

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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PLANNING BOARD MINUTES

April 10, 2019

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Willow Wood Country Club, Inc	87.7-1-6,7&11	1-5	A. Site Plan	No Board Action.
Homeland Towers Lake Casse	65.19-1-43	6-14	Site Plan	No Board Action.
Thimm, Karl	65.17-1-15	14	Re-Approval	Re-Approval Granted for 1 Year.
Pozzi, Robert	65.11-1-11	14-16	Regrading	Public Hearing Scheduled.
Minutes – 03/27/19		16		Approved.

The meeting was adjourned at 8:16 p.m.

Respectfully submitted,

Rose Trombetta

**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 buffered the adjacent properties from the old trap/skeet course. Now they are hearing the shots right behind their houses. The parking layout is being developed. Until this is completed, I do not know how many parking spaces are provided, however, the engineer determined that a variance will be required. I highly recommend that all board members try to do a site visit and listen from the adjacent neighbor's properties.

Mr. Franzetti read his memo which stated this application is for an amended site plan for the approval of a cart path 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

The applicant has acknowledged this comment and will work with this Department to determine if this requirement is needed as the wetland delineation validation from the NYSDEC is still in process.

- b. New York State Department of Environmental Conservation:
 - i. General Permit for Stormwater Discharges from Construction Activities.

The applicant has acknowledged the need for the General stormwater permit.

2. The applicant will be required to supply a stormwater maintenance agreement and maintenance guarantee per Town Code (§156-85 and §156-87 B respectively).

The applicant has acknowledged this comment and will work with this Department to determine if this requirement is needed

3. Should any 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.

A performance bond is needed for the erosion and sediment control and stormwater management practices.

Detailed Comments

1. The existing parking spaces must be shown on the drawing.

The applicant has acknowledged this comment and will submit information in a subsequent submittal.

2. The wetland limits must be shown on the drawing.

The applicant has acknowledged this comment and will work with this Department to determine if this requirement is needed as the wetland delineation validation from the NYSDEC is still in process.

Mr. Cleary stated the applicant has addressed many of our comments from the initial memo. The primary issue with respect to this application is the fact that the sporting clay course is a different use of the facility than has previously operated. It's in a different location. Part of our initial comments required the applicant to provide us some more clarification with respect to how the facility would be used. He said they made a point of indicating that this is going to be a premier sporting clay facility, so that raises the question of whether or not the facility will be used more intensely than it is today. He said the applicant has indicated that currently they have 202 family members and they anticipate that number being 250, not sure if that involves the sporting clay course operating at full capacity. They have clarified the buffer between the nearest residents. They have supplemented the landscaping plan to address that separation. The trail that traverses the course, the nearest portion to the neighbor does not include a shooting station, it's simply trail at that point.

Chairman Paepre asked the applicant to give an overview of the project.

Mr. George Calcagnini, Secretary to the club and sporting clay chairperson addressed the board and stated the sport came to the United States from England about 1975. It is designed to mimic the flight of game birds as opposed to skeet and trap which are very regimented. The targets in skeet and trap are always the same no matter where you go at any course in the world; they are the exact same targets. Sporting clay is different because it trains the shooter to have to adapt and read targets instantly, to determine lead and there are a lot of different techniques. He said it is a sport that requires a high level of skill. Because of the terrain at this facility, it allows us to basically mimic any target presentations from anywhere. He said the Europeans tend to shoot with a lot of terrain. People in the south and west they shoot in very flat areas. He said we could duplicate that in all those stations. The shooters in our club tend to be very competitive

shooters and having this premier facility, we could train for any event coming up. He said it is a recreational asset to this entire area, we could train elite shooters. He said we started a youth program. We are encouraging younger people to come in and we have a youth coach that trains young shooters on Sunday mornings.

Chairman Paepre said when you come into the facility; it looks like the shooting range is on the left.....was existing, correct?

Mr. Calcagnini said when you come in on the left, that's where the pistol range, trap fields and 5 steer.

Chairman Paepre asked where would the sporting clay course be?

Mr. Calcagnini said it is on your right.

Mr. Stone said this is a cross country type of thing as opposed to a trap and skeet which is stationery.

Mr. Calcagnini replied correct. He said a typical round of sporting clays is 100 targets, 6 or 8 targets per station. We have 14 stations on the course and typically with the terrain you could throw an unlimited variety of targets to help train the athletes.

Mr. Stone asked do you anticipate that this facility being a premier facility..... Where is the next nearest facility that would have this similar type of.....

Mr. Calcagnini replied no one in our area has the type of terrain that we do. The nearest one that has a lot of competitive shooters is in New Paltz.

Mr. Stone asked do you anticipate that this venue would be used competitive events, where people would be coming from longer distances and so on and so forth.

Mr. Calcagnini replied at most it would be four times a year. We would have more shooters on those days.

Mr. Stone said there is still a question of parking.

Chairman Paepre said they are working that out now.

Mr. Calcagnini stated the building inspector has indicated under the code, because we are talking about potentially increasing our membership to 250 from the current 202, we would require 502 parking spaces. That is so far above our needs. He said he has been keeping a chart since February 14th to March 31st and there were only 31 cars on the property at the most. He said we would like to get a referral to the ZBA since we know we are not going to be close to the 502 parking spaces.

Mr. Cote said you are looking a period of time when shooting is probably not at its maximum. You will probably see more people when the weather gets nicer. He asked when your members arrive do they have to check in, do they swipe a card?

Mr. Calcagnini said under our procedures, they are required to check in to the office before they go out. They don't have to get the card, because we have a system called the long range system, so you could pre-buy your targets on the card and then load it on a card with a RF chip. He said you do not physically have to go into the office to do that, but as a safety requirement we want to know who is on the hill.

Mr. Cote said the reason why I ask is if there is a way you could check membership activity during the warmer season, because with your own data it would help us understand the activity. He said it could be presented to the building inspector with the total numbers versus the people that come on any given day.

Mr. Carnazza said the code is written for a golf course.

Mr. Furfaro said in fairness of the code, most of the applicants that come to our board have to go for parking variances. It's not uncommon for us to refer you to the zoning board for parking variances. He said you don't want to have a parking issue later on, you want to figure it out now and do it right. I had the opportunity to go to the site; I would recommend everyone do the same. He said it is a very nice facility and it seems to be very well kept. He said it is an asset to the community. He said you have to work out your parking and you have to work out the noise with your neighbors. You want to be good neighbors.

Vice Chairman Giannico said it would be very beneficial for the board, if you walk the board through the safety aspect of it.

Mr. Calcagnini stated he has a lot of experience and first and foremost is everyone's safety. He said the cage is a safety feature, because the vertical post and the horizontal bar control the muzzle of the gun. He said no one is allowed to load a gun until the muzzle of the gun is over the horizontal bar. If your gun is over the horizontal bar in the cage and there is an accidental discharge it is going down range, no one would get hurt. He said the verticals in the overhead prevent people from going out of the range of the field of fire. We also have a few certified range safety officers at the club, including myself. One of the functions of the safety officer is if they see an unsafe behavior going on, it will be stopped right then and there. He said we are trained how to deal with an unsafe situation. He said we have a lot rules and regulations. For instance, in terms of shot size, nothing larger than 7½ shot is allowed.

Mr. Stone asked is there a limit as to how many people could be on the course at one time?

Mr. Calcagnini replied there are 14 stations and we do not allow squads larger than 6. So, the maximum number would be 84 people on the course at any one time.

Mr. Carnazza asked how many people would be at a big event?

Mr. Calcagnini said I was at New Paltz and there were about 50 people.

Mr. Cleary said the question is, it's just shooters, are there are vendors, caterers and so on.....

Mr. Calcagnini stated this coming weekend, I will be down in New Jersey and it is a big event, but they have an enormous facility with 5 different courses, so there will probably be 500 shooters there. When you get to those big events, they do have vendors. You do not see vendors coming to little events like ours.

Chairman Paepre stated Mr. Carnazza has received a lot of complaints from neighbors and I agree with Mr. Furfaro that the board do a site visit prior to moving this any further and parallel to that you could address the comments from the consultants and then come back to the board.

Vice Chairman Giannico stated the last time you were in front of the board, I had asked for pictures for each station looking out. Were those provided?

Mr. Calcagnini replied we did not submit them. He said I have them on the computer....

Vice Chairman Giannico said to send them to the secretary for distribution to us.

Mr. Stone asked if the noise is an issue, how can that be mitigated?

Mr. Rich Williams of Insite Engineering, addressed the board and stated when you come to the sight it will give you a good idea of the terrain and the direction of fire and the way the noise carries through the hill. He said going to the site is very important, but there are things that have already been implemented, so as sound barriers at two of the stations.

Mr. Calcagnini stated we are not adverse to building additional sound barriers and/or enhancing the two that are there.

Mr. Franzetti stated any additional disturbance creates the need for a new drawing to be submitted, does it impact your stormwater, land use and so on. Any disturbance you need to make sure it's accounted for in your calculations.

Mr. Calcagnini asked since we do not have 502 parking spaces, can we get a referral to the zoning board?

Chairman Paepre said let us do our site visit and address the other issues from the consultants, especially the parking layout.

Mr. Carnazza stated we need the actual number of parking spaces provided.

HOMELAND TOWERS LAKE CASSE – 254 CROTON FALLS ROAD – TM – 65.19-1-43
– SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to add a 160 ft. cell tower (reduced by 20 ft.) to an existing residential property off Croton Falls Rd. in Mahopac. Variance is required for the following: 156-620(2) only allows 50 ft. tall towers. 156-620(3)(c) allows 50% increase. 75 ft. allowed, 160 ft. proposed, 85 ft. variance required. The driveway ranges from 12 ft wide to 58 ft. wide. Typical 2 way aisles are 24 ft. wide. If the board feels that there should be a 24 ft. two-way aisle, they either need to comply or get a variance from the ZBA. The mock-up (balloon and crane) test was done at the site. Has this been submitted to the independent consultant for review? Did we get any formal feedback?

Mr. Franzetti read his memo which stated the application consists of a 160 foot monopole and a fenced, 36' x 100', compound for related equipment along with an access drive. It should be noted that the applicant responded to three (3) of the 13 comments provided by this Department's September 10, 2018 memorandum. Based upon review of these latest plans, we wish to offer the following preliminary comments:

General Comments

The following referrals would appear to be warranted:

- a. Mahopac Falls Fire Department
- b. New York City Department of Environmental Protection (NYCDEP)
- c. New York State Department of Environmental Conservation(NYSDEC)

Permits from the following would appear necessary:

- d. NYSDEC – Coverage under General Permit GP-0-15-002
- e. NYCDEP – Stream crossing
- f. Town of Carmel Environmental Conservation Board

The area of disturbance for the work has been provided, however it does not account for work that has been performed along the entire length of the driveway. The applicant should note the following:

- g. The threshold criteria of disturbances for the NYSDEC stormwater regulation are between 5,000 square feet and one (1) acre and over one (1) acre. The project will require coverage under the NYSEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) and the development of Stormwater Pollution Prevention Plan (SWPPP) depending on the area of disturbance.

All re-grading required to accomplish the intended development should be provided. It is unclear from the drawings provide the extent of cut and fill proposed for the site.

The location of the following, for both existing and proposed conditions, is needed:

- h. Drinking water well;
- i. Subsurface septic treatment systems (SSTS);
- j. Stormwater management;

- k. Drainage features;
- l. Utilities;
- m. Lighting and associated light spill plan,

All erosion and sediment control measures should be provided on the drawings. 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. He stated I have a list of about 23 detailed comments that I'm not going to go through with the board. A lot of them touch on the requirements of §156-62 of the Town Code that still need to be met. The area of disturbance must include the utility trench up the entire length of driveway. The narrative provided on drawing EC-1 does not include this portion of the work. Drawing EC-1 identifies the following erosion and sediment control measures – construction entrance, hay bales, silt sacks, water bars, temporary diversion ditches, temporary sediment traps, and temporary soil protection. However these features are not located on the drawings or in the details. Provide additional detail regarding drainage from the proposed driveway. In particular the area proximate to the neighbor's house on the south west side of the property. The driveway is approximately 1,000 feet long with an existing residence down grade. The applicant must provide for infiltration of the stormwater from the driveway. This could include a combination of infiltration trenches, infiltrators and rain gardens. There is no construction entrance shown on the drawing. Provide how electric will be provided to site and identify the easement right if any to cross other properties with utilities. Note on drawing SP-2 says "the proposed facility is completely nestled among existing mature trees" This note should be explained further as the area where the tower is proposed to located is in an open section of the site. Parking on the site must be addressed. Silt fence details should meet the NYSDEC requirements. The use of hay bales is discouraged, straw bales should be used. It is unclear if any fill is being brought to the site. All fill brought to the site must be certified per NYSDEC regulations and manifests/certification of the fill material being delivered should be provided. Additional information should be provided as to deeded access rights to this property as it traverses over private and NYCDEP properties.

Mr. Cleary addressed the board and stated this application was first filed some time ago. They have returned to you and have supplemented their application with some additional materials. He said the town's wireless communications ordinance establishes a hierarchy of priorities for the location of these facilities and where this current facility is proposed is in a category 5 location which is a very low priority. Which means it is the applicant's burden to document why they can't be in a higher priority location. In an effort to address that they have submitted supplemental information. First, they did a drive test analysis where they reviewed the gaps in their coverage and that supplements the facility service plan. He said based on your recommendation from when they were last before you, the town is retaining a wireless communications expert (Ronald Graiff) to help review the materials submitted. He stated the tower has been lowered from 180 feet to 160 feet. What was also submitted was an appraisal report. In that report they have evaluated 13 locations near wireless communications facilities, four of which are in the Town of Carmel, others are in communities nearby. The appraisal report identified homes that are in proximity to a wireless telecommunications tower. It looked at the sale

price of those homes compared to homes that don't have a view of the tower. He said the interesting finding was that in every instance, homes that had a view of the cell tower had a higher value than homes that didn't have a view. The applicant also submitted a visual resource assessment which was very well done and it provided the assessment of the crane test and balloon tests. It provided photo simulations of the location of the tower and it indicates where you'll see the tower. It was a very well done study and it shows that the tower is visible in certain locations. The study made a point of indicating that there are no designated scenic visual resources in the vicinity of the tower. In fact, the Putnam County Trailway is a significant scenic resource; it's not a state designated resource, but it's probably the most significant recreational resource in Putnam County. He said it is about 1000 feet from this site and it is not clear if the visual impact assessment evaluated the proximity of that trailway to this tower. He said that is a significant issue that needs to be addressed. He said the applicant has indicated that there is no equipment shelter on the site. There are equipment cabinets and equipment canopies. The applicant is putting a fence around the equipment. They are proposing a stealth treatment of the tower. He said as you could see in the renderings the comparison between a bare tower and a tower disguised as an evergreen tree.

Mr. Stone stated there are cell towers in close proximity such as Peckham Materials, why do we need another one so close?

Mr. Robert Gaudio of Snyder & Snyder LLP, representing Homeland Towers stated in our application submitted back in August of 2018, we submitted a full analysis by PierCon Solutions expert that included propagation maps. They showed all the locations at the existing sites, it showed the existing coverage from the existing site and it showed that it didn't cover into this area. They also showed propagation maps of the proposed tower. In addition, in February we performed an actual crane test. We put a crane at the location. We had a test signal done with a specially equipped test vehicle drive the area and actually collect the signals in both the existing and proposed coverage. He said the existing sites, they don't necessarily have to be towers, some are rooftops, some are very low rooftops and some are very large towers, but they don't get into the area of where the cell tower is proposed to cover.

Mr. Stone asked so does that mean we can expect to see a cell tower within a 1 mile radius because of the dead spots, terrain and characteristics of the surrounding area?

Mr. Gaudio replied when you look at the report that was submitted we showed the two proposed locations that are in front of the board and the third location is further down to the south. He said we shown the long range plan in the report by PierCon.

Mr. Stone asked to explain the benefit or need for a high tower here versus covering hotspots with smaller less obtrusive equipment.

Mr. Gaudio said they are two different things. He said the sites with the rooftops are small coverage footprint areas and high capacity, high dense usage along Route 6. He said to cover wider area range, you generally use larger infrastructure, which is what is

proposed here. He said the entire area is residential; we found a large over 26 acre parcel to be able to place the facility and meet the setbacks. He said technically, we are not asking for the variance for the height, we are actually asking for the waiver which is permitted under your code and allowable by the Planning Board. He said Route 6 has low lying commercial areas with buildings and high density usage and that was proper installation for those facilities, but in a larger geographic area with significant foliage and tree density a larger infrastructure is necessary.

Mr. Stone said these towers are trying to cover dead spots, does that mean over time will we go from 3 to 4 antennas to 30 or 40 on a tower?

Mr. Gaudioso said it doesn't work like that. Generally, there are two reasons why you have a lack of reliable service. One is because you don't have enough signal coverage into an area and/or you have a lack of reliable coverage because you have too much capacity on the system. He said in this case it is just a coverage issue. We haven't shown that this is a capacity issue. On a more densely used area you might have a capacity issue and then what you do with a capacity issue is you add more cells, more locations. He said that is the entire purpose of a cellular system.

Mr. Stone said so it's a carrier coverage problem. He said you're Verizon Wireless, if I understand correctly; other carriers can then use that as a collocation. He said we could 30 or 40 antennas.....

Mr. Gaudioso stated your code actually encourages and requires that the tower be built for collocation. He said we also designed the tower for collocation. If you look at our plans and our structural analysis that was submitted, we have shown that we could handle the four carriers that are operating in the area both on the tower and at the base of the tower.

Mr. Carnazza said you earlier spoke about a waiver. The board could only waiver 50%. So it's 50 feet and the 50% would be 75, so anything over 75 you will need a variance.

Mr. Gaudioso said I don't read the code that way. The code has two different provisions, notwithstanding foregoing the board for collocation purposes permitted to waive the height limit in totality.

Mr. Carnazza said you need to look at the section regarding building a new tower. You're not collocating yet, you're building a new tower.

Mr. Gaudioso stated what I'm saying is for the purposes of additional future collocations; the board has a broad waiver provision. He said if the interpretation is we absolutely need a variance, then I suggest we get that interpretation and go to the zoning board.....

Mr. Carnazza stated I will read the code again and verify that.

Chairman Paepre asked for an explanation of the lane appraisal. It's very hard to believe that the 13 properties had an increase value in their homes.

Mr. Gaudioso said it is a minimal increase and we are not saying and the conclusion isn't that the tower is increasing property values. In fact, the appraisal report is simply a report that has collected the data based on standard methodology that has been upheld numerous times in different court cases. At which time, Mr. Gaudioso reviewed and discussed what was in the appraisal report.

Mr. Cote stated previously I have requested was the drop call data, has there been any progress on that?

Mr. Gaudioso replied what we submitted is the actual signal data.

Mr. Cote said I asked for a drop call data. It is a separate data and I think it will be helpful to us if we were able to look at that.

Mr. Gaudioso replied we will take that under advisement, but it's not necessarily relevant to whether we have a gap in service or not.

Mr. Cote asked why wouldn't it be relevant.....

Mr. Gaudioso replied it is not required by your code.

Mr. Cote said I didn't say it was required; it was something I asked for. I think it will be helpful to board to make our decision.

Mr. Gaudioso replied and what would the standard be in your opinion as far as what that decision would be based on. He asked what number of dropped calls would be relevant?

Mr. Cote stated everybody may have their own opinion of what's.....

Mr. Stone asked what defines a gap in service. If people aren't losing calls, how is there a gap in service?

Mr. Gaudioso stated the FCC came out with an order late last year that says we don't necessarily have to prove a gap in service. We just have to prove a prohibition by a municipality is defined as materially inhibiting our ability to provide service. He said we think we have shown that standard clearly by both drive test data and the propagation maps and experts reports that have been submitted.

Mr. Cote asked have you done a no genuine alternative site analysis?

Mr. Gaudioso replied yes.

Mr. Cote asked did you give us a copy of it?

Mr. Gaudioso yes back in August. He said we have shown it in the PierCon report. We went through the code and the priority list and explained why.....

Mr. Cote said so it was submitted to our experts then.

Mr. Gaudioso replied no, it was submitted to the planning board. I'm not sure about the experts, because your code requires that we agree on the scope of the process and I haven't seen any type of proposal from your expert. He reiterated the PierCon report goes through the code, the priority list and explains why there is no collocation opportunities, why there are no existing structure opportunities, why there are no non-residential zone locations and why are proposed on the priority location that we are proposed on.

Mr. Cleary stated the PierCon report addresses alternatives, whether it is satisfactory or not, it is beyond our capabilities.

Mr. Stone asked do we know when the review might be completed by our expert?

Mr. Cleary replied we tried to get that answer today, but we weren't able to speak to Mr. Graiff. As soon as we know, we will pass it on.

Chairman Paerprer asked if anyone walked the trailway while the balloon.....we all drove by the location, I didn't walk the trailway.....

Mr. Gaudioso stated back in November we had submitted the view shed maps with the proposed locations and we had specifically asked for additional locations. I didn't hear that there was a specific request for a specific location on the trailway. I would have to double check the viewpoints to determine exactly where that was. He said I'm a little surprised given all the effort that went into the view shed map and the proposed locations and the six different balloon tests and crane test and now there is a request from an additional viewpoint. He said we will take a look at.

Vice Chairman Giannico asked if there is a record of the report submitted to the planning board?

Mr. Cleary replied yes. It was a well done report.

Chairman Paerprer said there are about 40 or so photos taken from different areas and streets.

Mr. Gaudioso stated as part of the drive test data we also did multiple heights and we were able to lower the tower by 20 feet. And as part of that analysis and based on your code and prior comments by lowering the height, we believe we got it into a range to be able to offer the stealth tree which is one of the options specifically noted in your code.

Chairman Paepre asked if they have data that shows the different heights and how it deteriorates?

Mr. Gaudioso stated we showed it at 136 and it starts to deteriorate. That's the problem.

Chairman Paepre asked how bad does it deteriorate?

Mr. Gaudioso replied it deteriorates to the point where it doesn't remedy the gap in service.

Mr. Furfaro asked if you were to go up the hill further from where you are now, would the pole be 50 feet shorter?

Mr. Gaudioso replied not necessarily. He said there are two functions, one is elevation and the other is getting the antennas above the tree line enough, so there's not so much attenuation at a distance that you lose the coverage of the gap area.

Mr. Furfaro stated in theory the trees are going up with the elevation, but would be the same ratio, correct?

Mr. Gaudioso replied no it's not.

Mr. Furfaro asked in this case, wouldn't it make more sense to bring it up the hill further, so you could shorten the tower?

Mr. Gaudioso replied there are always benefits and there are always detriments. I heard a lot of comments tonight and I look forward to reviewing the comments. He said this is an existing access drive, so the comments about a proposed access drive.....this is an existing access drive and the amount of tree removal is 3 trees and the amount of ground disturbance is minimal.

Mr. Furfaro stated if we could get a shorter tower and we have to disturb some trees, I think in general, people would be happier with that as opposed to what's proposed. It's something we have to consider. He asked Mr. Carnazza to clarify what the width of the road means. Do they have to have a 24 foot road to get into the site?

Mr. Carnazza replied no. He stated at two way aisle at a shopping center would be 24 feet.

Mr. Furfaro asked is that the requirement for this?

Mr. Carnazza replied that is up to the board to determine. He said this is not a commercial site, this is a residential site with a commercial use..... He said there is no written requirement for this. He said in my opinion, I would leave it as residential as possible.

Mr. Furfaro asked if they were paving the road.

Mr. Gaudioso replied we are proposing to leave the road the way it is.

Mr. Furfaro asked if was possible to get an expert come in and appraise the surrounding homes based on the pictures that was submitted?

Mr. Cleary said that is an unprecedented request from us to make.

At which time, a discussed ensued regarding the appraisal report that was submitted to the board.

Mr. Gaudioso stated you're supposed to review an application under federal and state law. You decide the application based on substantial evidence in the record. I do not believe there is any precedent or authority for the board to create its own evidence. If you want to have someone review our RF report, because it is beyond your technical capability, that's fair. To say that you are going to create a new piece of evidence and make the applicant pay for it, I think is beyond your authority. The report we submitted is pure data. If you want to have someone check the data, that's fine.

Mr. Cleary stated verifying that report is something the board has total control over that.

The board members and applicant continued to discuss doing an appraisal study with an independent expert.

Mr. Furfaro asked at some point these towers will become obsolete. Is there a method when towers are obsolete to take them down?

Mr. Cleary replied the Town Board adopted the requirement of posting a bond. So, when they are obsolete it is removed at their expense. If they don't do it, we recall the bond and we do it.

Mr. Furfaro asked where are we with this application?

Chairman Paepre stated there are about 23 comments from the Town Engineer; I would like them to clear them up first.

Mr. Gaudioso stated we respectfully ask that the public hearing be set, so we could get the input from the public. There is a shot clock that we have already extended to May 31st.

Mr. Charbonneau addressed the board and suggested that the additional comments from the consultants be addressed. Secondly, we have submitted this to our RF expert for their review. I don't think it is right for a public hearing yet. They also need a variance.

Vice Chairman Giannico stated I think we also need to see a report from our RF consultant first.

Mr. Gaudioso stated on September 12th you resolved to hire the consultant and we still do not have a report. He said we have substantially addressed the prior comments and put forth an application that we believe is complete under the statute. I don't see the downside to setting the public hearing. If the board deems otherwise, just note my request for the record.

Mr. Franzetti stated the stormwater regulations are state regulations; it's not the town's requirements. You are also in the NYCDEP watershed and that issue needs to be addressed also. You are crossing over a NYCDEP stream, which you will at least need to determine that. You are putting in utilities there and you are doing disturbance. These are issues that are important and need to be addressed.

Chairman Paepre stated I'm not ready to set a public hearing. The comments need to be addressed and we are aware of the shot clock date of May 31st.

THIMM, KARL – 232 EAST LAKE BLVD – TM- 65.17-1-15 – RE-APPROVAL OF SITE PLAN APPROVAL

Mr. Carnazza addressed the board and stated they were in front of the board to do a boathouse, dock and parking. They then decided not to do the boathouse. They are just doing the parking and the dock, so I have no comments on this.

Mr. Franzetti stated the Engineering Department does not have any objection to the extension of the site plan application for this project as long as there are no changes being made to the site other than the ones that were previously approved.

Mr. Cleary had no objections to the re-approval.

Vice Chairman Giannico move to grant re-approval of site plan for one year. The motion was seconded by Mr. Furfaro with all in favor.

POZZI, ROBERT – 229 SHEAR HILL ROAD – TM – 65.11-1-11 – REGRADING APPLICATION

Mr. Carnazza read his memo which stated the applicant added fill to the rear of the property to level the steep drop-off. I have no zoning comments.

Mr. Franzetti read his memo which stated the application involves the regrading and leveling of the backyard located at 229 Shear Hill Road TM 65.11-1-11. The applicant intends to bring in 500 cubic yards of fill. The overall disturbance for the project as submitted is 10,500 sq-ft which is above 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 required; however erosion and sediment controls are required for the site. This Department reviewed the documentation provided and offers the following comments:

1. Location of the limits of disturbance on the site should be provided.
2. All fill brought to the site must be certified per NYSDEC regulations and manifests/certification of the fill material being delivered should be provided.
3. All wall designs greater than 5'0 in height must be certified by a structural engineer.
4. The location of access for the how fill will be delivered must be provided.
5. 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.
 - The location of that portion proposed to be disturbed and its relation to natural watercourses, if any, within 300 feet of the boundaries of said portion of said premises herein referred to shall be shown. An inset map at a reduced scale may be used, if necessary.
 - Existing and Final contours and show final slopes no steeper than one foot vertically for each two feet horizontally.
 - The details of any drainage system proposed to be installed and maintained by the applicant, designed to provide for proper surface drainage of the land, both during the performance of the work applied for and after the completion thereof.

Mr. Cleary stated there is no site planning issues with this application, it's all related to engineering as Mr. Franzetti described.

Mr. Jack Karell, applicant's engineer addressed the board and stated the applicant has a backyard that is somewhat level and pitches steeply to the woods in the back. We are proposing to build a short wall of 4 feet high, so he could level it without going over the property line. He said about 500 yards of fill will be brought in. He has placed a minimal amount of fill there in past couple years. There is an area of disturbance (points to stream in the back of the property) and we are far enough away from the stream.

Mr. Furfaro asked what is the wall construction going to be?

Mr. Karell said it is going to be a fieldstone wall.

Chairman Paepre stated we need to make sure that the fill that was previously brought in is inspected as well as the fill that is coming in prior to starting.

Mr. Karell said will do. He asked if the public hearing could be waived.

Chairman Paepre replied no.

Mr. Karell asked if we could schedule the public hearing.

Chairman Paepreer replied yes as long as you meet the conditions set forth by the consultants.

Mr. Cote asked if the soil test could be done before the public hearing.

Mr. Karell asked for the existing fill?

Mr. Cote replied yes.

Mr. Stone said and the additional information that was requested by Mr. Franzetti.

Chairman Paepreer said prior to the public hearing let's ensure that he has proper documentation, if not; we will cancel the public hearing.

Chairman Paepreer said to schedule a public hearing.

MINUTES – 03/27/19

Mr. Cote moved to accept the minutes. The motion was seconded by Mr. Stone with all in favor.

Mr. Stone moved to adjourn the meeting at 8:16 p.m. The motion was seconded by Mr. Furfaro with all in favor.

Respectfully submitted,

Rose Trombetta