

# **APPROVED**

**CRAIG PAEPRER**  
*Chairman*

**ANTHONY GIANNICO**  
*Vice Chairman*

**BOARD MEMBERS**  
**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*

### **PLANNING BOARD MINUTES**

**JANUARY 9, 2019**

**PRESENT:**    **VICE CHAIRMAN, ANTHONY GIANNICO, DAVE FURFARO, KIM KUGLER,  
RAYMOND COTE, CARL STONE**

**ABSENT:**    **CHAIRMAN, CRAIG PAEPRER**

<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>PAGE</u></b>	<b><u>TYPE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
McDonald's USA, LLC	86.11-1-22	1	P.H.	Public Hearing Closed & Planner To Prepare Resolution.
P & R Real Estate Corp.	44.13-2-68	1-3	R. Site Plan	No Board Action.
Willow Wood Country Club Inc	87.7-1-6,7 &11	4-9	A. Site Plan	No Board Action.
Old Forge Estates	75.15-1-19	9-11	Subdivision	No Board Action.
Minutes – 12/12/18		11		Approved.

Executive Session - 8:17 p.m.

Respectfully submitted,

Rose Trombetta

**MCDONALD'S USA, LLC – 154 ROUTE 6 – TM – 86.11-1-22 – PUBLIC HEARING**

Vice Chairman Giannico stated this application is scheduled for a public hearing. It has been before us many multiple times and asked if there was anything more they wanted to add.

Mr. Alan Roscoe of Core States, representing the applicant replied no. He stated at the last meeting we had a discussion about possibly making some striping changes to the parking lot. He said if you want to make that a condition in the resolution that would be fine. That would be the only thing that we would add to the drawing in addition to any variances that have been issued in the past.

Vice Chairman Giannico asked the consultants if they had any comments.

The consultants had no further comments.

Vice Chairman Giannico said this is an open public hearing and if anyone in 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 Mrs. Kugler with all in favor.

Vice Chairman Giannico asked the Planner to prepare a resolution.

**P & R REAL ESTATE CORP – 122 GLENEIDA AVE – TM – 44.13-2-68 – RESIDENTIAL SITE PLAN**

Mr. Carnazza read his memo which stated the applicant proposes to legalize a four family dwelling that is listed in my records as a two family dwelling. Provide a parking calculation. Provide a detail of the trash enclosure. The numbers on the zoning table are incorrect. Until these numbers are corrected, I do not recommend sending to the ZBA. Use variance required from the ZBA. Several area variances are required.

Mr. Cleary had no further comments.

Mr. Franzetti read his memo which stated said the application involves legalizing an existing multi-family property that currently supports four (4) apartments. Based upon review of the plans provided the Engineering Department offers the following preliminary comments:

- The applicant must provide a water/sewer use report for review.

- Additional details should be provided regarding the proposed parking spaces. This includes, but is not limited to, all striping, length, widths, travel ways, proximity to property lines, guide rails etc.
- No site improvements are proposed for this project. This Department does not have any additional comments related to this project as long as there are no changes being made to the site.

Mr. Cleary stated the applicant is proposing to legalize a multi-family building that currently supports 4 apartments. No improvements or modifications to the site are proposed. He said the 4 units would require a total of 8 parking spaces and there are 12 showing on the site. This includes 6 spaces that back out directly onto Route 52, which is a generally undesirable condition. He said because they have an excess number of parking spaces it might be appropriate to eliminate those and create just the required spaces in the back rear parking area. He said do we want to modify or improve the parking lot to meet our current town standards. There is a shared driveway that runs through the site and we don't know if there are easements. The operation of this driveway, and easements and operational restrictions, should be documented.

Mr. Robert Sherwood, applicant's architect addressed the board and stated we want to legalize the existing structure of a multi-family. He said when the applicant purchased the property 18 to 20 years it was a multi-family and had 4 units in it. He had used it as an office space for his business with the other units actively used. He said the parking was always there in front of the lot. They have a gravel parking area in the back, but we could stripe that out to facilitate more of the town standards. He said we did get an updated survey and we do not have an easement on file for that back property owner to use it. He will talk to the applicant to facilitate that as well through this process.

Mr. Cleary stated it is your neighbor's issue, not so much your issue, but now is the time to address it.

Mr. Sherwood stated the house existed; they haven't expanded in the 20 years they have owned it. He said I understand we have to go to the zoning board to get variances.

Mr. Furfaro asked if it was in a commercial or residential zone?

Mr. Carnazza replied it is in a commercial zone. He said in the building department we have it zoned commercial, 2 family residential.

Vice Chairman Giannico said to clarify the application is not to make this mixed use, correct?

Mr. Sherwood replied no, we want to keep it the way it is, to 4 units. He said it was always 2 units with the town, when my client purchased it they had removed the kitchens out of the apartments that were there. He used one of the apartments as his office for a few years and when he moved out he put the kitchens back into the units.

Mr. Cote asked how long has it operated as 4 units?

Mr. Sherwood stated since the client has owned it.

Mr. Cote asked when did he put the kitchens back in?

Mr. Sherwood replied he wasn't sure and would have to ask the applicant.

Mr. Stone stated his only concern was backing out onto Route 52 and asked that's something that could be alleviated or minimized.

Mr. Sherwood replied understood.

Mr. Furfaro asked how many legal parking spaces do you need for 4 units.

Mr. Sherwood replied 8 spaces. We have 12 parking spaces.

At which time, Vice Chairman Giannico asked Mr. Sherwood to point to the gravel parking area on the map. He asked are there curb cuts along Route 52?

Mr. Sherwood replied yes.

Vice Chairman Giannico said is it possible if the code permits to put those parking spots along Route 52 on a 45° angle, so you are not backing out onto Route 52.

Mr. Cleary stated the preference is to eliminate them entirely. He has the space in the back to put them there.

At which time, a discussion ensued with regards to paving the parking lot and site improvements.

Mr. Franzetti stated it will be a matter of is it 5000 square feet of disturbance, you will then need a SWPPP, are there wetland issues, those things would now need to be looked at you make any site changes.

Mr. Cleary said the applicant still has some issues that need to be addressed before we could move any further.

Mr. Sherwood said I will get the comment letters and make the revisions.

**WILLOW WOOD COUNTRY CLUB INC – 551 UNION VALLEY ROAD – TM – 87.7-1-6,7  
& 11 – AMENDED SITE PLAN**

Mr. Carnazza read his memo which stated the applicant added a 14 station sporting clay range to the existing Willow Wood Country Club. The previous application was approved as a Country Club; Country Clubs are permitted conditional uses in the R-Residential zoning district. I received numerous complaints about the amount of noise and the increase in the number of shots. The new shooting area (1, 2, 3, 8, 9, 12, 13, and 14) is on the side of the mountain that used to buffer the adjacent properties from the old trap/skeet course. Now they are hearing the shots right behind their houses. Provide a detail of the trash enclosure. Provide a parking layout. Provide a list of all or any ZBA variances or interpretations requested and denied or granted. Provide a zoning table showing compliance with §156-24.

Mr. Franzetti read his memo which stated this application is for an amended site plan for the approval of cart paths and 14 sporting clay stations. The cart path is over existing logging roads and the sporting clay stations are already installed and in use. Based upon our review of this submittal, the Engineering Department offers the following preliminary comments:

I. General Comments

1. Permits from the following would appear necessary:
  - a. Town of Carmel Environmental Conservation Board
  - b. New York State Department of Environmental Conservation:
    - i. General Permit for Stormwater Discharges from Construction Activities.
2. As there is 0.82 acres of disturbance a stormwater pollution prevention must be developed and submitted for review and approval.
3. The applicant will be required to supply a stormwater maintenance agreement and maintenance guarantee per Town Code (§156-85 and §156-87 B respectively).
4. Should any public improvements be deemed necessary as part of the development of the tract, a Performance Bond and associated Engineering Fee must eventually be established for the work. Prior to Final Resolution the applicant will be required to submit a quantity take off of all proposed improvements for bonding and inspection fee purposes.

Preliminary Detailed Comments

1. It is unclear from the information provided if the disturbance from the installation of the new/recent road was included in the total area of disturbance. These areas must be included as part of the calculations

2. Runoff from the trail along the west side of the site, as it intersects with access road, must be captured.
3. Proposed slopes of roads must be provided.
4. The existing parking spaces must be shown on the drawing.
5. A landscaping plan must be provided. This includes the addition of and or removal of trees on the property.
6. Additional details should be provided regarding the construction of the proposed clay cages.
7. Additional details must be provided to show how the proposed drainage features are hydraulically connected.
8. A SWPPP is required that addresses both the work previously performed and proposed work.
9. The wetland limits must be shown on the drawing.

Mr. Cleary stated there are two issues that we are dealing with this application. The first relates to the improvement constructed on the opposite side of the hill from the static shooting range that has been there for many, many years. That's a use of a portion of the site that was never used before. It has been a physical improvement and you heard Mr. Carnazza and Mr. Franzetti's comments with respect to the concerns about that. He said the ECB allowed them to take down some trees, but there was no mitigation. Some we would want to see some landscaping, buffering and screening. The physical improvement of the path will need to be addressed. He said the second relates to how this affects the operation of the club itself. So, if the sporting clay course has an expanded membership, it is a use to the facility that wasn't there before, it would be an operational change. We have to learn more about that from the applicant to understand how this conditional use is being changed by the addition of the sporting clay course.

Mr. Rich Williams of Insite Engineering, representing the applicant, Mr. George Calcagnini, Secretary to the club and sporting clay chairperson and Dwayne Knapp board member for the club appeared before the board.

Mr. Williams addressed the board and stated the club was founded in 1955 with the purchase of an 11 acre piece of property which is currently the southeast corner of the club. In 1981 the larger piece which is 75 acres was purchased forming the club's total property of 86 acres and is comprised of three different tax maps. Site plans were issued for the club in 1991 and 2000. Those site plans related to facilities in and around the existing access drive and the eastern path of the club property. It consisted of a clubhouse, pistol house, rifle house, trap shooting range and 5 stand range. In 2016, the club appeared before the ECB to obtain a tree harvesting permit for portions of the site that are west of the existing access drive and club facilities. Shortly after the tree clearing was completed the club began using the cleared area as sporting clay range. Sporting clay is basically a shooter stays stationery in a cage which is a 2x4 wooden frame that you walk up to. It controls the range of motion of a rifle that you would shoot with or a shotgun. From there you are aiming at a field that has 3 separate machines that shoot clays into the field. Those clay machines can be arranged in any number of patterns to shoot up, down, across the ground and the machines are moved weekly. As

opposed to trap shooting where you know where the target is coming from every time, this creates a different experience for the shooter each time he enters the station. It's to simulate more of a real life experience. There are 14 stations that are constructed along the trail. The southern half of the trail was used along areas that were previously cleared as part of the tree harvesting. The northern portion of the trail was meandered through the woods and within the wood line there are only two stations 13 and 14. All the stations shoot into the club property with the exception of 6 and 7 which are on the southern property boundary. What we have shown on our site plan is basically the range of each station and direction of fire to facilitate the board's review. He said some of the improvements ancillary to the sporting clay course on the southern portion is stabilized with millings and is approximately 10 to 12 feet wide in most areas. ATV carts are used to drive around from station to station. In addition to the millings, we are proposing a couple of swales as well as discharge pumps, rip rap sumps in order to catch the stormwater before it discharges to the hill side. The northern portion of the site that meanders through the woods needs to be stabilized with millings. There are some ongoing erosion issues. We have also detailed some of the conveyance mechanisms that need to be constructed in association with stabilizing with millings. We have a rain garden on the plan. As far as, tree removal there are two trees in the vicinity of station 14 that we are proposing to remove in order to relocate the trail to a less steep portion of the site shifting it over about 20 feet from where it currently is. As far as, proposed landscaping on the northern most portion of the trail which isn't near any of the stations, a landscape berm was originally constructed. He said when the trail was constructed the trees didn't survive due to the way the berm was created. We are proposing to reconstruct that berm and add additional soil so when the trees are replanted would stay healthy. We will provide the details of those plans as we move forward.

Mr. George Calcagnini addressed the board and stated sporting clays differ from trap or skeet which are stationery machines that are thrown from permanent houses. That's not what we do with sporting clays. The machines for the sporting clays are mobile; they are on wheels and on carts and they get moved around regularly, unlike trap/skeet which are very regimented. Our machines tilt and you can change the dynamics of it. We also use many different types of targets and unlike trap/skeet targets which are always the same; we use a wide variety and sizes of targets. At which time, Mr. Calcagnini displayed all the different sporting clays targets to the board. He said we travel from station to station and at each station you have completely different varieties of targets.....

Mr. Cleary asked does the shooter choose these targets or are you choosing it for them?

Mr. Calcagnini replied I choose it for them. He said I approve people that volunteer and set the targets on a regular basis. My job as the chairman is to go out and review the targets after they have set them. He said the first thing is safety and the second is to make sure all the shots remain on the property. He said we cater to a wide variety of skill levels. You have very high ranked individuals, but you also have beginners. He said we have an electronic system where you put your cards in and your targets are pre-

loaded onto this card (Rf chip) and goes into the machine and it recognizes the individual.

Mr. Furfaro asked how many people go through the course at any given time?

Mr. Calcagnini replied we have fourteen stations, so you can have squadron. We can call them squadron, because typically people don't go out by themselves, they go out with a buddy or a group of people.

Mr. Furfaro asked is this something that you keep score or compete at or is it.....

Mr. Calcagnini said certain people like myself, we travel all over the country and world for competition. Some of our members just shoot locally, but we also have some high level competitors that travel around the world.

Mr. Furfaro said with this course in particular, do you have competitions or is it a practice range?

Mr. Calcagnini replied yes we do have competitions. He said right now we do interclub competitions.

Mr. Cleary asked how many other sporting clay courses in the area?

Mr. Calcagnini replied unfortunately there are very few sporting clay courses in the region. The only public course in the area is in New Paltz.

Vice Chairman Giannico asked do you provide the ammunition or can it be brought in?

Mr. Calcagnini replied we allow members to bring their own ammunition.

Vice Chairman Giannico said and this is a private club, correct?

Mr. Calcagnini replied it is a private club, but members could bring in guests.

Mr. Charbonneau asked if they anticipated the enrollment in the club will increase because of the skeet course?

Mr. Calcagnini replied we have about 200 members right now, and it might slightly increase as we complete the course. He said we are a private club and we like to be a small private club so there is never a line.

Mr. Furfaro stated you have about 200 members, but how many active members do you have?

Mr. Calcagnini replied maybe 40 are active members.



Mr. Stone asked if the tree cutting that was previously approved in anticipation of this course.

Mr. Calcagnini said it was multi-faceted. One of them being to clear out the trees to make shooting easier.

Mr. Stone stated the question is the premise of the tree cutting was in preparation for this.

Mr. Calcagnini replied yes in large measure.

Mr. Furfaro asked where is the nearest residence.

At which time, Mr. Williams points to the drawing where the residence is which is about 500 feet from station 14 to the north. He also pointed to where the trees were removed from the site. He said all stations shoots into the property with the exception of 6 and 7.

Mr. Calcagnini said the shots from stations 6 and 7 are directed towards the ground.

Mr. Stone asked where is the nearest house on the Westchester side?

Mr. Calcagnini said they are a long way away.

Mr. Franzetti stated that's who we received complaints from in the Town of Somers, the residents that live near Willow Wood in Somers regarding the increased noise.

Mr. Charbonneau asked what would cause the noise complaint. Has there been in increase.....

Mr. Carnazza replied I think it's the location. Not necessarily more shooting, because the trees were cut down and they are shooting in different directions.

At which time, the board members and applicant continued to discuss the noise level bordering Westchester and adjoining neighbors.

Vice Chairman Giannico stated the next time you come back to board it would be very beneficial if you provide photographs from each station.

Mr. Calcagnini replied we could do that.

Vice Chairman Giannico asked how are they powered up?

Mr. Calcagnini they are powered up by batteries and solar charge hooked up.

At which time, a discussion ensued regarding the possibility of moving the sporting clay course down into the valley to buffer the noise level.

Mr. Williams said we will look into every possible solution.

Mr. Calcagnini stated we did build sound barriers at the stations.

Mrs. Kugler said the pictures will help us understand better.

Mr. Cote said and also the literature on the cage and the machine that throws it out.

Mr. Stone asked if there plan that this might expand further at some point beyond this?

Mr. Calcagnini said at some point in the future we would like to come back to you and build an indoor pistol range where the old pistol house is.

Mr. Stone said I'm talking about using more of the site.

Mr. Calcagnini replied no.

**OLD FORGE ESTATES – BALDWIN PLACE ROAD – TM – 75.15-1-19 – CLUSTER SUBDIVISION**

Mr. Carnazza read his memo which stated all zoning comments have been addressed. The applicant proposes to cluster the previously approved conventional subdivision.

Mr. Franzetti read his memo which stated the applicant proposes to amend the conventional 10 lot subdivision on a 45 acre parcel to a cluster subdivision of 14 units. He continued to read his memo which consisted of five pages.

Mr. Stone asked when this was in front of the board for a conventional subdivision; you had already done onsite test pits for individual septic, correct?

Mr. Lynch replied yes.

Mr. Stone asked what is the current.....

Mr. Lynch replied it is going to be a common septic, similar to Random Ridge subdivision.

Mr. Cleary stated their initial presentation was sometime in June. At that time, what wasn't included was the specific calculation that's gets him to the additional units that he is allowed to. He has provided that with this submission. He said there is a requirement in the code that there's a narrative describing why the cluster is a benefit to the community. That has been submitted.

Mr. Carnazza asked why wouldn't you come in off of Muscoot Rd.

Mr. Lynch stated years ago there was a court case, I believe the property this is formerly Quintano (points to map), actually by deed they own out to the middle of that right of way, so that killed it.

Mr. Cleary stated the applicant has now demonstrated compliance with the density calculation and the cluster provision which allows him to get more units on the property. As the existing applicable height, bulk and lot coverage regulations do not apply in the case of a cluster subdivision, the Planning Board, through the consideration of the cluster subdivision, must determine the suitability of the proposed lots and building sizes and configurations. It is important to note that the actual development of the project must be fully in accordance with the final cluster plan. Any changes to building locations, footprints, driveways and associated site improvements would require an amendment to the final cluster plan. The subdivision plans have been revised to reflect a generic house footprint. The applicant is asking for some leeway. The only way this can be addressed to is present a generic “worst case” development for each lot. In this way, any future development that stays within this envelope would be permissible. Future development that exceeds this generic threshold would require an amendment of the approved Cluster Subdivision Plan.

Mr. Lynch stated we are showing a 2,000 square foot footprint for a house. We don’t know the exact shape just yet.

Mr. Furfaro asked if it will be similar to Random Ridge.

Mr. Lynch replied yes.

Mr. Cote asked with this development do the homeowners collectively have an ownership in the property that’s outside of their property?

Mr. Cleary said the HOA will.

Mr. Stone stated once it’s approved, the area that is dedicated “forever wild” that goes with the lot in perpetuity, correct?

Mr. Cleary replied yes it does.

Vice Chairman Giannico asked about having plantings in the center of the cul-de-sac.

Mr. Cleary said if it is a town road, we typically don’t want that. The highway department doesn’t want that.

Mr. Furfaro asked what’s next.

Mr. Cleary said we will need a referral to ECB on this.

Vice Chairman Giannico said before we do that, there are a lot of comments that haven't been addressed yet. Do they need to be addressed before we could refer them to the ECB?

Mr. Cleary said in this case, I suggest we need to that. There are a lot of pieces. I would like to see those issues clarified before they go to the ECB.

Mr. Lynch said we will go through all the comments and set up the meetings with the consultants.

### **MINUTES - 12/12/18**

Mr. Cote moved to accept the December 12, 2018 minutes. The motion was seconded by Mrs. Kugler with all in favor.

Vice Chairman Giannico said at this point I would like to close the meeting and go into Executive Session. No new business will be discussed while we are in Executive Session.

Mr. Charbonneau stated the purpose of the Executive Session is to discuss a matter of pending litigation.

Mr. Furfaro moved to go into Executive Session at 8:17. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta