

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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AICP, CEP, PP, LEED AP
Town Planner

VINCENT FRANZE
Architectural Consultant

PLANNING BOARD MINUTES

SEPTEMBER 14, 2016

PRESENT: VICE-CHAIR, CRAIG PAEPRER, ANTHONY GIANNICO, DAVE FURFARO, KIM KUGLER

ABSENT: CHAIRMAN, HAROLD GARY, CARL STONE, RAYMOND COTE

APPLICANT	TAX MAP #	PAGE	TYPE	ACTION OF THE BOARD
Loewenberg, Ralph	64.16-1-30	1	Resolution	Resolution Adopted.
NYCDEP Stormwater Project	66.-2-53	1-2	A. Reso	Resolution Adopted.
NYSMSA Limited Partnership d/b/a Verizon Wireless(Grenier)	76.30-1-22	2-9	Resolution	No Board Action.
NYSMSA Limited Partnership d/b/a Verizon Wireless(Sam's)	75.19-1-12	9-10	A. Site Plan	Public Hearing Scheduled.
NY Fuel Distributors LLC.	55.11-1-40	10-12	A. Site Plan	Referred to ZBA & ECB. Declared Lead Agency.
Day Road LLC.	55.6-1-41	13	SEQR Neg Dec	Declared Lead Agency.
Lake Plaza Shopping Center LLC(Proposed Stop&Shop)	65.10-1-45&46	13	Architectural Review	Public Hearing Scheduled.
Smajlaj, Zef	75.42-1-39	13-14	Site Plan	Public Hearing Scheduled.
NL & M Holding Corp(Mazzola)	75.44-1-47	14-15	Site Plan	Denied to ZBA.
Hudson Valley Vet EMS	75.6-1-67	15-16	Site Plan	Denied to ZBA & Referred to ECB.
Western Bluff Subdivision	66.14-1-20	16-17	Sketch Plan	Declared Lead Agency.
Yankee Development	76.15-1-12	18	Extension	Extension Granted for 180 Days.
Minutes - 8/10/16		18		Approved.

The meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Rose Trombetta

LOEWENBERG, RALPH – 260 WEST LAKE BLVD. – TM – 64.16-1-30 – RESOLUTION

Mr. Carnazza stated that they are on for a resolution and all of his comments have been addressed.

Mr. Franzetti stated that all engineering comments have been addressed.

Mr. Cleary stated you have resolution for approval before you, this is a site plan for a bathhouse/boathouse and this is a SEQR type II action so only one resolution is necessary.

Mr. Paepre asked the board if anyone had any questions.

Mr. Giannico moved to adopt Resolution #16-18, dated September 14, 2016 Tax Map # 64.16-1-30 entitled Ralph Loewenberg boathouse/bathhouse final site plan approval. The motion was seconded by Mr. Furfaro with all in favor.

NEW YORK CITY DEP – DREWVILLE ROAD STORM WATER PROJECT – TM – 66.-2-53 – AMENDMENT TO RESOLUTION

Mr. Carnazza stated that his only comment is that the last line where it says the expiration date, the expiration date is predicated on the issuance of a building permit and we don't issue a building permit for this because it is all site work. We will have to make a change to the resolution to take that part out.

Mr. Franzetti stated that the engineering department has no objections to the proposed amendment to the site plan resolution.

Mr. Cleary said as Mr. Carnazza stated that last sentence regarding the building permit we will need to make that change we can move to adopt the resolution. This is one where the applicant has requested an extension but that extension is no longer required because we are re-adopting a brand new resolution.

Mr. Furfaro said so for clarification this was initially on for an extension, correct?

Mr. Cleary said correct I think it expired in November but again because they asked for amendments to the original approval resolution we are amending that resolution and by doing so there is no need to extend it.

Mr. Furfaro asked what the amendments were.

Mr. Charbonneau stated there were bonding issues that we received insurance from the City of New York and access issues that we also received insurance from the City of New York. Because of correspondence that I had with DEP we removed some of the constraints in the resolution so this is now amended.

Mr. Cleary said those revisions were reviewed by Mr. Charbonneau which was requested by the applicant so there is an agreement that is before you. He said this is the stormwater basin.

Mr. Furfaro said yes I remember.

Mr. Paepre asked if there are any other comments.

Mr. Giannico asked if they have plans showing what is proposed just so the Board can see.

Mr. Carnazza said the map did not change.

Mr. Giannico moved to adopt Resolution #16-20, dated September 14, 2016 Tax Map # 66.-2-53; entitled NYCDEP Drewville Road Stormwater Control Project amended final site plan approval with the deletion of the last sentence regarding building permits. The motion was seconded by Mr. Furfaro with all in favor.

**NYSMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS (GRENIER BUILDING) –
692 ROUTE 6 – TM – 76.30-1-22 – RESOLUTION**

Mr. Edward Teyber of Snyder and Snyder, representing the applicant addressed the board and stated this application is for a public utility personal wireless telecommunication facility on the roof of the building at 692 Route 6. Since I last appeared we had to get a couple things sorted out so I have submitted revised drawings to you but the one thing that remains outstanding is the color of the stealth enclosures. I brought tonight a couple different options for you to choose from.

Mr. Paepre said we also have a memo here from Mr. Franze, was everyone able to take a look at the memo.

Mr. Teyber said I know Mr. Franze does not like the enclosures but after we discussed previously the enclosures were the property owners suggestion he wanted to have them. We went back to the property owners to see if he would be willing to just have the antennas without the enclosures but he did not agree to that because of the primary uses of the building he wants the antennas concealed to maintain a certain esthetic of the building. The enclosures also serve this board's preference by having them concealed and they would also limit any carriers from coming onto this rooftop in the future. If you would look over the color options and give me any feedback or questions that you may have.

Mr. Carnazza said we have looked at these in the past and it is really up to the board because this is not a zoning compliance issue.

Mr. Franzetti had no comments.

Mr. Cleary stated that there is a resolution for approval in front of you and if you wish to clarify the color of the screen then that needs to be amended on item #8 in the approval resolution.

Mr. Paepre asked if Mr. Franze could read his comments.

Mr. Franze said most significantly I summarized it by saying that we recommend a neutral color rather than a color that attempts to match the building. Ultimately we find the proposed screens to be architecturally detrimental regardless of the color but if it has been essentially concluded that these screens are going to happen because the owner wants them and people don't want to see the antennas then so be it. All I can do is offer the guidance that I am here to offer and I think the applicant has recognized that the screens are potentially worse than just the antennas that they seek to conceal. Also, my feeling is that this is on the line between architecture because we aren't really talking about architecture, what we are talking about is utility elements that are similar to utility poles and wires. I am having a little bit of difficulty offering comments on this because it almost doesn't seem in the realm of architectural commentary. If there are going to be screens I think they should be a neutral color whether it be the gray they offered but I don't think it will be beneficial to have the enclosures match the building because it will look like an expansion of the building. We are not expanding the building we are trying to hide some antennas so I would recommend not using either one of the stucco colors that are on this building but go with something neutral that might be more of the kin to the rooftop elements that are there now.

Mr. Teyber said the third color option matches the HVAC units that are currently on the roof now.

Mr. Furfaro said you have one of these going on now on Main Street and it looks horrible. I am reluctant to do anything because are these enclosures going to be big or plastic is it going to be shiny glossy plastic that we are going to put up on a roof. This is a beautiful building and I would hate to see it diminished by putting these big boxes on the roof of it. The one in downtown, I don't know if anyone got a chance to see them but they are not what I expected at all. Is this something that we have to allow them to do?

Mr. Cleary said it would be very difficult to deny them antennas but screening them is entirely up to you.

Mr. Furfaro said I think we can do a lot better then what has been done to date.

Mr. Giannico said with the proposed screening has there been any calculations or anything.

Mr. Teyber said these are zoning drawings and we have submitted construction drawings with a construction report.

Mr. Furfaro asked if the board can get a physical sample of materials if possible.

Mr. Teyber said from my understanding these are designed to match the site so depending on what the site looks like.

Mr. Furfaro said is it a fiber glass or plastic.

Mr. Teyber said it is fiber glass.

Mr. Carnazza said he just doesn't want it to look like someone just put a garbage pail on top of the antennas on the roof.

Mr. Furfaro said and these are pretty big boxes on a nice building in a key location.

Mr. Paepre asked what is the size of the boxes.

Mr. Teyber said about 7 x 7.

Mr. Franze said yes I think they are about 7 feet tall.

Mr. Paepre asked if they need to be this size.

Mr. Teyber said height wise yes, they may be able to be shrunk a little bit but not in height. It meets the maximum height of the zoning district and we need all of that height but in terms of area it's about 6.5 x 7 feet.

Mrs. Kugler asked if he has a picture of the antenna on the building with the antenna without the enclosure.

Mr. Teyber said no I don't because we are not authorized to build that.

Mrs. Kugler said so you don't have an image of what it would look like with just the antenna.

Mr. Teyber said no I don't.

Mr. Furfaro asked if that was because of the building owner.

Mr. Teyber said yes.

Mr. Paepre said I would like us and the building owner to see the difference of have the enclosure and having just the antennas.

Mr. Teyber said at other sites you technically preferred concealments so in this case when we signed the lease we thought we had everything signed. We went back after the Board's reaction and it is cheaper for Verizon to not have to design these enclosures but the owner rejected our amendment to do it without enclosures. We only have the authority to build

what we have leased and our lease shows these enclosures so we can't design a drawing that we are not authorized to build.

Mrs. Kugler said so does this actual antenna look like the one that is downtown on the other building.

Mr. Teyber said yes I don't think it is the exact same model but it would be similar.

Mrs. Kugler said I am trying to get an idea of how present it will be without the enclosure.

Mr. Paepre said I think it would be best if we can see side by side what it would look like without the enclosure and I think the owner of the building should also see that as well because it could change his mind.

Mr. Teyber said I wish I could say that we can lose the enclosure and be done but unfortunately the property owner will not allow that.

Mr. Carnazza asked if there are details of the antenna submitted.

Mr. Teyber said yes.

Mr. Carnazza said so then at least you can see what the antenna looks like.

Mr. Teyber pointed to the drawings showing the Board the details of what the antenna looks like.

Mr. Carnazza asked if it will be black in color or dark grey.

Mr. Teyber said it will be dark grey.

Mrs. Kugler said so the antenna is there with the equipment right next to it.

Mr. Teyber said the equipment next to it can pretty much go below the antenna.

Mr. Paepre said when you say below your still talking about on the roof right.

Mr. Teyber said yes you just wouldn't see it.

Mr. Cleary asked how many antennas.

Mr. Teyber said this is for two antennas on each corner.

Mr. Furfaro said I am real reluctant to put this box up there and I visualize the thing on Route 6 that is a big box sitting on top of the building.

Mr. Teyber said it is permitted.

Mr. Furfaro said I don't think there are any zoning issues I think it is more of an architectural issue and Mr. Franze is shying away from it.

Mr. Franze said that it is more esthetics then architectural. It is really borderline architectural I understand that these antennas are going to happen as of right now so if they are going to happen then I don't see why putting big boxes that will draw even more attention to them.

Mr. Furfaro said I think by putting the box there you are making it an architectural issue and if you don't have the box then it would just be an amenity.

Mr. Franze said put the antennas up and leave them as dark as they are and people will see them as just another antenna.

Mr. Teyber said the other purpose these antennas are serving is to prevent other carriers from putting their antennas on the roof.

Mr. Furfaro said if we are going to go the box route then I need more details I need to see what it is going to look like and what it is going to feel like.

Mr. Paepre said I also like Mrs. Kugler's idea of having the antenna open and if the owner can actually see the difference in having the box or not then it might change his mind.

Mr. Teyber said I think the owner's concern is not so much what looks better but they don't want to draw attention to this building negatively.

Mr. Furfaro said yes but the owner should be able to see the difference between the two options.

Mr. Cleary said at this point they have not seen the alternative.

Mr. Teyber said no they have not.

Mr. Furfaro said if you are going to go this route I would like to physically see the materials that it is going to be.

Mr. Teyber asked what color would you like?

Mr. Furfaro said to bring them all in.

Mr. Giannico said in my opinion it has to be some type of enclosure. He said people are used to seeing mechanical equipment on rooftops.

Mr. Teyber said yes there is HVAC equipment on the roof presently.

Mr. Giannico said then I would suggest some type of antique gray manufactured standard to match.

Mr. Teyber said I have provided you with a color of that sort.

Mr. Furfaro said I think the gray is the best one of the choices.

Mr. Paepre said didn't we have a conversation about pushing these units back.

Mr. Carnazza said yes and they can't do that.

Mr. Teyber said we tried but we can't and also after 90 days we are up against a federally mandated shot clock for a decision. If you are leaning towards the gray unless you have a suggested alternative I would strongly recommend hindering your approval on whatever route you want to take. I can submit an example stealth sample but I can't keep going in circles because the property owner wants this built and I wish I could tell you we will get rid of the enclosure but we are stuck.

Mr. Carnazza asked if they can shrink the cabinet down at all so it doesn't look like a cube.

Mr. Teyber said we can do an absolute bare minimum for equipment but it will still be the same height.

Mr. Carnazza said yes we understand that.

Mr. Furfaro said if we start shrinking this down with the same height it's going to start looking like a chimney. If the one on Route 6 came out looking nice I wouldn't have such a problem with this now but it really doesn't look good. He then asked Mr. Charbonneau if he can clarify what the shot clock actually is.

Mr. Charbonneau said he hit the nail on the head I would think the Board would give him clear marching words with respect to this otherwise he will essentially walk away with getting an approval for this.

Mr. Cleary said that would mean that the enclosure that the owner wants would be respected with texture, color and may impose as a condition tonight.

Mr. Carnazza said you will have to make a decision as a Board and come up with something.

Mr. Paepre said so it goes back to matching the mechanical equipment then.

Mr. Giannico said I would suggest some type of gray.

Mr. Teyber said I think matching the mechanical equipment would make a lot of sense.

Mrs. Kugler stated that I agree with that I think it does need to marry up with all the other equipment that already exists there.

Mr. Carnazza asked if it could be painted.

Mr. Teyber said the stealth would be designed to meet whatever specifications that we require.

Mr. Carnazza said asked if the stealth could be painted.

Mr. Teyber said the stealth enclosure will be designed to be maintenance free.

Mr. Carnazza said so the actual antenna could be painted.

Mr. Teyber replied yes.

Mr. Paepre asked if they came back with the antennas without the enclosures would require more time.

Mr. Cleary replied that's correct, you would exceed the 90 day time period they would likely have sought relief under the federal statute for obtaining approval.

Mr. Paepre said and that is a fairly big downsize.

Mr. Cleary said if we wait for another meeting they would exceed the time period. What you can do is amend item 8 that the antennas shall be enclosed with a screened in enclosure which shall be another color to match the HVAC equipment on the roof.

Mr. Furfaro asked if we could hold this over for one more meeting.

Mr. Cleary said the applicant has to agree to it.

Mrs. Kugler said the owner has not seen the building drawing with just the antenna is that correct.

Mr. Teyber said we gave him a lease exhibit and we thought he would be agreeable to it but he was adamant about wanting the stealth. The reasoning for it is that I don't think the owner thinks it looks better with the stealth I think he is interested in what his customers will think with walking into the funeral home.

Mr. Carnazza asked if he would be willing to show us one shot with the enclosure shrunk down a little because the Board sees it as extremely large. If you can get it any smaller and change it to that gray color maybe it will look different.

Mr. Teyber said we typically make them as small as possible so I don't know how much smaller they can get and also by shrinking the size and not the height it will look like a chimney. My concern is if I agree to another month, when I come back next month with the revised plans I may be able to shave off a couple square feet but then there is the potential of you not liking it and having addition comments. If you want the equipment smaller square footage, then you can condition it on having it minimal height necessary in which our engineer can confirm.

Mr. Charbonneau said if you act within the time period of the shot clock provisions it will essentially put you behind the 8 ball and grant the application regardless.

Mr. Furfaro said but you need 4 votes to carry.

Mr. Charbonneau said you will have plenty of other issues then.

Mr. Paepre said I think we need to steer it in the best way that we possibly can.

Mr. Teyber said I didn't really give you a straight answer.

Mr. Franze asked if he was able to come back with confirmed coloring and a sketch to scale maximum size in capacity.

Mr. Teyber said yes but I will agree to come back in two weeks and I can confirm the area but the client is going to be really upset if I come back in two weeks and you aren't happy.

Mr. Paepre said well we can have this option or we can have you come back with a smaller or shrunk down enclosure.

Mr. Teyber said we are talking about the square footage will change maybe by a foot so I don't want you to have high expectations because we are not talking about a big difference. This is a backwards situation because typically we are more than happy to get rid of stealth and I wish I could say yes we will get rid of it but we can't do that.

NYSMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS (SAM'S) – 361 ROUTE 6 – TM – 75.19-1-12 – AMENDED SITE PLAN

Mr. Ed Teyber stated that we reached a pretty good conclusion with this site and on this site the board actually wanted stealth but the landlord did not agree with it. You requested a stealth panel and the landlord did not agree, we can flush mount one sector but the other side is a clamp. There has been a long history here with options but I think we found a nice compromise where we had the antennas concealed within canisters. We have been to the ECB and Zoning Board where we received a variance for parking and I think all that is left procedurally for this site is to schedule the public hearing for your next meeting in September. I am more than happy to answer any questions you have or any comments.

Mr. Furfaro asked if he has the elevations on this map.

Mr. Franzetti stated that at the last meeting we asked that Mr. Franze provide comments to this particular site in which he did provide a memo. I don't have any comments from Mr. Carnazza and nothing is new from Mr. Cleary and there are no engineering comments so it was more architectural.

Mr. Franze stated that he wrote two memos for tonight and the last one stated that there are no objections to the installation.

Mr. Franzetti said the board can now vote on having a public hearing for this proposed site.

Mr. Furfaro moved to schedule the public hearing. The motion was seconded by Mr. Giannico with all in favor.

NY FUEL DISTRIBUTORS LLC. (COCO FARMS) - 1923 ROUTE 6, CARMEL - TM - 55.11-1-40 - AMENDED SITE PLAN

Mr. Giannico read Mr. Carnazza's memo which stated that the applicant proposes to add a retail convenient store and change the traffic pattern at the existing gas station on Route 6 in Carmel. Provide setbacks to property lines for all buildings and underground tanks to insure compliance with code. Variances are required from the ZBA for front yard 40 foot required, 24 feet provided and 16 foot variance. For the canopy signs 1 is permitted, two are provided so a variance for 1 additional sign is required. Provide measurements on the building elevations including area of signs. This is needed to ensure compliance with code for both building and the sign ordinance. This project must be referred to the ECB for comments and you need to provide a list of all previously approved variances.

Mr. Franzetti stated that the applicant has met with me on several occasions we have spoken on the phone and we are working through my comments. There biggest issues are trying to get NYCDEP Stormwater approval and the traffic issues at this site. I have some detailed comments that can certainly be addressed; most of my comments involve stormwater, DEP approval or referring information back to Mr. Collins. I also asked for available site distances to be provided and they should be provided to the traffic consultant for his review of approval. The notes for traffic control should be reviewed and approved and there are other issues that need to be referred to Mr. Collins to have that work done.

Mr. Franzetti read Mr. Cleary's memo which stated that the off street parking requirement has been clarified in which case there are 15 off street parking spaces provided at the site which meets the site's parking requirement. The applicant has clarified that the parking spaces located at the West side of the site will be utilized for employee parking and will service the tire air pump. The loading space that is enclosed by customer parking remains a concern and the applicant indicated that all deliveries will be scheduled during off peak hours. It will operate 24/7 and will employ two workers per shift it will be a convenient store and gas station operated by a common management. The size and status of the fuel tank has been clarified and a propane tank for the facility is proposed in the southwest corner

and is now indicated on the site plan. Site lighting has been revised existing light poles will no longer be reused and new poles and fixtures are proposed including LED luminaries for the centers. Landscaping has been enhanced and the applicant has agreed to continue to work with the DOT regarding extensive landscaping for the right of way. The applicant has submitted updated architectural review plans and the site plan have been updated to implicate the location of the HVAC equipment on the building.

Mr. Franze stated that this is a small and simple building and as proposed it appears to have a lot of architectural characteristics that are consistent with the Towns visions as expressed. It is a unique property generally visible from all sides and with respect to the landscaping, it appears an effort has been made to soften the site from each side and is properly screened. In general it looks like there is sensitivity and is heading in the right direction we have just asked for more information regarding dimensions, the exterior finished materials, colors and signage. There is a note that indicated a 4 x 4 foot sign but there is no indication of that graphically. We will need more information that will demonstrate what appears to be going in the right direction esthetically is in fact the case because I don't know what the stone or materials are. We have suggested that once our comments are addressed then our review will continue.

Mr. John Collins of Maser Consulting addressed the board and stated that we reviewed the traffic study and the site plan and we found the existing condition volumes are reasonable for the area and that the growth rate is appropriate. They did take into account re-occupancy of other vacant space in the area and the only thing we wanted them to do was clarify what those volumes are because it was included in the report. They use the appropriate land use code for ITE so we agree with the trip generation rate; however as part of the analysis they took into account 56% bypass credit in addition to the traffic that is already going in there. I don't like to disagree with the magnitude of the 50% credit for this type of use but DOT usually restricts any bypass credit that is more the 25% so I have asked for a recalculation to make sure they're covered when they go back to the DOT for their final permit. The modification of the traffic signal would require DOT permits. I just want to make sure that the DOT is comfortable with that request. We have recommended certain signage for the driveways to prohibit the left turns along Route 6 in which the DOT would require that anyway so they should be shown on the plan. Also, they all should be in accordance with the manual uniform of traffic control devices as with any regulatory signs that are on the site. One issue was that we wanted to see what the turning track for the tanker truck that would be delivering fuel to make sure it can maneuver on the site. The other issue is that it looks like it is border line in need of a left turn lane on Stoneleigh Ave for left turns into the site during the pm hours and is based on the line of traffic that is out there. It is marginal meaning it just goes into the warrant so I think they just look at it to look at some restrictions or contact the County to see how they prefer it. There are no left turn lanes out there for the small developments, so I don't know if it is overkill and those are the conclusions we have but I think they should address each one of those. Also, with these fueling stations we have to make sure that the delivery trucks can make those turns.

Mr. Leo Napior stated with respect to Mr. Franzetti's comments we did receive some preliminary comments back from DEP on the SWPPP they are relatively minor changes. With respect to Mr. Cleary's comments about additional plantings at the DOT right of way and we spoke to the DOT we had some additional comments from them but they are somewhat respective to the plans but it all has to be below a certain height so I just need to clarify that. The majority of the comments deal with traffic in which we can address those comments as well.

Mr. Zachary Chaplin of Stonefield Engineering addressed the board and provided an update with DOT and Putnam County. He said we met with DOT on site and they were mostly geared around drainage along the front. He said there appears to be some ponding that occurs during heavy rains. He said DOT is on board with the access plan on Route 6. He said with respect with Putnam County they have jurisdiction over Stoneleigh, we did submit our traffic study to them as well as a brief narrative of what this project entails. We actually received a letter of acceptance. They had no objection or interest with respect to the application. He said they did take a look at the no left turn on Stoneleigh Ave. He said we essentially borderline with respect to warranting a left turn, we are constrained on this roadway which is to our south, because there are some wetlands.

At which time, Mr. Paepre asked to point on the map where the traffic would enter and exit from.

Mr. Chaplin pointed to the driveway which was a concern in the evening about 4 -7 pm when the north bound traffic on Stoneleigh approaches Route 6. He said the majority of the day the traffic on Stoneleigh Ave is far less about 75%. He said we looked at a cueing analysis and found that it will not spill back out onto Route 6 which is the concern. He said we could request from the County to put a do not block the driveway sign to allow for the gap.

Mr. Chaplin continued and stated we are willing to revise the study to accommodate a lower pass by percentage. He said as far as the truck turning analysis that was done he stated that there are three types of trucks that would be making the right into the driveway and pulling ahead into the loading zone and then backing out and continue east on Route 6.

Mr. Furfaro asked Mr. Cleary what the next step was.

Mr. Cleary stated variances are required and they also need to go the ECB.

Mr. Furfaro moved to refer the application to the ZBA and ECB. The motion was seconded by Mrs. Kugler with all in favor.

Mr. Cleary stated NYCDEP is involved with this application and they require us to complete the SEQR review prior to their action on this, so we need to designate as lead agency.

Mr. Furfaro moved to declare lead agency. The motion was seconded by Mr. Giannico with all in favor.

DAY ROAD LLC. – 20 DAY ROAD – TM – 55.6-1-41 – SEQR NEG DEC

Mr. Dan Donahue, applicant's engineer appeared before the board. Our comments have been addressed by the consultants and we are here tonight to get a Negative Declaration from you because NYCDEP will not issue any approvals until then.

Mr. Franzetti stated in order for the applicant to complete their review of documentation for the NYCDEP we will need to declare lead agency.

Mr. Cleary stated the buffer will remain between the rear of the building and the railway. He said the wooded area will remain in place it will not be removed. He said tonight we could designate to serve as lead agency and once the circulation period is complete then the board could adopt the neg dec. He said we are doing the SEQR review on behalf of DEP.

Mr. Furfaro moved to declare as lead agency. The motion was seconded by Mr. Giannico with all in favor.

LAKE PLAZA SHOPPING CENTER LLC. (PROPOSED STOP & SHOP) – 983-1005 ROUTE 6 – TM – 65.10-1-45 &46 – ARCHIECTURAL REVIEW

Ms. Noelle Wilson, applicant's attorney appeared before the board. She stated we are here for architectural review. This matter was before your board last in July and in that time there were comments and we met with all the consultants. We revised the architecture and submitted revised plans and a video simulation to the board.

At which time, the video simulation of the shopping plaza was shown to the board and were very happy with the progress.

Mr. Cleary said at this point we could schedule the public hearing on this application.

Mr. Furfaro moved to schedule a public hearing. The motion was seconded by Mrs. Kugler with all in favor.

SMAJLAJ, ZEF – 803 SOUTH LAKE BLVD.- TM – 75.42-1-39 – SITE PLAN

Mr. Franzetti read his memo which stated this application encompasses a proposal to install a 8 ft by 12 ft bathhouse adjacent to Lake Mahopac. The amenity will require the creation of parking on the site per §156.27 of the Town Code. Based upon our review of this submittal, all the Engineering Department comments have been addressed.

The Board should note the following:

1. The project is located in 100 year flood plain (flood elevation is 660). A Town of Carmel Flood Plain permit is required.

Applicant has acknowledged and was forwarded copy of the permit on 09/02/16.

2. The following referrals would appear to be warranted:

- Applicant has noted that this project is currently being considered by the Town of Carmel Environmental Conservation Board

Mr. Cleary stated they received their parking variances and they are ready to move to a public hearing.

Mr. Furfaro asked if there will be a bathroom.

Mr. Joel Greenberg of Architectural Visions, representing the applicant replied no it is not permitted under the code. He said only electricity.

Mr. Furfaro moved to schedule a public hearing. The motion was seconded by Mr. Giannico with all in favor.

NL & M HOLDING CORP. (MAZZOLA) – 936-942 SOUTH LAKE BLVD. – TM – 75.44-1-47 – SITE PLAN

Mr. Franzetti read his memo which stated the application involves the addition of four (4) apartments above the existing building. The site is located at 936-942 South Lake Boulevard (Route 6N), Mahopac, NY. This Department offers the following comments:

1. The applicant provided a water and wastewater use values using 150 gallons per day per bedroom. The calculations should be changed to show 110 gallons per day per bedroom per the NYSDEC Design Standards for Intermediate Sized Wastewater Treatment System - Dated March 5, 2014. The applicant must provide additional information regarding the new connections will be made to the existing sewer system.
2. The applicant will need to contact the New York City Department of Environmental Protection (NYCDEP) as they have issued a moratorium of sewer connections in CSD 1 and CSD 3. The NYCDEP has indicated that any new connections or increases in flow would require their concurrence.

Applicant has contacted the NYCDEP and is waiting for a response.

3. The site plan should be updated to show the full extent of the property. Based on Town records the property should include a 100 ft long piece which connects the building to Cherry Street.

Applicant has acknowledged this discrepancy and had indicated that the information is currently being reviewed by Planning Board Counsel.

Mr. Charbonneau stated he reviewed two deeds, one from the present owner and the other was from 1975. He said the only discrepancy was with the property in the rear, but it does not have anything to do with the property on the west side.

Mr. Greenberg said so the strip of land in question is not ours.

Mr. Cleary stated as you recall this application requires variances. He needs to go to the zoning board to plead his case before we could make any progress with this application.

Mr. Furfaro moved to deny the application to the zoning board. The motion was seconded by Mrs. Kugler with all in favor.

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

Mr. Franzetti stated a memo was developed back in August and wasn't sure if his comments have yet been addressed by the applicant. He reiterated the comments from August.

Mr. Cleary stated as you may recall this has been evolving over time and the applicant has done a good deal of work to make revisions to the plan particularly traffic circulation through the site with the elimination of the curb cut on Yorke Road. He said at the last meeting the concern of the board was the building is larger than was necessary for evening operated emergency veterinary facility. He said at the last meeting Chairman Gary indicated that he wanted to discuss that issue with the Veterinarian directly. The Chairman has relayed back to us that he is satisfied with the limitations that the applicant has expressed previously.

Mr. Paepre asked since none of us has spoken to the Chairman can we hold this over until we do?

Mr. Cleary said it is up to the board. He said procedurally they need to go to the zoning board and ECB.

Mr. Greenberg stated he spoke to the Chairman and said what Mr. Cleary just said. He is satisfied with the project as it is.

At which time, a discussion ensued about whether or not to send the applicant to the zoning board if any site changes should occur with regards to stormwater which could affect the parking spaces.

Mrs. Kugler asked about the market analysis of similar businesses in the area based on the amount of rooms and size of space they have.

Mr. Greenberg stated he is in the process of doing that and similar facilities that he found are actually the same size if not bigger. He said it will be finalized when he comes back to the planning board.

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

Mr. Furfaro moved to deny the application to the zoning board. The motion was seconded by Mr. Giannico with all in favor.

**WESTERN BLUFF SUBDIVISION – 350 WEST SHORE DRIVE – TM – 66.14-1-20 –
SUBDIVISION SKETCH PLAN**

Mr. John Kellard, applicant's engineer addressed the board and stated a sketch plan was prepared for a 14.8 acre parcel located on the east side West Shore Drive. He said the parcel includes 1300 feet of frontage on West Shore Drive and has a 1.3 acre wetland on the property and was flagged and surveyed by our surveyor. He said it also has 4 acres of steep slopes which is greater than 25%. He said the proposal is to subdivide the property into 3 lots. He said there is presently an existing residence on the southern portion of the property on lot #1 with an existing driveway onto West Shore Drive. We are proposing two additional homes on the property. He said the smallest lot is 4.6 acres and the largest is 5.4 acres. The houses will be located outside of the steep slopes and wetland setbacks. Each lot will have its own individual septic and well. He said we will be going to NYCDEP for a stormwater permit for the project and Putnam County for the curb cut. He said we comply with all zoning requirements.

Mr. Carnazza stated the applicant needs a wetland permit and the house on lot #1 needs to be labeled to be removed.

Mr. Franzetti read his memo which stated the following referrals would appear to be warranted:

- a. Mahopac Fire Department
- b. Town of Carmel Environmental Conservation Board
- c. Putnam County Department of Health – needed for water and SSTs
- d. Town of Carmel Highway permit - needed for the driveway.

A Stormwater Pollution Prevention Plan (SWPPP), as detailed by the New York State Department of Environmental Conservation (NYSDEC) General Stormwater Permit for discharges from Construction Activities (GP-0-15-002) is required. It is unclear from the information provided the amount of disturbance for this project. Additional information must be provided.

A SWPPP, as detailed by the New York City Department of Environmental Protection (NYCDEP) Pursuant to §18-39 of the NYCDEP Watershed Rules and Regulations is required. The Board should be aware that the drawing DOES NOT contain information regarding areas proposed to be reserved for open space.

The applicant provided a Short Environmental Assessment Form (EAF). Due to the proximity to the Croton Falls Reservoir it is suggested that the applicant use Long EAF. In addition the electronic version of Long EAF, from the NYSDEC website, should be used. This will provide support information regarding the following:

- Critical Environmental Areas;
 - NYS Natural Resources;
 - NYS Register of Historic Places;
 - Archeological Sites
 - Wetlands/Regulated Water bodies;
 - Threatened or Endangered Species/Animals
 - 100 Year Flood Plan; and
 - Remediation at the site.
2. Should any public improvements be deemed necessary as part of the development of the tract, a Performance Bond and associated Engineering Fee must be established for the work. The applicant will need to develop a quantity take off for bonding purposes.
 3. The applicant is advised that a stormwater bond and maintenance guarantee, pursuant to §156.87 of the Town Code, may be required.

Mr. Cleary stated the site is fairly constraint. He said a full EAF is warranted for this application. He said we have conditions where they are proposing a common driveway an improvement that is problematic and would like to avoid unless there is a reason to support the common driveway. He said we need to consider that and make a judgement as to whether or not that's appropriate modification to the site. He stated the frontage for Lot #3 needs to be clarified on the drawing.

At which time, a discussion ensued regarding the issues with having a common driveway.

Mr. Cleary stated the applicant will need to justify and prove to you why a common driveway is necessary.

Mr. Kellard stated we have an existing driveway, but the site line is poor. He said it would be a safer location to move it.

Mr. Carnazza asked if we could make them do a maintenance agreement.

Mr. Cleary said that's what we would have to do.

At which time, the board members and applicant continued to discuss the common driveway and parking at the bottom of the driveway.

Mr. Cleary stated we will provide all our memos to the applicant so the comments could be addressed.

Mr. Paepre stated we need to declare ourselves as lead agency.

Mr. Giannico moved to declare lead agency. The motion was seconded by Mrs. Kugler with all in favor.

YANKEE DEVELOPMENT – PIGGOTT ROAD – TM – 76.15-1-12 – EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL

The consultants had no objection to the extension of approval.

Mr. Paepre asked what the delay was.

The applicant stated we are still working with NYCDEP.

Mr. Furfaro moved to grant extension of preliminary subdivision approval for 180 days. The motion was seconded by Mr. Giannico with all favor.

MINUTES: 08/10/16

Mr. Giannico moved to accept the meeting minutes of August 10, 2016. The motion was seconded by Mrs. Kugler with all in favor.

Mr. Furfaro moved to adjourn the meeting. The motion was seconded by Mr. Giannico with all in favor.

The meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Rose Trombetta