

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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MICHAEL CARNAZZA
*Director of Code
Enforcement*

RICHARD FRANZETTI, P.E.
Town Engineer

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

VINCENT FRANZE
Architectural Consultant

PLANNING BOARD MINUTES

JULY 11, 2018

PRESENT: VICE-CHAIR, CRAIG PAEPRER, DAVE FURFARO, KIM KUGLER,
RAYMOND COTE

ABSENT: CHAIRMAN, HAROLD GARY, ANTHONY GIANNICO, CARL STONE

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Ronin Property Group	74.11-1-20	1	P.H.	Public Hearing Closed & Bond Return Recommended to Town Board.
EMTK Realty	44.18-1-40	1-2	P.H.	Public Hearing Closed & Planner to Prepare Resolution.
McDonald's USA, LLC.	86.11-1-22	2-3	P.H.	Public Hearing Closed & Planner to Prepare Resolution.
D & L Ford Inc (Kidz Country)	65.13-1-52	3	A. Site Plan	Public Hearing Scheduled.
Alexandrion Distillery	55.10-1-1	3-10	A. Site Plan	Public Hearing Scheduled.
Mancini, Daniel & Courtney	64.13-1-75	10-11	Regrading	Public Hearing Scheduled.
Minutes – 05/23/18		12		Approved.

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

Respectfully submitted,

Rose Trombetta

RONIN PROPERTY GROUP – 45 SECOR ROAD – TM – 74.11-1-20 – PUBLIC HEARING

Mr. Carnazza stated there are three permits that are outstanding; they will be getting CO's once they're completed. He had a for rent sign up that was removed after he spoke to the owner.

Vice Chairman Paepreer stated he didn't recall the project and asked Mr. Besharat to give a quick summary.

Mr. Besharat it was a vacant piece of property and a single story commercial retail building was built. The building is available for rental and hopefully soon he will have some tenants.

Mr. Franzetti stated this is on for a public hearing and all his comments have been addressed.

Mr. Cleary had no comments.

Vice Chairman Paepreer asked if anyone from the audience wished to be heard on this project.

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

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

EMTK REALTY – 1736 ROUTE 6 – TM – 44.18-1-40 – PUBLIC HEARING

Mr. Carnazza stated it is on for a public hearing, but I have a few comments. He said the variances were granted. He said there is an apartment to the left on the most easterly building that does not have a kitchen or kitchenette. He said it's not a dwelling unit unless they have the ability to cook food.

Vice Chairman Paepreer asked is that the building in the back?

Mr. Carnazza said it is the back building on the left side. He said it doesn't show a kitchen layout.

Ms. Dawn McKenzie of Insite Engineering, representing the applicant stated it's my understanding from the owner that it does have a kitchen unit.

Mr. Carnazza said to show it on the plan and provide a detail of any signage on the site.

Ms. McKenzie replied okay.

Mr. Franzetti stated the applicant has submitted a SWPPP to NYCDEP for approval and review. He said I'm waiting for that right now. Confirmation from DEP has not been provided yet. He said until that gets completed from DEP, I can't finish my review. The applicant will be required to supply a stormwater maintenance agreement and there will be a Performance Bond and Engineering fee associated with this for the stormwater site work that is being performed.

Ms. McKenzie stated we did stormwater testing today which was witnessed by NYCDEP and it went well.

Mr. Cleary stated all site planning issues have been addressed.

Mr. Cote stated the 2nd floor of the easterly building, one of the units is labeled kitchen, but it doesn't show appliances. He asked are there appliances there?

Ms. McKenzie replied yes.

Mr. Cote stated to modify the drawing to reflect the appliances. He said with regards to the main residence, it shows two apartments on the 2nd floor, the apartment on the left side shows two points of ingress and egress off of the stairs. Will one of them be closed off?

Mr. Brian Finney the owner of the property addressed the board and stated that's a closet over the stairs.

Vice Chairman Paepre asked if anyone from the audience wished to be heard on this project.

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

Vice Chairman Paepre asked the Planner to prepare a resolution.

MCDONALD'S USA, LLC. – 154 ROUTE 6 – TM 86.11-1-22 – AMENDED SITE PLAN – PUBLIC HEARING

Mr. Carnazza said they have a list of all the variances and will put it on the map.

Mr. Franzetti stated all engineering comments have been addressed, there should be a note added to the drawing that states all sidewalks, manholes and guiderails should be installed per §128 of the town code.

Mr. Cleary stated all site planning issues have been addressed.

Vice Chairman Paepre stated from the last meeting there are some significant improvements to the aesthetics of the building, as well as the handicapped access and handicapped ramps.

Mr. Alan Roscoe of Core States Group addressed the board and stated we approached the owner of the shopping center about changing the drive aisle to the one way and I received an email stating they will approve it. He said we have their consent. He said he will update the drawings to reflect that. He said we are proposing a do not enter sign as you go east towards the mall.

Vice Chairman Paepre asked if anyone from the audience wished to be heard on this application.

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

Vice Chairman Paepre asked the Planner to prepare a resolution.

D & L FORD, INC – KIDZ COUNTRY – 854 ROUTE 6 – TM – 65.13-1-52 – AMENDED SITE PLAN

Mr. Carnazza read his memo which stated correct the zoning table. Variances required must be removed, the variances were granted. Provide floor plan and elevations for review. Provide a detail of all signage on the property.

Mr. Franzetti stated all engineering comments have been addressed.

Mr. Cleary stated all site planning issues have been addressed.

Vice Chairman Paepre stated this was sent to the Zoning Board and they received their variances.

Mr. Joel Greenberg of Architectural Visions, representing the applicant stated that's correct.

Vice Chairman Paepre said to schedule the public hearing.

ALEXANDRION DISTILLERY – 39 SEMINARY HILL ROAD – TM – 55.10-1-1 – AMENDED SITE PLAN

Mr. Carnazza stated the required variances were granted on June 28, 2018 for parking with the condition that a perpetual agreement be approved by the counsel and filed in

the County Clerk's office. He said I spoke to the design engineer and he will be adding a column to the zoning table for what is required by code. They agreed to do that for the next submission.

Mr. Carnazza and Mr. Cleary had no comments.

Mr. Franzetti read his memo which stated the application involves the conversion of the existing Paladin Center (formerly Guidepost Offices and Production Facility) to a banquet center and production facility for distillery. The project is located on Lot 1 which is 13.003 acres.

Based upon our review of this submittal, the Engineering Department offers the following preliminary comments:

I. General Comments

1. The following referrals would appear to be warranted:
 - a. Carmel Fire Department - Noted by applicant
 - b. Town of Carmel Highway Department - Noted by applicant.
2. The following regulatory permits will be required for the application:
 - a. New York State Department of Conservation Stormwater Permit. Noted by applicant. A copy of the Stormwater Pollution Prevention Plan (SWPPP) must be provided for review
 - b. Town of Carmel Water Connection Permit. Noted by applicant
 - c. Town of Carmel Sewer Connection Permit. Note by applicant
 - d. Town of Carmel pre-treatment permit. Noted by applicant
3. If necessary the applicant will be required to supply a stormwater maintenance agreement and maintenance guarantee per Town Code (§156-85 and §156-87 B respectively) to assure long-term maintenance of all stormwater management practices (SWMP) proposed for the site. Noted by applicant.
4. The overall disturbance for the project as submitted is 42,818 sq-ft which therefore exceeds the threshold criteria of disturbance for New York State Department of Environmental Conservation (NYSDEC) stormwater regulations. This project is above the 5,000 sq ft threshold and below the 1 acre threshold and therefore requires coverage under the NYSEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) and the development of SWPPP that includes only erosion and sediment control and not permanent stormwater features.
5. A Performance Bond and associated Engineering Fee will need to be established for the work. The performance bond amount will be determined and included as part of final resolution. Noted by applicant

Detailed Comments

1. The applicant should meet with the Town Engineer to discuss the water system shutdown and the need for a water system work plan. Noted by applicant.
2. A landscaping plan should be provided to show the location and extent of all plantings. All plantings shall be installed per §142 of the Town of Carmel Town Code. Noted by applicant and per applicant no new landscaping is proposed at this time.
3. A copy of the SWPPP has been provided. The SWPP must be signed/sealed by the engineer.
4. The Portland cement concrete (PCC) detail does not provide for rebar.

Water/wastewater assessment:

DOCUMENTS REVIEWED:

- Water and Wastewater Report as prepared for the Alexandrion Group developed by Epstein Architecture
- Drilling Wells for water Source as prepared for the Alexandrion Group developed by Epstein Architecture
- Project Narrative dated March 29, 2018

Water

Per Alexandrion the proposed water use:

Phase 1 (anticipated by 4th quarter 2019) - 76,000 gallons per day (GPD) (0.076 million gallons per day – MGD)

Phase 2 (anticipated early 2022) - 149,000 GPD (0.149 MGD)

The site is located in Carmel Water District 2 (CWD 2) and municipal water can be supplied from the CWD2 water treatment plant (WTP). The CWD 2 WTP has design capacity of 1.0 million gallons per day (MGD). The average monthly flow (2013 -2017) is 850,000 gpd. The WTP has provided up to 1.5 MGD and the average peak high (using data from June to September of 2013 to 2017) is 1.173 MG

The source of the water for CWD 2 is Lake Gleneida. There has not been a safe yield analysis performed for this source water. It should be noted that the Town has recently let out an RFP for the WTP upgrade which includes a safe yield analysis for Lake Gleneida. The awarding of the RFP is waiting for Town Board approval.

The CWD 2 WTP is capable of providing municipal water for this project, however there are concerns about safe yield for Lake Gleneida.

The Alexandrion Group has been advised of this and has contacted a local driller. They have provided the attached report. They anticipate that wells could be drilled on the site

that could provide sufficient water for their operations. Therefore there may not be a need to use municipal water at the site.

Wastewater

Per Alexandrion the proposed wastewater discharges:

Phase 1 (anticipated by 4th quarter 2019) - range – 44,000 to 73,000 GPD
(0.044 to 0.073 MGD)

Phase 2 (anticipated early 2022) - 86,000 to 145,000 GPD (0.086 to 0.145 MGD)

The site is located in Carmel Sewer District 2 (CSD 2) and the wastewater can be discharged and treated at the CSD2 wastewater treatment plant (WWTP).

The CSD 2 WWTP has design capacity and is permitted to discharge up to 1.1 MGD. The average monthly flow (from 2011 to 2017) as the WWTP is 0.73 MGD

The following table provides an assessment of the CSD2 WWTP. This assessment takes into account wastewater discharge flow for projects which have been previously approved by the planning board, flows from proposed project and consideration of “others” as future growth.

Alexandrion Wastewater Flow Assessment	
Average plant flow (gpd)	730,000
Plant Capacity (gpd)	1,100,000
Previously approved projects (gpd)	
Gateway	80,230
Fairways	33,400
Pulte	3,800 remain to be connected
Hillcrest	33,400
RPK	6,000
PCF	13,200
Estimate Future Project Flows (gpd)	
Others	15,000
Guideposts – assisted living (Lots 2 and 3)	16,500
Alexandrion (Lot 1)	73,000
<i>Projects sub total</i>	<i>274,530</i>
Total Flow to plant	1,004,530 ~91% of capacity
Remaining Capacity	95,470
Alexandrion in 2022 (Lot 1)	145,000
<i>Projects subtotal (with 2022 flows)</i>	<i>346,530</i>

Total Flow to plant	1,076,530 ~98% of capacity
Remaining Capacity	23,470

The CSD 2 WWTP currently has the capacity to provide treatment for this project, however there are concerns about the flow from all the projects and the capacity of the WWTP.

It should be noted that the Town will be looking at ways to decrease the inflow and infiltration (I&I) to the WWTP which may provide some additional capacity at the facility.

It should be noted that the Alexandrion Group has been advised that project will be required to pre-treat the wastewater leaving this site. The applicant has indicated that they will meet the following:

- COD <150 mg / l
- BOD5 <50 mg / l
- Total suspend solids <50 mg/l
- Total nitrogen <10 mg / l
- Total phosphorus <10 mg/l

The Board should be advised that per §120 Articles IX and X (§120-60 to §120-81) of the Town of Carmel Town Code, the applicant will be required to have a pretreatment program in place. In addition a requirement as part of the final approval will be that prior to starting operations the Town will issue a pre-treat permit for the operations at the facility.

Mr. Cleary stated throughout the process has been submitting materials to address the comments that we have been generating. He said the materials that have been submitted to you in this package relate to some of the SEQR issues and traffic generator from the site. The analysis that you have in your package indicates the total combined uses on the site, the office, the distillery, warehouse and the visitor center will generate traffic below the levels of the prior use of this site. So from your environmental threshold concern the traffic impacts will be diminishing as a result of the proposed project. He said the applicant has submitted additional materials with respect to questions that have been addressed and relates to the parking. He said there is now an agreement to share that parking that counsel will have to take a look and advise the board.

Vice Chairman Paepfer stated several of us have read the articles on black soot that has been generated in Kentucky. Can you describe and educate us on that.

Mr. Jason Chochola of Epstein Global, representing the applicant addressed the board and stated the soot that is resulting from the ethanol that seeps through the barrels during cask aging. The molds are carried by the ethanol and deposited on neighboring buildings. However, in the current state of this building and its design, there is no onsite

cask storage. He said it's limited to about 10 barrels, that is primarily for show inside the facility and there's currently no plans as part of this site plan application for any cask storage of any commercial amount.

Vice Chairman Paepfer stated in phase two, if things changed and you wanted to have storage, you would have come back to this board for an amended site plan.

Mr. Chochola replied absolutely!!

Mr. Carnazza said they would have to build a building for that.

Mr. Chochola replied that's correct and it hasn't been determined where that building would be located, whether it would be on the possible parcel that they could acquire later or if it would be at another facility.

Vice Chairman Paepfer asked about more information regarding the wells.

Mr. Chochola stated we have been in touch with some well drillers. They will be coming to check the site. He has a letter from Boyd Artesian Well Company stating they could generate up to 200 gallons per minute. He said there are 3 irrigation wells on the site for Pulte Homes which is south of the project site which generates 200 gallons per minute. We are currently showing for 4 separate wells as part of our site plan application with potential locations of where they could be located. He said Alexandrion is willing install the wells to help alleviate any concerns about the municipal water supply. He said they are considering the possibility if the wells could generate enough water, not having the need for municipal water supply.

Mr. Cote stated one of his concerns is the discharge. He said you will put us at 91% of our capacity, but more importantly is what's going to be in the discharge. I've looked at the reports, the chemicals that will be in there, we don't have the expertise to analysis and to look at. My suggestion to the board is that we get an expert to review what your plans are and how to clean the waste before it goes into the system to minimize the impact. He said I think it's something that we have a duty to look at and we owe the town the due diligence to look at that very carefully. He said I not sure how the consultants feel about that.

Mr. Franzetti stated I respectfully offer to you that you let one of your board members look at it. Carl Stone is an expert in wastewater treatment plan. He's not present this evening, so I'm offering his services without his approval. He said the board can ask him to review that his specific area of expertise. He said if the board is uncomfortable with that because it is someone internal, then they could get someone else.

Mr. Cote asked the applicant if they would consider it acceptable if someone on the board reviewed it who was an expert in that field.

Mr. Charlie Luthanen, engineer with Epstein Global replied we would certainly consider it acceptable. He said the pollutants in the water that are released from the system are going to be organic products. They are not chemicals; they are organic from the yeast and all the materials used in the fermentation process. He said they are all organic solids that will be released. He said we could provide more information on what exactly each solid is that's included in the discharge. It won't be harmful to the environment.

Mr. Cote apologized. He stated I didn't mean to suggest that there were chemicals. He said I understand that they are natural by products.

Mr. Carnazza said I think Mr. Cote is wondering how it's going to affect the treatment at our plant also.

Mr. Cote replied exactly.

Mr. Luthanen stated it's the intention of the engineer that is going to be hired by the distillery manufacturer to make sure that the wastewater treatment meets the requirements.

Mr. Franzetti stated we have a pre-treatment permit, that have requirements in there, and sampling would have to be conducted. We know the numbers that I have in the memo, the COD and BOD and total suspended solids are lower than those numbers, it will not impact our plant. He said they could provide us a list of standard or typical discharge like they mentioned. We could look at that.

Mr. Carnazza asked do all of the different waste liquids have to go into the sewer?

Mr. Chochola said there are current plans to include a water saving technologies as part of the wastewater treatment process to reclaim and use that for cooling.

Mr. Cleary said could you document that for us precisely what that would be.

Mr. Chochola replied will do.

Mr. Cleary stated from our prospective we will condition this approval on the commitments you intend to make. He said the more quantitative you could get with respect to those the easier it is for us to enforce.

Vice Chairman Paepre stated it seems like we have made some progress since the last meetings. Traffic concerns have been resolved, parking concerns have been resolved. I like the actions on the well. We need to do a little more on the wastewater.....

Mr. Furfaro stated our wastewater system is pushing at 90% capacity. The town has to expand our wastewater system somehow. I'm fine with phase 1, but what happens when we go to phase 2, will they come back to board for phase 2?

Mr. Chochola said if the footprint is sufficient for stepping up the capacity; it would probably be some additional equipment that would have to be installed and then phasing up to a longer production cycle.

Mr. Cleary stated it is likely that they would have to return to the board to amend the site plan.

Vice Chairman Paepre said what's next is the public hearing.

Mr. Cleary said the applicant and their team has been very diligent in responding to the comments of the town. He said at this point we could schedule a public hearing.

Mr. Franzetti asked if they had any additional information they wanted the board to see, such as the renderings of the building.

Mr. Chochola replied we do not have the renderings with us tonight. We plan on having them for the public hearing.

Mr. Cleary asked the Vice Chairman if he wanted the architectural consultant to review the drawings.

Vice Chairman Paepre replied yes. He will do that now.

Mr. Stephen Cruty of Alexandrion Holdings addressed the board and stated for the public hearing our CEO (Nawaf Salameh) will be in attendance. He will be bringing a series of additional experts from the distillery to address any type of concern the public may have. There will be a full presentation of our vision for this facility, the architecture. Also, the benefits this facility would bring to a town.

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

**MANCINI, DANIEL & COURTNEY – 149 MACGREGOR DRIVE – TM – 64.13-1-75 –
REGRADING APPLICATION**

Mr. Carnazza had no comments.

Mr. Franzetti read his memo which stated the application involves the regrading and leveling of the backyard located at 149 McGregor Drive TM 64-13-1-75. The overall disturbance for the project as submitted is ~4,880 sq-ft which therefore is below the threshold criteria of disturbance for New York State Department of Environmental Conservation (NYSDEC) stormwater regulations. The development of Stormwater Pollution Prevention Plan (SWPPP) is not required; however erosion and sediment controls are required for the site. This Department reviewed the documentation provided and offers the following comments:

1. Additional details should be provided on how the proposed work will take place (construction sequence);
2. All wall designs greater than 5'0 in height must be certified by a structural engineer.
3. Location of the limits of disturbance on the site should be provided.
4. The amount of fill, if any, being brought to the site should be provided.
5. All fill brought to the site must be certified per NYSDEC regulations and manifests/certification of the fill material being delivered should be provided.
6. Various plan information required pursuant to §156-43 ("Landfills, grading and excavations ") is currently lacking. These include, but are not limited to:
 - Assessment of runoff from the site so as not cause erosion, landslides or increased runoff to abutting properties.

Mr. Cleary stated this is a minor regrading application, there are no planning issues.

Mr. Paul Petretti, applicant's representative addressed the board and stated he would like to level his property in the front and the only way to do that is to segment a wall (points to map to show location). He said the wall will be about 5 to 6 feet high.

Mr. Carnazza asked if he could step that wall and make 2 to 3 feet?

Mr. Petretti answered you could do it in the front.....

Mr. Carnazza said if you don't do it you will need a variance.

Mr. Petretti asked what is the maximum height.

Mr. Carnazza replied 4 feet.

Mr. Petretti replied we could trim it to 4 feet. He asked if the wall in the back has to be 4 feet also.

Mr. Carnazza replied 6 feet for the back.

Mr. Franzetti said if it's over 5 feet it would need to be certified by a structural engineer.

Mr. Petretti replied okay.

Vice Chairman Paepreer stated before you do anything make sure you get the heights right with the consultants.

Mr. Petretti said 4 feet in the front and 6 feet in the back.

Vice Chairman Paepreer said to schedule a public hearing.

MINUTES – 05/23/18

Mr. Furfaro moved to accept the minutes. The motion was seconded by Mrs. Kugler with all in favor.

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

Respectfully submitted,

Rose Trombetta