

APPROVED

HAROLD GARY
Chairman

CRAIG PAEPRER
Vice-Chair

BOARD MEMBERS
ANTHONY GIANNICO
DAVE FURFARO
CARL STONE
KIM KUGLER
RAYMOND COTE

TOWN OF CARMEL PLANNING BOARD



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Town Planner*

VINCENT FRANZE
Architectural Consultant

PLANNING BOARD MINUTES **JUNE 8, 2016**

PRESENT: CHAIRMAN, HAROLD GARY, VICE-CHAIR, CRAIG PAEPRER, CARL STONE,
DAVE FURFARO, RAYMOND COTE

ABSENT: ANTHONY GIANNICO, KIM KUGLER

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Infantino, Thomas & Lori	64.12-1-56	1	P.H.	Public Hearing Closed & Bond Return Recommended to Town Board.
Rooney, Sean	86.11-1-18	1-2	P.H.	Planner to Prepare Resolution.
Lake Plaza Shopping Center (Proposed Stop & Shop)	65.10-1-45 &46	2-3	SEQR Neg Dec	Resolution Adopted.
Hudson Valley Veterinary EMS	75.6-1-67	3-17	Site Plan	No Board Action.
New York SMSA Limited Partnership d/b/a Verizon Wireless	76.30-1-22	17-22	Amended Site Plan	Referred to ECB.
Minutes- 5/18/2016		22		Approved.

The meeting was adjourned at 8:32 p.m.

Respectfully submitted,

Rose Trombetta

INFANTINO, THOMAS & LORI – 453 NORTH LAKE BLVD – TM – 64.12-1-56 – BOND RETURN – PUBLIC HEARING

Mr. Carnazza said this is on for a bond return public hearing and all of my comments have been addressed.

Mr. Franzetti said all engineering comments have been addressed, this is on for a public hearing and Mr. Cleary did not generate a memo for this application so I am assuming all of his comments have been addressed as well.

Chairman Gary said this is on for a public hearing, is there anyone in the audience who wishes to be heard on this application.

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

Mr. Paepre moved to recommended bond return to the Town Board. The motion was seconded by Mr. Cote with all in favor.

ROONEY, SEAN – 17 MILLER ROAD – TM – 86.11-1-18 – AMENDED SITE PLAN – PUBLIC HEARING

Mr. Carnazza said this is on for a public hearing, all of my zoning comments have been addressed and I have no further comments at this time.

Mr. Franzetti said all of the engineering comments have been addressed. The applicant's representative Mr. Karrell acknowledges that they should meet with Mahopac Fire Department and they still need to get Putnam County septic and water approval. They also need storm water coverage under the New York State requirements and the plantings need to be approved by the wetland inspector Mr. Klotzle. Being that all other engineering comments have been addressed I am okay with this going to a public hearing in order to move forward. Mr. Cleary did not have any comments on this application.

Mr. Karrell said we submitted to the Health Department and we need to follow up on it before we get our resolution.

Chairman Gary asked if Mr. Cleary has anything on this application.

Mr. Cleary said no Mr. Karrell has addressed all of the planning issues.

Chairman Gary opened the public hearing for Sean Rooney 17 Miller Road. He then asked if anyone in the audience wished to be heard on this application.

Hearing no comments from the audience, Mr. Paepre moved to close the public hearing for Sean Rooney at 17 Miller Road tax map # 86.11-1-18. The motion was seconded by Mr. Furfaro with all in favor.

Chairman Gary asked Mr. Karell what he needs on this application.

Mr. Karell said he needs a letter from the Health Department saying that they are ok with the increase of the use of the building. We sent them all of the information after the last meeting and we are still waiting to hear back from them with their approval. We sent a letter to the Fire Department with our plans and we haven't heard anything back from them either. We would appreciate it if you could go over a resolution for this and you could condition it based on the Health Department approval.

Chairman Gary asked if that is for Miller Road.

Mr. Karell said yes.

Mr. Carnazza said Doctor Trot's old building.

Mr. Cleary said we could do that and if there is a delay you could choose to not adopt the resolution.

Chairman Gary said okay and asked the Planner to prepare a resolution.

LAKE PLAZA SHOPPING CENTER (PROPOSED STOP & SHOP) - 983-1005 ROUTE 6 - TM - 65.10-1-45 & 46 - RESOLUTION - SEQR NEG DEC

Mr. Carnazza said this is on for a resolution and I have no comments at this time.

Mr. Franzetti said all comments from my prior memo still need to be addressed. In my opinion the updated version of drawing C-4, which was provided for review addresses the planning boards concerns about traffic flow into the shopping center. The engineering department has no objection to moving forward with the SEQR process because that will further address the other comments that I have.

Mr. Cleary said you have the draft resolution before you this evening.

Chairman Gary said it looks like the applicants would like a chance to speak on this tonight.

Ms. Geraldine Tortorella said we don't have much to say, we just brought our plans in case you wanted to see the modifications we made to the driveway in order to deal with the Dunkin Donuts entrance. That is the only thing that we submitted, information wise that you might want to discuss tonight. It is consistent with what we discussed at the last meeting; we just want you to know that it has been submitted to you and to the file like we promised.

Mr. Carnazza said they were able to achieve the same parking count as before.

Ms. Tortorella said yes and they are all in the front parking field which I know was important to Mr. Carnazza.

Mr. Carnazza said yes they didn't just add more spots to the back just to get the correct count; they were able to figure it out in the front of the building.

Chairman Gary said I don't want to waste time but can you just explain what is there now.

Mr. Canning said there is an open row to the drive isle that extends down to Kmart. This here is where the Dunkin Donuts entrance comes in today and because this is wide open the traffic exiting Dunkin Donuts they can go in any direction cutting straight through the whole parking lot. What we are proposing is introduction to this canoe island here in conjunction with additional islands that we proposed to channelize the parking lot. This will require people coming in to have to make a right or a left and will not allow them to cut across the parking lot and should control what is coming out of the Dunkin Donuts access today. We did adjust the parking, we ended up losing a couple of the islands on the top but we kept all of the islands on the bottom. We still have that channelization into the back of Kmart it just got a little bit smaller, we lost a little bit of landscaped island but were able to keep the same number of parking spots in the front. There have been no changes to the drainage system, everything is exactly the same, and we put a couple cuts in the islands so all of the water goes to the same place so there are no revisions at all.

Chairman Gary said I think you did a great job. He then asked the board if anyone had any questions or comments.

Mr. Paepre moved to adopt the SEQR Neg Dec Resolution for Lake Plaza shopping center. The motion was seconded by Mr. Furfaro with all in favor.

HUDSON VALLEY VETERINARY EMS – 559 ROUTE 6N – TM – 75.6-1-67 – SITE PLAN

Mr. Carnazza said the applicant proposes to add an EMS building for Veterinary care to the existing Old Red Mills. The previous application did not get approved, the applicant claims to have bought additionally property in order to reduce the variances required. There is a note on the plat stating that this is a veterinary care facility and it is not going to be operated as a 24/7 clinic. The ZBA interpreted that the use was permitted provided that it was operated during hours that other veterinary clinics are not open. If the owner wishes to operate during regular business hours an additional variance and interpretation is required from the Zoning Board. Most of the comments that I have are identical to the last time this was before us. You need to provide the details of the dumpster enclosure and has the transfer been finalized. Provide all information for review by the counsel, this need to be clarified prior to referral to ZBA because the variances will change substantially if the transfer was not complete.

Mr. Greenberg said yes the deed was submitted.

Mr. Carnazza said provide a buffer to all residential uses, if this cannot be accomplished; a variance is needed from the Zoning Board. There are 5 other variances required, parking width, rear yard, front yard, front yard and lot area. Will the retaining wall and fence exceed 6' in height at any point? If so it needs to be labeled as a structure and added to the list of variances required. You need to provide a wetland buffer line to the wetland across Route 6N; this project should be referred to the ECB. The location and size of any proposed and existing signage on the property needs to be listed on the plat so we can make sure that all the variances were granted where they are needed. The area map is not legible, it's that black map there and you can't see anything that is on the property. We need to be able to see what else is on that map including the adjacent neighbor's house and how it will align with cars exiting the Vet EMS at night. A curb-cut permit will be required from the Town of Carmel Highway Department; the only provided egress from the Vet EMS (rear of the building) is via Yorke Road, which is a residential Town Road. On the Tax Map or Area Map, the abutting zones need to be delineated; usually they show the line between the commercial and residential zones. There are almost no buffer areas between the parking areas and the adjacent properties; the applicant proposes a 6 foot stockade fence and the site lighting plan needs to be submitted.

Mr. Franzetti said the application involves the construction of a 4500 square foot addition to the rear of an existing shopping plaza. The addition is planned to be utilized as an emergency Veterinary Care Center. Referrals are going to be needed to the Town of Carmel Environmental Conservation Board, Town of Carmel Highway Department, Putnam County Department of Planning and New York State DOT. The site abuts residential properties to the South, West and North West. Details regarding all intended landscaping and screening proposed should be provided so as to determine whether the developments visual impacts are adequately mitigated. A comprehensive landscaping plan shall be provided showing schematically the proposed location of trees, shrubs and grass areas. Also, identifying the types and size of trees and plants, the existing trees or wooded areas to be retained shall be identified. Currently there is a proposed ingress and egress on Yorke Road, there is a concern that vehicle lights and site lighting will impact the residence across the street, located at 7 Yorke Road. There is information required pursuant to section 156-61 that is still currently lacking spot elevations, storm water management facilities, construction details of all proposed site improvements and type, location and capacity of all public and private utilities. Construction details need to be provided for pavement/curbing/sidewalks, retaining walls, parking stalls/strips/traffic signage, handicap parking, fencing, guiderails, landscaping and the location, height and type of exterior lighting. The applicant proposes to re-grade the access along Yorke Road and this work is proposed in the Town of Carmel Right of Way and therefore, in addition to obtaining appropriate Use and Occupancy permits additional Highway work permits will now also be required. Available sight distances at the driveway location should be specified on the plan and any clearing along the edge of the roadway that may be necessary to assure appropriate sight distances are provided should be identified. Storm water is a big issue, the whole re grading needs to be looked at and there might have to be a storm water facilities maintenance plan. Any existing PCDOH approvals should be submitted for the Boards records. The increase in impervious surfaces has to be

created as well as the overall area of the site disturbances planned should be identified on the plans. This would establish the applicable storm water pollution prevention plan or SWPPP. Special considerations should be paid to the storage of animal food on the premises; we don't want poor storage protocols to lead to an increase in vermin. There is a NYS DEC wetland in proximity to this project so the associated buffer zone should be delineated and provided on the drawings. If any public improvements be deemed necessary as part of the development of the tract, a Performance Bond and an associated Engineering Fee must be established for the work.

Mr. Cleary said the Board should remember that this application has a lot of history; the applicant has been doing a lot to try to address issues associated with the development of the property. You may recall that the applicant attempted to purchase a piece of Town owned land adjacent to Yorke Road, the Town Board declined that opportunity. The applicant subsequently purchased the front parking area from the County which increases the area of the property. This is a benefit because it diminishes some of the variances that are required and its evidence that the applicant tried to find ways to make this work on this piece of property. The Board spent a lot of time dealing with the driveway access, at the time there was circulation around the building and the applicant was proposing a one way exit onto Yorke Road. But, because the applicant could not purchase the Town owned property on the left side of the property, they are abandoning the through connection along that side of the property. As a result, the driveway onto Yorke Road is now a two way ingress and egress driveway which is what the original proposal called for, your Board had some concerns about that. The applicant modified that to only a one way out because of the residential character of that road. The Board needs to be aware that we are back to the two way driveway access. One of the concerns the Board expressed is related to the intensity of the use of the public veterinary operation. The very first plans that were submitted to you had a very extensive facility with training rooms in the lower level of the building; Mr. Greenberg clarified that and the nature of the business. Based on the Zoning Boards determination this is to be an emergency care after-hours veterinary facility. Mr. Greenberg had explained that this would be the only facility in the region, the closest one was in Poukeepsie or Bedford and it has come to my attention that another one has opened in Cortlandt Manor. The question now is will that effect the nature of this business, there is limitations on this, it is not a 24 hour facility it is for evening operations only. The business model has changed because there is competition in the area so will that affect this in any way relating to the size of the original facility. More needs to be known about the nature and the operation of the business currently. So those are the basic planning issues that need to be addressed.

Chairman Gary asked if everybody on the Board remembers this application.

Mr. Cote said yes I have definitely heard this before.

Mr. Paepre said I think I was on the Zoning Board at the time so I remember this.

Chairman Gary said I just need to know how much in depth we will need to go back.

Mr. Furfaro said you will have to go pretty far back in depth, I don't understand the Zoning piece of it.

Chairman Gary said okay you should go back for those of us who haven't heard this before.

Mr. Joel Greenberg of Architectural Visions, representing the applicant stated this project started almost three years ago when the Old Red Mills shopping center was purchased and we proposed an emergency veterinary clinic. The closest one to the North is Poughkeepsie and the closest one to the South is in Bedford. As Mr. Cleary rightly said there is one under construction now in the Town of Yorktown on Route 202. Anticipating that, he still feels that this is something that is very viable, there are a lot of areas to the North of us and to the southeast and southwest of us that will be able to use this facility. The big problem 3 years ago was that Dr. Stanzione found out after he purchased the property that the parking lot in front of the Old Red Mills shopping center had maintenance jurisdiction by the State of New York. What we did was we went to the State of New York and we got a revocable permit to use that as a parking lot. The variances, with the exception of the width of the parking spaces, all relate to the existing building and what this Board does when a commercial piece of property comes before them it becomes the applicants job to update all of the non-conformities of the existing building. The 3 of the 4 variances relate to the existing building, due to the purchase of property they have actually been reduced because there is more distance between the building and the property lines. When we went to the Zoning Board they said that because this permit is revocable by the State they wanted to see us purchase the property instead. Two years ago we went back to the State and we told them that we want to eliminate the maintenance jurisdiction and have the property given to the County so the County could sell us the property. We went to the County legislator, reviewed the project with them and they agreed that once the State gave up maintenance jurisdiction, they would sell us the property that we needed to bring the parking lot into our ownership. Believe it or not, it took almost exactly 2 years for the State DOT to go through all of their various departments to finally give up maintenance jurisdiction. Just within the last month or so, a closing was held and the property was deeded over to my client, Dr. Stanzione. In addition to that, this piece of property over here (points to map), which is the common driveway to our property and to the Red Mills shopping center property, we were granted an easement by the County to have access into the property. All of this paperwork was given to your attorney and he can answer any questions with regards to the deed and the easement. So now we show that this is all of our property, one of the main variances was the area of the property which was less than 40,000 square feet is now actually more than 40,000 square feet. That variance, which was a lot of area, now disappears and again the front yard is less of a variance. There is another front variance to Yorke Road and another rear yard variance to the existing building, so we are proposing three variances. With regards to the parking spaces, they will be reduced from 10 feet down to 9 feet. The other item brought up by the consultants was the question about the access to this facility, we desperately tried to ask the Town Board to give us approximately 150 square feet, and it is a triangle bordered by a series of evergreens. That would allow us to keep the existing driveway which is wide enough for two cars, however, once we did the survey we realized that part of that driveway that has existed for at least 50-60 years is on Town property. We went to the Town Board twice requesting that they give us an easement or sell us the property and unfortunately they

declined. The only alternative was to have our ingress and egress off Yorke Road, if you look on the notes, this facility is only open from 5 in the evening to 8 in the morning. We checked to see how often this will be used throughout the night could be 0 or at most 9-10 on a busy night. For the most part this facility will be mostly vacant, we are basically talking from anywhere between 0 patients per night to 9-10 patients per night. With regards to this driveway being opposite a house, if you go to any residential street you will see driveways opposite houses and I would almost bet to say that this driveway would be used less than a residential driveway so I don't think that will be a problem. As far as Mr. Franzetti's comment about the lighting, obviously now that we have the driveway here we will reconsider the lighting and make it as residential looking as possible in keeping with the fact that there is a house right here. This piece of property next to us and the properties all around us are in a commercial zone, however, we have spoken to the owners of this property and we discussed the lighting with them, the fencing and additional landscaping along the property. We have been listening to our neighbors and have been trying to accommodate them. We are certainly aware of everything that Mr. Carnazza said and Mr. Franzetti said there is still a host of things that are required before the site plan can be approved and we will obviously do those things. However, there are variances that are required and in order to proceed we want to make sure the Zoning Board will grant the variances with regards to the parking spaces. If they are not granted then the site plan would have to change and there are so many things that could change the site plan. If all of the variances are granted then this will be the site plan we would go with but it would be prudent to find out if the variances are granted before moving forward. We are certainly aware of everything the consultants have said and once the variances are granted, we will look at this plan and every detail that was discussed tonight.

Mr. Paepre said I drove through this property the other day, behind the current shopping center are four buildings in the back, is that where the 4500 square foot addition we be?

Mr. Greenberg said they are all in disrepair so all of the buildings in the back will be taken down.

Mr. Paepre said my other question is this is commercial property, but you will be using a residential road to get to it.

Mr. Cleary said it's not a zoning issue it is a practical issue, if the volume of the road is taxed by the commercial use then there is an obligation to review that.

Mr. Greenberg said that is why I mentioned the usage at similar facilities to indicate that the driveway would probably be used less than a residential driveway. As Mr. Carnazza said, this facility can only be an emergency facility from early evenings too early in the morning. Anything else that it would be used for would have to go back to planning or zoning.

Mr. Paepre said would we have to do a traffic study.

Mr. Cleary said the likelihood that the existing volume of traffic between 6pm and 8am would be pretty low. It is up to you, you can require one but I don't think this is a high generated traffic area.

Mr. Franzetti said that intersection does have a lot of backup during the day and in the morning.

Mr. Greenberg said the point is that during those traffic times the business will be closed.

Mr. Stone said your current access from 6N, there is an adjacent building to the right and it is not connected.

Mr. Greenberg asked if he is talking about the gas station.

Mr. Stone said yes, assuming that is a wall that wraps around.

Mr. Greenberg said there is an existing retaining wall, what you are talking about is the gas station and the shopping center.

Mr. Stone said when I looked at it; it creates an access on this side with an easement across the existing access and existing neighbor's property.

Mr. Greenberg said very interesting question and extremely appropriate but for the last two years we have attempted to negotiate with the adjacent property owner and got no place fast, we did argue due diligence.

Mr. Carnazza asked if the meeting rooms are still in the building.

Mr. Greenberg said no, Mr. Cleary mentioned that there is a meeting room downstairs but it is only for the staff.

Mr. Carnazza asked if it was during the night hours.

Mr. Greenberg said yes, this building isn't open during the day.

Mr. Cote asked if the meeting room has been condensed.

Mr. Greenberg said yes, as I said earlier, the purpose of us coming here tonight was to see if we can get our variances. When we make our new presentation with all the comments from the consultants, we will also have the architectural plans so you can see exactly what we are doing. We can also show a comparison on what we presented three years ago as opposed to now.

Mr. Carnazza said my problem is to send you to the Zoning Board you need all of these elevations, floor plans, fencing and details in place. We don't know how big these meeting

rooms are and generally we don't have a page and a half of comments when someone gets referred to the ZBA.

Mr. Franzetti said any changes that might occur based on the comments that we made, may cause the applicant to go back to the Zoning Board.

Mr. Greenberg asked what he is referring too.

Mr. Franzetti said I don't know because I don't have a full set of drawings in front of me. I went through a page and a half of comments; there are a lot of problems that need to be addressed with the site. Things may have to be moved or relocated; I understand your concern on not wanting to have the site plan drawings, which is the Boards decision to let you go forward or not. My concern is if we make changes, you may have to go back to the Zoning Board to get more variances.

Mr. Greenberg said I doubt that very much.

Chairman Gary said that piece of property is state owned and that is the property that you purchased.

Mr. Greenberg said correct, as you recall, three years ago I showed you a picture from 1916 that shows 6N.

Chairman Gary asked who they bought the property from.

Mr. Greenberg said the County.

Chairman Gary said there are 15 properties that I tried to buy from the State so the County could use it and I couldn't buy it. I couldn't even fix the roads because the State wouldn't relinquish their property.

Mr. Carnazza said they let it go to the County because they didn't want the responsibility of maintaining it anymore.

Mr. Greenberg said lets follow up with what Mr. Carnazza said because this parking lot has been there probably since 1920 and for some reason the state misplaced paperwork or never gave up there rights to it.

Chairman Gary said he bought that piece of property from the County, that road that comes off of Yorke Road is how you enter.

Mr. Greenberg said yes.

Chairman Gary asked if he has a curb cut.

Mr. Greenberg said to answer your question I did discuss this with Mike Simone the Highway Superintendent and he said that whenever we are ready he will review it.

Mr. Cleary said I think Mr. Simone would want to know that he is creating a curb cut for a project that you are still considering approving.

Mr. Greenberg said I will have him review it and I will get a letter from him saying if this project is approved we can do the curb cut.

Mr. Carnazza said I think the Chairman is trying to say that you should be doing all the details the consultants have talked about.

Mr. Greenberg said well of course.

Mr. Stone said we could send him there as long as the applicant is made aware of the fact that he could possibly have to go back to the Zoning Board.

Mr. Cleary said yes but if the Zoning Board grants those variances then you are left with approving that, so you need to be comfortable with that as a plan before you send it to the Zoning Board.

Mr. Carnazza said and if not all, most of the details should be on there. We don't know what you are doing yet so we need to see the plans and the calculations before sending you to Zoning because the calculations can change.

Chairman Gary said we need to find out if you can even do the curb cut first to see if you can use that as an access because if not the entire plan will change.

Mr. Furfaro asked what approvals this applicant has right now.

Mr. Carnazza said none; there is an interpretation from the Zoning Board that he is allowed to operate off hours and a few other things.

Mr. Furfaro said I don't understand why they are allowed to have a business only be open during the night and not during the day.

Mr. Carnazza said because a veterinary hospital is only allowed in a certain zone, the uses that they are doing is not your typical business.

Mr. Furfaro said so now they're going to have a 4,000 square foot building on a non-commercial property.

Mr. Greenberg said it is commercial property fronting on a Town Road.

Mr. Furfaro said this is a night time veterinary hospital, so what are the uses that are going to happen from this.

Mr. Greenberg said nothing, if they want to perform something else in this building except for what we get approvals for we will have to come back to the Planning and Zoning Boards.

Chairman Gary asked what is the purpose of this animal hospital.

Dr. Stanzione said our initial plan and our purpose have not changed since day 1.

Chairman Gary said he wasn't here when you presented this so he is unaware.

Dr. Stanzione said our plan is to be open when regular business hours are closed to assist all of the local veterinary care facilities by being open throughout the night.

Mr. Furfaro said so when the normal veterinary places close you will be open.

Dr. Stanzione said that's correct. He said for instance if they close at 5 we will open at 5 – 5:30 and they open at 8 so we will close at 8 am. So on a normal business day we would send those patients back to their normal vet.

Mr. Furfaro said so my point is you would use the driveway 9 times per night on a busy night maybe only 3 or 4 times. What happens if the veterinary hospital goes away after 3 years and someone wants to put up a pizzeria and 500 cars will be driving in and out?

Mr. Greenberg said if that were to happen then it would have to come back to you and then you would decide whether or not he can put a pizza place there.

Mr. Carnazza said the problem is then we have a 4,000 square foot building with no use and we would not win that in court. You can't tell someone that they can't use their property for anything so that is the issue.

Mr. Daniel Pozin, the applicant's attorney addressed the board and stated what you are being asked to be approved is what is before you and that is something that has been approved by the Zoning Board. What you are talking about is potential use down the road which would be a change of use and would have to come back to your Board for site plan approval. What is before you is this application and nothing else.

Mr. Furfaro said yes but we have to have some foresight to think about what is going to happen with this building down the road and what will happen with the traffic. I am new to this so I am just trying to get some background; the next question is will there be kennels outside or anything like that.

Mr. Greenberg said no, there will be no outdoor kennels. But to go back to your comment about changing use in the future, at that particular point you might say the same thing you said to us several years ago which was to go to the Town Board to see if we could get the 150 square feet. It won't necessarily be this way forever.

Mr. Furfaro said I understand, as part of this variance from the Zoning Board is there certain hours written out.

Mr. Greenberg said Zoning took care of that already.

Mr. Pozin said what we need from the Zoning Board are variances for setbacks.

Mr. Carnazza said the interpretation that they got was very specific.

Mr. Furfaro said how that is going to be enforced.

Mr. Carnazza said I will do the best I can with that but I'm sure the neighbors will enforce it.

Mr. Cleary said the reason that was so controversial originally was that the floor plans that were initially submitted showed a very extensive facility with multiple exam rooms, a training room with 30 desks so the very first appearance before this Board, there was suspicion that this was big enough to accommodate a much larger use. Mr. Greenberg modified those plans and the Zoning Board put a regulatory cap on that but that's why from day 1 there has been suspicion on what's really going on here.

Mr. Furfaro said so the plans that were submitted to the Zoning Board, was it submitted to this board.

Mr. Carnazza said it was not a plan initially it was a discussion based on a use. The interpretation was not based on fact.

Mr. Furfaro said okay but they went to the Zoning Board so somewhere this classroom showed up.

Mr. Carnazza said that was at this board.

Mr. Greenberg said when we went to the Zoning Board it was an interpretation of use and when we came to this Board is when we showed the architectural points.

Mr. Furfaro asked if that was before the approval or after.

Mr. Carnazza said it's not an approval they got an interpretation to find out if they could even do this here and then after the interpretation they came here with the map to show the details.

Mr. Pozin said the interpretation read this property can be used for this use, it doesn't say how.

Mr. Cote said to build on what Mr. Furfaro was saying, I understand that we really can't consider what might happen down the road, but, we do need to consider what was before us. The last set of plans that I saw was this massive structure.

Mr. Pozin said I think the consultants are right, you do need to see more but, the thought was moving through the variance process and getting back to you as soon as possible with respect to providing everything that you need.

Mr. Greenberg said I agree you need enough information so that any possible variances will be shown so that we can prove to you that whatever we are doing is compliant or not.

Mr. Paepre asked how many dogs they will be able to board there at any given time.

Mr. Greenberg said there is no boarding they just stay overnight.

Mr. Paepre said so the next morning they will be gone even if they are not well.

Mr. Pozin said exactly because our facility will close so there won't be anybody there to take care of them.

Mr. Stone said so you are basically a triage facility.

Mr. Greenberg said right.

Mr. Paepre said okay so even the ill dog at 8am will need to leave.

Mr. Pozin said for instance if a dog gets hit by a car in the middle of the night and their normal vet is closed, they will call their vet and their voice message would say to bring the dog to us and we will triage them until their vet is open.

Mr. Carnazza said so you will actually be delivering the dogs.

Dr. Stanzione said usually it would be the owner's job to do that.

Mr. Pozin said these pets and the owners are not the clients of this facility. This is an emergency facility so they will not be kept there; it is like an urgent care.

Mr. Carnazza said I think what he is saying is that he will stabilize the dog.

Chairman Gary said if a dog gets hit by a car at 2 in the morning and the dog is not stabilized by 8 am will you just kick them out?

Dr. Stanzione said that is a very uncommon scenario, there is a very fine line but we would make every effort to get them out the door by that 8 am time period. May there be one or two that needs to be transported with oxygen we would have to make arrangements. The intention is that every single one of them would go back to their normal vets because there isn't going to be a care person during the day to care for them further. The main objective would be to get them back to their own vet.

Chairman Gary said I don't want to push the point but that bothers me because they could get sick to the point where they can't be moved.

Dr. Stanzione said once treatment has started they can be transported safely.

Mr. Cleary said Mr. Greenberg indicated that there are some of these facilities located in the region.

Dr. Stanzione said yes there is one in White Plains.

Mr. Cleary said are you able to get us some statistics of how often it occurs that a dog can't be transported.

Dr. Stanzione said I actually taught emergency medicine for a number of years so I could have some of that information, like I said it doesn't happen very often at all.

Mr. Cleary said can you give us some of that information.

Mr. Pozin said the difference is that the dog from this triage facility is not going home they are going to a different vet.

Chairman Gary said the only reason I am pushing this is because this Board needs to consider that if we approve this, what is going to happen 10-15 years down the road. Are we going to have to send our building inspector to this place every single day just to see if there is a dog in there? We just need a true statement right now on what we have to expect.

Dr. Stanzione said it is probably less than 1 percent.

Chairman Gary said so it can happen and if you can't get into that road then you can't get a variance and you can't get anything. You have to make sure you can get in through that road and then you could come back to talk about this.

Mr. Greenberg said I agree we will get that first.

Chairman Gary said I think there will be a great amount of discussion about what will go on in that building.

Mr. Pozin said but the position now from our client's perspective is them telling you what his plan is to do.

Chairman Gary said yes and that is a game plan, that game plan doesn't always work. The job of this Board is to consider the impact that this will have on that neighborhood.

Mr. Franzetti said this comes back to a lot of the details that are not here in front of the Board and that are needed in order to move forward. My concerns now are you have this facility and you have a septic system up front, is it capable of handling that, you will have to

go to the County to figure that out. This is an urgent care system so is it sufficient to handle fecal matter from dogs because dog waste is different from human waste.

Chairman Gary asked if Mr. Greenberg can figure that all out and then we can start discussing this.

Mr. Carnazza said I would like to see the updated floor plans.

Mr. Furfaro asked if we have exhausted every single way to get in here from 6N.

Mr. Greenberg said believe me, we have.

Mr. Furfaro said it would be a lot easier coming from 6N.

Mr. Carnazza said what if you did entrance only from Yorke Road and exit through the front with a one way, that would alleviate the lights.

Mr. Greenberg said so just entrance only and then come out this way that is definitely something that we can look at.

Chairman Gary said that will not work because they will not get permission from the Highway Department, you can try.

Mr. Pozin asked the consultants if they have their old memos.

Mr. Franzetti said yes most of my comments are basically the same as the last one.

Mr. Stone said so the interpretation is for this facility, if anything else is proposed they have to go back to the Zoning Board.

Mr. Carnazza said the Zoning Board interpreted that the use that they proposed is permitted in this zone.

Mr. Stone said that is why I want to be very clear because I understood that to mean that it was a determination.

Mr. Carnazza said it was a determination that it is permitted in this zone.

Mr. Stone said so if we were to approve something we would stipulate that in any approval as a condition thereof and that means that even if they try to do something else it has to go before the Board.

Mr. Carnazza said that is why I had him put it on the map, that way if there is a change they would have to go back to the board.

Mr. Furfaro said but if you change the use you have to come back to the board anyway.

Mr. Cleary said correct.

Mr. Greenberg said what we discussed with the Board two years ago was to put a note that if this particular use in this particular building on this site changes we would have to present to the board again.

Mr. Stone said I appreciate that because that is what I was trying to clarify if that is a zoning condition or if the applicant just said he would.

Mr. Pozin said it is a limitation of use.

Mr. Cote said years ago the Board had an issue where they noted on the plan that the property couldn't be further subdivided and we lost that in court.

Mr. Carnazza said you can't take away someone's rights to further develop their property.

Mr. Cote said they got an interpretation from Zoning and they said you are not supposed to have a Veterinary Hospital at this spot but if you do we will let you.

Mr. Carnazza said no that is wrong, they said a Veterinary Hospital is only permitted down the road in another zone. In this zone you are allowed to do general business, we will let you fall under general business provided that you work during these hours.

Mr. Cote said well if the doctor sells the property someone could come in and have a regular business which wouldn't be prohibited.

Mr. Carnazza said it is not prohibited but it is permitted by right but they would need to return to the Board to get there site plan amended to include that.

Mr. Cote said then how could we as a Board, not give them permission to do that because they bought the property, it is there property you can't not give them permission.

Mr. Cleary said if they want to come back with a permitted use we would be hard pressed to deny it.

Mr. Carnazza said but you could say we don't want you going out into the residential zone here.

Mr. Stone said recognizing that the daily use during hours other businesses are open could cause increased traffic which is the reason we would want them to come back here.

Mr. Pozin said it is almost as if your zoning code says that in this zone a night time operated emergency veterinary care facility is permitted provided you meet the criteria.

Mr. Stone said if we were to deny to the Zoning Board and they granted the variances with that plan, we would be obligated to approve this plan.

Mr. Cleary said no but you are left with that relief.

Mr. Carnazza said anything that we missed or anything they changed from that point on, they would have to go back to that Board again.

Mr. Stone said that was my question because if they recognize that and that condition occurs then that is at their risk.

Mr. Carnazza said we don't want to do that but I think they understand that and they will get the details that we need.

Mr. Cleary said it is good practice on our side to make sure that we all understand.

Mr. Carnazza said that curb cut is going to be the most important thing because like the Chairman said it can change the whole outlook on the project.

**NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS – 692 ROUTE 6
– TM – 76.30-1-22 – AMENDED SITE PLAN**

Mr. Carnazza said provide a parking calculation, the applicant provides a number but does not explain how that number is calculated. The antennas are 7.6 above the highest point of the roof, they are compliant with the code for height, and however, the stealth enclosure will be visible from Route 6. This application in my opinion needs to be reviewed by Vincent Franze.

Mr. Franzetti said the application involves the installation of cellular antennas on the roof of the building, Mr. Grenier building and the Smith Funeral Home. There are no site improvements or plans so the engineering department has no technical concerns on this application. This application should be referred to the Town of Carmel ECB, Mahopac Fire Department, and the Putnam County Health Department for review and recommendation.

Mr. Cleary said the applicant has characterized this as a collocation, which in fact this is the first antenna installation on the building, once installed the next ones would be collocations. The reason we call out collocations in the code is because we are trying to minimize the number of these facilities and if we can collocate a number of them on a single building then that is a benefit, I believe this is the first antenna on the building so it's not quite a collocation yet. The difference on this application compared to the one we saw at Sam's Flooring is that they did propose the stealth enclosure around the antennas on both sides around Route 6. We have our public utility and special permit criteria in which the applicant complies with. I agree that Mr. Franze should take a look at the stealth enclosure because some of those are done very good and some of them look terrible so it is all about how it should be done.

Mr. Ed Tyber of Snyder and Snyder representing the applicant addressed the board and stated the application was submitted to the Mahopac Fire Department and the Putnam County Health Department. I have the certified receipts of mailing here I can give them to you or Mrs. Trombetta. Regarding the collocation, I don't think this was characterized as a collocation application materials, it would be considered a collocation under the shot clock order where under Federal law you would be sued for violating the act because it wasn't approved within 90 days. I don't think that was in our application materials but there are no existing antennas over this building. Regarding parking calculations, the note on the plans with the parking number references the existing site plan prepared by Architectural Visions filed on February 23, 2015.

Mr. Carnazza said it may but I want it on this map.

Mr. Tyber said okay.

Mr. Carnazza said just have them write the calculation numbers on the map.

Mr. Tyber said okay, we also submitted visual stimulations if you want to take a look. These antennas will be completely sealed within the stealth enclosure; this application was also emailed to Mr. Franze.

Mr. Carnazza said he just needs a recommendation from us to do the work.

Mr. Tyber asked if this board has any questions at this time.

Mr. Stone said didn't we do this a short time ago just 700 yards down the street? If that is the case is there really a need for this?

Mr. Tyber said yes it is on the same road and that is the nature of these smaller installations. This site has 4 antennas as opposed to a tower which has 12 bigger antennas. These are called small cell installations because they are meant to provide data relief to a high volume area.

Mr. Stone said is this absolutely necessary if we have one right down the street, if it is necessary then we are going to see these on every building 200 yards apart.

Mr. Carnazza said that is why Mr. Cleary is saying they want to do the collocations so that we can get 4 antennas on each building instead of one antenna on 4 buildings.

Mr. Stone said what I'm getting at is if this group of antennas from 17 different suppliers has a range of only 200 yards then everybody is going to need more antennas.

Mr. Cleary said the more data that we use on our phones they don't turn up the juice on that existing antenna, they create these microcells and if you get into really dense areas there are cell sites that are at the floor of a building. We are going to see more and more of

these applications which is why our obligation is only on the esthetic impact on these. I think that it would be very difficult for us to go back to Verizon to say we don't think that you need this site because their technicians are going to be smarter than ours and they will always be able to justify the volume. We have a difficult situation with their obligation as a public utility to provide seamless service, so if they are telling us that they need additional sites it's hard for us to say no you don't. What we do have the ability to say is that you have to do them properly and appropriately, we don't want to see them everywhere so hide them and locate them appropriately.

Mr. Cote said when I look at the pictures of the visual analysis all I see is a picture of the building, I was hoping we would see the antennas superimposed.

Mr. Franzetti said that's how good they are hidden; they are shown on the building.

Mr. Tyber said those boxes on the roof are what we are proposing.

Mr. Cote said okay I see it.

Mr. Stone asked how many other antennas can potentially be located on this building.

Mr. Cleary said as many as can technically fit.

Mr. Stone said so whatever is proposed here we can expect to be duplicated, if that is the case this will eventually look like a two story building.

Mr. Cleary said that's the potential, we recommend collocation so now any company can come to this building and say we are collocating and there will be another set of these screens a few feet away.

Mr. Stone said the visual impact of these pictures duplicated 17 times around this building will make this building look like it is two stories.

Mr. Carnazza said as long as it complies with the 35 foot height requirement.

Mr. Stone said we do have purview over the esthetic whether it is under or over the requirement.

Mr. Paepre said that is why Mr. Franze needs to review this and we really shouldn't go much further until he sees it.

Mr. Stone said if we don't care for the fact that this is going to end up making this building look and appear twice as massive because once they start putting antennas up it will look like there is a second floor.

Mr. Cleary said we can establish that this is an adverse visual impact.

Mr. Stone said my point is have other alternatives been looked at because the other building down the road the antennas were hung on the side of the building.

Mr. Tyber said that is correct but in this case, the height is necessary because putting them ten feet off the ground won't cover Route 6 which is a concern.

Mr. Cleary said one of the very common comments that we have is to flush mount the antennas because when you start sticking them above the roof is when you start to have adverse visual impacts. As you have heard, this is not a necessarily tall building so they probably will demonstrate that they will need some sort of height.

Mr. Franzetti said that wasn't addressed in any of the documentation so far.

Mr. Tyber said correct and I can get the documentation if you want it.

Mr. Franzetti said yes.

Mr. Tyber said okay so documentation stating that the height is necessary.

Mr. Stone said yes do they need to be located at the edge of the building or can they be housed in a similar height.

Mr. Tyber said the closer to the center of the building you get; the higher they need to be to cover the edge of the building.

Mr. Cleary said they are often times installed on the penthouse or the elevator bulk head in the middle of the building but they might be taller. The screening of these things are kind of like a screen door and sometimes they are not durable sometimes they're not done well so it really depends on what the applicant is looking to do, Mr. Franze really just needs to look into this.

Mr. Stone said earlier you mentioned the large towers that house 12 antennas and there is one just down the street.

Mr. Tyber asked if he is talking about the flagpole.

Mr. Stone said not just the flagpole up the street, but down the street in the other direction is another one.

Mr. Cleary said that is called signal hill.

Mr. Tyber said yes we have been there for a long time and that flagpole has the antennas internal.

Mr. Stone said the power comes off signal hill.

Mr. Tyber said it serves two different purposes, signal hill that is called maceral sites which sends coverage to a huge area. This is really specific data intensive coverage so you can't put these antennas on signal hill. They serve completely different purposes.

Mr. Franzetti asked if we could require a bond for the longevity of the coverage so if that material fails somebody is responsible for it.

Mr. Cleary said we have done two things in the past, one is if Verizon goes out of business we have a bond to allow the removal of the antennas. The second thing is when we are doing these unusual stealth enclosures they do have to be maintained periodically so we do have the ability to bond some of those things.

Mr. Carnazza said I don't think our code allows for that. I think it is a violation of the site plan if they don't maintain it because we would have bonded the flags on all of these and we never did.

Mr. Franzetti said the flagpole across the street is bonded.

Mr. Carnazza said the pole is but the flag is not and when we go to get them replaced we have to say that they are in violation of site plan and they fix it.

Mr. Cleary said the reason we backed away from that is because constitutionally, the display of a flag has to meet certain Federal guidelines. We defaulted to the fact that the United States Constitution defines how you display a flag so if it's tethered it has to be replaced by Federal Law. That is one of the reasons we backed away from the bonding requirement of flagpoles, but the board can always ask of these things and the applicant can fight us or not.

Mr. Tyber said if Verizon were to go out of business and you want insurance that the antennas will be taken down then that is fine but I have never seen maintenance bonds for the screening.

Mr. Cleary said it may be unnecessary, the screening may be permanent and never need any maintenance or it might need annual maintenance.

Mr. Franzetti said or it gets covered under the site plan approval.

Mr. Cote asked does your contract with the owner of the property require you to maintain the fence.

Mr. Cleary said no it is the other way around.

Mr. Stone said so you are basically leasing his roof.

Mr. Carnazza said yes so I would write the violation to Joseph Smith Funeral Home and Mr. Smith would make sure that it gets taken care of because he doesn't want a violation on his property so that's why they have an agreement.

Mr. Cleary said there a lot of very marginal real estate properties that become very valuable if they are supporting antennas which are why a lot of town's permit them on town property.

Mr. Paepre said Mr. Franze needs to review this.

Mr. Tyber said we submitted our escrow for the permits.

Mr. Franzetti said you submitted an application and a fee for an application, the escrow is a little different.

Mr. Tyber said we submitted \$150.00.

Mr. Franzetti said that's the application fee for his initial review.

Mr. Cleary said when we authorize his work is when he tells us an amount.

Mr. Tyber said I would like to request a referral to the Environmental Conservation Board.

Mr. Furfaro moved to refer this application to the ECB. The motion was seconded by Mr. Paepre with all in favor.

MINUTES – 5/18/2016

Mr. Cote moved to approve the minutes of May 18, 2016. The motion was seconded by Mr. Paepre with all in favor.

The meeting was adjourned at 8:32 p.m.

Respectfully submitted,

Rose Trombetta