Mr. Stone said so you indicated that if they go inside you would need to change the cupola roof, but there's vaulted space in there below the roof material. He then asked if the walls are not RF transparent.

Mr. Teyber said that's correct.

Mr. Stone said so nothing can go inside this building without changing the structure.

Mr. Teyber replied yes.

Mr. Cleary said when you speak of RF transparent when it's a solid wall does that mean that it is 100% impervious or 2% impervious.

Mr. Teyber replied 100%

Mr. Giannico said a while back we had asked you to provide an RF study by a COPE, what location were the antennas when that study was done.

Mr. Teyber said that is of where they are currently shown.

Mrs. Kugler said I understand that the owner of the property is against putting them within or restructuring the roof but what about the option of adding on to the roof, such as a weathervane to make them RF compliant.

Mr. Teyber said an option would be to do a stilt panel or two stilt panels on each corner that has our transparent material on the side of the building. But the way it would work is they would have to be where they are right now and you would have a stilt panel with the RF transparent material that is covering the antennas that we would try to match to the side of the building as much as possible. That is something that we can continue but usually when those done there are 4 antennas per sector so you would put the screen in order to cover 4 antennas, we only have one antenna per sector so put a 4 foot screen up to block a foot wide antenna.

Mr. Cleary said I think what Mrs. Kugler is trying to say is the screening issue is one thing which is often done for equipment enclosures on a roof where you would put a wall around the enclosure. Mrs. Kugler is referring to a clever stiling device so it's not just a screen around it; build it so it looks like a weather vane or something to disguise it.

Mrs. Kugler said it's basically if you are familiar with widow's peaks and it's just an architectural structure on top of the roof and can be conducive. The object is to conceal and camouflage so that to the public, they are not aware that this is an antenna. We don't want to ruin the structure of this building.

Ms. Ekata Shah of KMB Design Group said just so you know there are equipment boxes that go with the antenna so we will need to make sure those boxes will fit.

Mr. Paepre said since you anticipate future antennas, I think we need to think about that instead of planning a design for one antenna if there will be 3 two years from now.

Mr. Teyber said future antennas are most likely not going to be from our carrier so the chances of another carrier fitting into the same closure and sharing that space would not work.

Mr. Paerprer said typically we locate the antennas right next to each other.

Mr. Teyber said typically, but it is more complicated when you are working within a net volume.

Mr. Stone said it is also not Verizon's responsibility to create a mass for future installations. He said the concern is the whole reason we went down this road was to ensure that the next person has to do something equally aesthetically acceptable.

Mr. Teyber said I've seen sites that do the stilt panel that was discussed earlier that matches the façade but those have to be spread out for interference purposes. We will certainly entertain any other suggestions that the board may have for us.

Mrs. Kugler said I am just thinking of some previous applicants that we have dealt with that have done these antennas and everyone has had the same quick fix. I think we need to do a better job at hiding this then just slapping them on and painting them to match the building because it sets the tone.

Mr. Stone said and eventually they will be everywhere.

Mr. Furfaro said I don't think it has to be on the cupola either, if you can structure something next to it and dress it up a little that would be better.

Mrs. Kugler said make it blend in as part of the siding as opposed to just running it perpendicular to the siding.

Mr. Giannico said there is parapet on that roof, but the antenna has to be on the exterior part of the parapet instead of the interior.

Mr. Stone said I believe the front of that parapet has a sloped roof so we want to be careful about putting a large, three foot high panel because it changes the visual mass appearance of the building significantly.

Mr. Cleary said the good news is they deal with this all the time and their creativity is far better than ours, so let's see what they can come up with.

Mr. Stone said in the future will these installations usually have some structure or building equipment down in the ground.

Mr. Teyber said not this one everything is on the roof. There are only two antennas when other sites have up to 12 antennas, but there is no generator and no equipment shelter on this site, just the antennas.

Mr. Stone said when other people want to add antennas to this building will there be a need for some concrete spaces.

Mr. Teyber said yes.

Mr. Cleary said we should not be foreclosing opportunities for the next person, we need to be aware of that, but it would be the next person issues not theirs.

Mr. Teyber said we will take back all of your suggestions, we have a few other options to look at and since Mr. Carnazza is not here tonight to talk about the parking requirements, there is nothing else for us to discuss unless the board has any other questions.

WIXON POND ESTATES – 243 WIXON POND ROAD – TM – 53.20-1-19 – EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL

Mr. Franzetti said the engineering department does not have objection to granting the extension of the preliminary subdivision approval for Wixon Pond Estates. The Board should be aware of comments that were made in November of 2014 which need to be addressed as part of the final subdivision approval but that would be the next step for the applicant.

Mr. Cleary said this is a preliminary approval extension as you know we now impose a 6 month expiration date on preliminary approvals, I have no objections.

Mr. Furfaro asked where exactly this is on Wixon Pond.

Mr. Joel Greenberg of Architectural Visions, representing the applicant said its passed the golf course on the left hand side as you come around the bend.

Mr. Furfaro asked if it was passed the golf course coming from Route 6.

Mr. Greenberg said yes. It is probably less than a half a mile from the golf course.

Mr. Furfaro asked if it was past the lake.

Mr. Greenberg said yes it's past the pond, there is one subdivision before us and we are the next one. He said on the east side.

Mr. Cleary said we used to have a situation where there was no expiration of preliminary approval, but things have changed so this is our opportunity to make sure no regulations have changed and we keep a short leash on the applicant to stay on top of what is going on.

Chairman Gary asked if there are any other questions.

Mr. Paepre moved to grant extension of preliminary subdivision approval for Wixon Pond Estates. The motion was seconded by Mr. Furfaro with all in favor.

HAMLET AT CARMEL(FORMALLY PUTNAM COMMUNITY FOUNDATION) – STONELEIGH AVE – TM 66.-2-58 – RE-APPROVAL OF FINAL SITE PLAN APPROVAL

Mr. Franzetti said the applicant is requesting a re-approval of a previously approved site plan, the applicant met with the engineering department on Monday October 15th, 2015. The following should be noted, any changes which may be contemplated by the applicant may trigger a new site review process and regulatory review. The existing performance bond and engineering inspection fee will need to be increased to reflect current cost, a storm water maintenance agreement and bond will be required and the out of district water and sewer agreements will need to be updated to reflect the proposed use. The applicant is in the process of amending that out of district agreement, the original amendment was for 72,000 gallons per day and they are amending it down to 42,000 gallons per day of flow for both water and sewer. The engineering department did perform a flow assessment and that reduction is acceptable. They have approvals from the NYCDEP for storm water that is good until 2020; DEC storm water permit from 2010 and the out of district will need to be updated. The engineering department does not have an objection to the re-approval of this site plan application.

Chairman Gary asked why they reduced the flow.

Mr. Charbonneau said it was based on their own engineering report.

Mr. Cleary said it's still the same project and still the same number of units but they refined the engineering.

Mr. Charbonneau addressed the board and stated Mr. Kearney, the applicant, Mr. Folchetti and Mr. Franzetti and what we came up with was 42,000 gallons per day so any resolution if the board is inclined to re-approve the final site plan I would only ask that it be subject to an amended out of district agreement for water and sewer reflecting the new capacity.

Mr. Cleary said I have no issues the plans have not changed.

Chairman Gary asked if we need to draw up a new resolution to vote on.

Mr. Charbonneau said it probably would be a good idea.

Mr. Jeff Contelmo of Insite Engineering, representing the applicant stated the re-approval would carry the same conditions as the previous approval with the one additional amended condition with the out of district agreement be re-established with the Town Board reduce from 72,000 gallons a day to 42,000 gallons a day.

Mr. Cleary said that is correct everything else remains identical.

Mr. Contelmo asked if we could do that by resolution this evening or is it necessary to write one up and come back.

Mr. Cleary said we need to write up the resolution whether the board is willing to authorize the Chairman to execute the resolution, which is up to the board.

Mr. Charbonneau said the applicant has been very patient with respect to this and we did request the adjournment on a number of occasions so we can meet, I think as a matter of accommodation I would extend that curtesy if possible.

Chairman Gary asked for a motion for re-approval of the final site plan approval with the stipulations that was given to us tonight.

Mr. Giannico said just to be clear the re-approval is subject to the new out of district use with a maximum flow of 42,000 gallons per day for water and sewer.

Mr. Stone said and does this authorize the Chairman to execute said resolution.

Mr. Paepre moved to grant re-approval of the final site plan approval for the Hamlet of Carmel formally Putnam Community Foundation on Stoneleigh Ave, Tax Map #66.-2-58 as per the amendment agreement of 42,000 gallons per day for sewer and water and also authorizing the Chairman to sign the resolution. The motion was seconded by Mr. Stone with all in favor.

MINUTES - 1/13/2016

Mr. Stone moved to accept the minutes of 1/13/2016. The motion was seconded by Mr. Furfaro with all in favor.

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

Respectfully submitted,

Rose Trombetta