

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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*Director of Code
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RICHARD FRANZETTI, P.E.
Town Engineer

PATRICK CLEARY
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Town Planner*

PLANNING BOARD MINUTES

May 8, 2019

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

ABSENT: CARL STONE, RAYMOND COTE

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Pozzi, Robert	65.11-1-11	1	P/H	Public Hearing Closed & Resolution Adopted.
Joe Zakon d/b/a 14 Nicole Way LLC	65.6-1-22	1-6	Site Plan	No Board Action.
Homeland Towers Lake Casse	65.19-1-43	7-9	Site Plan	No Board Action.
Minutes – 04/10/19		9		Approved.

The meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Rose Trombetta

POZZI, ROBERT – 229 SHEAR HILL ROAD – TM – 65.11-1-11 – PUBLIC HEARING/RESOLUTION

Mr. Carnazza stated all zoning comments have been addressed.

Mr. Franzetti stated all engineering comments have been addressed

Chairman Paepre asked 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 Vice Chairman Giannico with all in favor.

Vice Chairman Giannico moved to adopt Resolution #19-03, dated May 8, 2019; Tax Map #65.11-1-11, entitled Pozzi Regrading Plan. The motion was seconded by Mr. Furfaro with all in favor.

JOE ZAKON D/B/A 14 NICOLE WAY LLC – 14 NICOLE WAY – TM – 65.6-1-22 – SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to construct 2 buildings for vehicle storage and contractor storage on the corner of Nicole Way and Route 6. ****NOTE: LOT ACCESS IS OFF NICOLE WAY****. The retaining wall was lowered to 5 ft. No variance required. Provide the lot depth and lot width lines on the plat. When I did the calculation, I came up with different numbers. The architect should meet with me to discuss the proper way to calculate these numbers.

Rich's memo said this application encompasses a proposal to develop a 1.41 acre parcel located at 14 Nicole Way at the intersection of Route 6. The project involves the construction of two (2) buildings and related infrastructure. 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. Putnam County Department of Health
 - b. Carmel Fire Department
 - c. Town of Carmel Highway
 - d. NYSDOT

Applicant has acknowledged the need for these referrals.

2. Permits from the following would appear necessary:
 - a. New York State Department of Transportation – depending on improvements to the ingress/egress along Route 6

- b. Putnam County Department of Health Water and subsurface septic treatment systems
- c. Town of Carmel Highway Driveway permit.
- d. NYSDOT – work within right of way.
- e. New York State Department of Environmental Conservation(NYSDEC) – Coverage under General Permit GP-0-15-002
- f. New York City Department of Environmental Protection (NYCDEP)

Applicant has acknowledged the need for these permits and will submit when completed. The only exception is that the NYCDEP Stormwater permit as is it not required.

- 3. The applicant will need to meet with Town of Carmel Highway Superintendent and Town Engineer to discuss permitting requirements and potential moving of access to Route 6.
- 4. All drawings must be signed/sealed by the respective professionals.
- 5. The area of disturbance for the work has not been clearly provided, however stormwater pollution prevention plan (SWPPP) with post stormwater controls has been provided. The applicant will need to provide the following:
 - a. Per the NYCDEP Watershed Rules and Regulations, permits are required within limiting distance to reservoirs and reservoir stems.

The applicant has responded that this permit is not needed. Additional information should be provided to support this determination.
- b. 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.
- 6. Traffic and Vehicle Movement Plans should be provided which provide the following:
 - a. Graphic representation of all vehicle movements through the site should be provided to illustrate that sufficient space exists to maneuver vehicles on the site. This includes cars and oil trucks.
 - b. All turning radii for the site should be graphically provided. This includes the turning radii into the site entrance.
 - c. Provide all sight distance calculations.
 - d. NYSDOT highway right of way.
 - e. It is recommended that the Traffic Study be reviewed by an outside consultant.
- 7. The applicant will be required to supply a stormwater maintenance agreement and maintenance guarantee per Town Code (§156-85 and §156-87 B respectively).
- 8. 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. The applicant will need to provide quantity takes off and costs.

II. Detailed Comments

1. Site Plan Sheet S-1

- a. Available sight distances at each driveway location should be specified on plan in both directions must be provided. All calculations must be provided.

Any clearing along the edge of the roadway R.O.W. that may be necessary to assure appropriate sight distances must be identified.

2. Details Sheet S-4

- a. All curbs, sidewalks, and asphalt should meet the specifications provided in the Town of Carmel Town Code.

The applicant has indicated that the details meet or exceed those in the Town of Carmel code. Additional information should be provided to support this determination.

3. Sediment and Erosion Control Plan Sheet CE101

- a. The area for the infiltration area must be protected during construction
- b. The area of disturbance shown on this drawing does not match Sheet S-3 Landscaping Plan Details and Notes.
- c. Pre-construction meeting should include Town Building Inspector and Town Engineer.

4. Utility Plan Sheet CU101

- a. The area for the infiltration area should be shown on this drawing and must be protected during construction.
- b. The SSTS expansion area does not match Sheet S-3 Landscaping Plan Details and Notes.

5. Stormwater Details Sheet CS501

- a. The depth to groundwater for this practice must be provided. This includes the necessary infiltration testing per the NYSDEC.

6. Vehicle Movement Plan Sheet TM101

- a. Oil truck and vehicle movements should be provided on the drawings.
- b. The sight distances shown do not match Sheet S-3 Landscaping Plan Details and Notes.

7. SWPPP. The review is ongoing, preliminary comments are as follows:

- a. Does not indicate total area of disturbance.
- b. Sheet 2 of 2 post development hydrology referenced on page 6 is not provide.
- c. Construction sequence should include MS4 acceptance.
- d. Page 31 Section (.0 should be reviewed as it does not match the project.
- e. SWPPP and NOI must be signed and sealed
- f. Sections/questions of the NOI need to be filled.

- g. The area for the infiltration area should be shown on this drawing and must be protected during construction.

It is recommended that the applicant's representative call the Town Engineer to discuss further.

Mr. Cleary stated this was initially presented to the board back in January. The applicant has responded to the initial site planning comments as follows:

1. Site Operations – the applicant has clarified that other than the fenced enclosure, no outdoor storage is proposed. The site plan has been revised to illustrate the storage proposed within the enclosure.
2. The applicant has clarified that the site is fairly uniformly steeply sloping. Rather than significantly modifying the site's grades, the proposal sets the new buildings into the slope.
3. The applicant believes the two buildings (rather than a single building) would allow for a better sense of scale, and minimizes the visual impact.
4. The applicant has indicated that the Fire Department will not want access to the rear of the buildings. This assumption should be verified with the Fire Department.
5. The applicant has once again verified that the NYSDOT does not want the site access from Route 6. Sight distances in both directions on Nicole Way are still required. Due to the bend in Nicole Way, and the change in grade next to the driveway (an 8' rise), sight distances to the south (up the hill) are limited - for both the commercial traffic exiting the site as well as residential traffic coming down the hill.
6. An updated traffic study has been provided by Maser Consulting. The study concludes that the Nicole Way/Route 6 intersection will operate at level-of-service A during both the AM and PM peak hours.
7. The retaining wall has been redesigned, and will have a maximum height of 5' instead of 8' in the previous plan. The applicant has clarified that no material will need to be exported from the site.
8. A full SWPPP has been provided.
9. The plans now indicate a subsurface septic disposal system, and on-site well. The applicant is pursuing approvals from the Health Department. Details of electric service will be provided when available.
10. A sight lighting photometric plan has been provided detailing that illumination levels will not exceed 1 foot-candle along the property line.
11. The landscaping plan has been revised to replace the white pines with Norway spruce and Leyland Cypress. Additional landscaping has been provided along Route 6 consisting of soft-touch holly. The applicant is also exploring vine cover for the retaining wall.
12. The mechanical equipment will be located in the area between the two buildings, and not on the roof.

Vice Chairman Giannico asked if there was confirmation from DOT that they will not give access to Route 6.

Mr. Cleary replied yes we do. We have an email from DOT stating that.

Mr. Franzetti said the email said neither yea nor nay. It says it could be done, but it would require significant curb work. He said the person that wrote the email has since passed away.

Vice Chairman Giannico asked how far back was the email?

Mr. Franzetti replied sometime in February.

Chairman Paeprer asked if the Highway Superintendent, Mike Simone looked at the plans yet?

Mr. Franzetti replied yes he has. His concern was why is it on Nicole Way because it is a residential road and why not move to Route 6.

Vice Chairman Giannico stated the board was originally concerned about that location and now the Mr. Simone is saying the same thing. He said I think we need to go back to DOT again.....

Mr. Cleary stated the DOT will never preclude access from a road unless it was an unusual circumstance, but they made it clear what their preference is.

Vice Chairman Giannico said I would like to see that re-visited.

Mr. Alfred Cappelli, applicant's architect appeared before the board. He addressed the board and stated we met with the DOT for the second time after our last meeting. We met with them February 22nd and we have a memo dated February 25th which was a follow up to our meeting. He said Mr. DeNigro of the DOT was very unequivocal about saying no, no, no. As it was discussed at the last meeting, with corner properties on state roads and you have another means of access on a small project, the DOT will disallow access from Route 6. He said Mr. DeNigro is no longer with us and we are discussing it with Greg Bentley. He said perhaps we need to have another site meeting with DOT and someone from the town to discuss it further.

Chairman Paeprer stated yes maybe we could schedule a site visit.

Mr. Furfaro stated the concern is when the trucks come out on Nicole Way, instead of making a right and going out to Route 6, what's to stop them from making a left and driving through the neighborhood, other than signage and those types of things. He said you are going to figure out a way to keep the traffic out of the neighborhood, otherwise it is going to be very difficult.

Mr. Cappelli stated other than signage, and we just a medical building in East Fishkill on Route 82 on a residential street, our access was denied on Route 82 and we had to come off the residential street and the town made us put a sign no left turn for his vehicles.....

Mr. Furfaro stated maybe you could turn the driveway a little bit, making it difficult for the trucks to make a left turn out of there. He said that is going to be the concern of the community and you need to know what's coming. I agree with the Chairman to do another site visit and talk to people with DOT.

Mr. Joe Zakon stated I have no issue with aiming the entrance, so it's pointing down.

Mr. Furfaro said we have to make the community happy.

Mr. Cleary stated the shaping of the intersection is a challenge because of the grade.

Mrs. Kugler agreed it would be a good idea to curb the driveway, so it forces them to go to Route 6 and not towards the residential area.

Chairman Paepre stated there are numerous comments that need to be worked through.

Mr. Cleary said we will arrange the site visit through the secretary and we will invite you as well.

Mr. Furfaro asked if they had elevations.

At which time, Mr. Cappelli displayed the drawings to the board. He pointed to building #1 which is the oil storage building. It has vinyl siding, 5 feet of split face block and gable roof. He said we are trying to blend into the neighborhood.

Chairman Paepre stated this board also plays the role of the Architectural Review Board. He said you will need to tell us the colors, design.....

Mr. Furfaro said maybe you could bring a sample board of colors and materials to the next meeting.

Chairman Paepre stated we have an architectural consultant that this will be referred to. He said this is a key location.

Mr. Cappelli said okay.

Mr. Furfaro asked about the 2nd building.

Mr. Cappelli said this is a slightly shorter building. He said you will only see 6 feet of vertical surface before the roof as it's buried into Nicole Way. He said the siding, block work and color palette will be the same for both buildings.

Chairman Paepre reiterated when you come back bring a sample of materials, color samples and roof samples.

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

Chairman Paepre addressed the audience and stated this is not a public hearing. There will be ample time for a public hearing.

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 RF consulting Engineer determined that the cell tower could achieve the same goal at a lower height (140 ft). If they agree to lower to 140 ft, only 65 ft. variance is required.

156-42D –Two-way aisles are required to be 24 ft. wide. The driveway is only 12 ft. wide at its narrowest point. 12 ft. driveway width variance is required.

Mr. Franzetti stated nothing was prepared for tonight. Nothing has changed from the last time they were here.

Mr. Cleary stated there are no changes from the April 10th memo. He said you do have the report from Mr. Ronald Graiff, your radio frequency consultant.

Chairman Paepre asked Mr. Robert Gaudioso, applicant's attorney, if he had the report from Mr. Graiff.

Mr. Gaudioso replied yes I have the report from Mr. Graiff.

Chairman Paepre asked do you want to speak about Mr. Graiff's report.

Mr. Gaudioso replied we just received it and we will put in a written response to it.

Chairman Paepre stated one of the issues was he wanted a lower tower. His view was that 140 feet frequency would be fine.

Mr. Gaudioso replied I don't necessarily agree that was the conclusion, but we will certainly put in a response to his comments.

Chairman Paepre asked about the shot clock.

Mr. Cleary stated Mr. Gaudioso gave us an extension of the clock to the end of this month. He said if we play out the process moving forward with your public hearings and the public hearings at the zoning board it will take us at least through the end of next month. He said we would need to request an extension of the shot clock to the end of June.

Mr. Gaudioso said I will have a discussion with your counsel after I see the building inspector determination and figure out what the zoning board process is and meetings. He said on November 12, 2018 your board declared its intent to be lead agency. He said I need to understand the SEQR process now that it is a coordinated review I assume. He said the zoning board cannot take any actions over lead agency.

Mr. Carnazza replied on this they can. This is not a use variance, so they would be allowed to make a decision on an area variance. They cannot do it on a use variance.

Mr. Gaudioso said not for a coordinated review, they can't. This is not a setback variance for a residential structure. The planning board needs to make a SEQR determination before the zoning board can act. We will have to coordinate that as well.

Mr. Gaudioso continued and stated in Mr. Franzetti's memo there was a reference to wetlands. We believe there aren't any impacts on wetlands, but there was a recommendation/referral to the ECB. He said what we would like to do is meet at the site with the Town Engineer and look at the issue and come to an agreement on whether there needs to be a ECB referral or not.

Mr. Franzetti replied I will be more than willing to meet with you, the only caveat is any work that is being done over that stream that is in front of house, those are wetlands. I respectfully agree to disagree with you on that. That stream is a wetland and the 100 foot buffer goes around it. He said any work or trenches going up through the driveway, you will a permit for that.

Mr. Gaudioso said I think the site visit will be helpful to make sure we are talking about the same stream and whether it's in 100 feet.

Chairman Paepre stated the board received a letter that talks about the area being used as a dump. He asked Mr. Gaudioso if he was aware of that.

Mr. Gaudioso replied no. He hasn't been privy to the letter. He said we have photographs of offsite dumping that is not on this property. He said I have to see the letter in order to respond to that.

Chairman Paepre said I will make sure you get a copy of the letter. Are you saying the dumping is the property next door?

Mr. Gaudioso said I have been aware of fill that is not on this property, but since I'm not personally familiar with the facts, I don't want to comment any further.

Mr. Furfaro asked what is the timeline if they have to go for variances?

Mr. Carnazza said it will depend on SEQR, right?

Mr. Cleary stated nevertheless we could get him to the zoning board for the next meeting if he could make the submission. So they would need a denial to the zoning board.

Mr. Charbonneau stated I don't think you will have enough time to get on the May agenda.....

Mr. Gaudio said I will follow-up with Mr. Cleary and the secretary to confirm the filing deadlines, the fees and so on. He said we don't have the determination yet, so once I have the determination, I will take a look at it and then we will either appeal it and/or file for the variance application.

MINUTES - 04/10/19

Vice Chairman Giannico moved to accept the minutes. The motion was seconded by Mrs. Kugler with all in favor.

Vice Chairman Giannico moved to adjourn the meeting at 7:32 p.m. The motion was seconded by Mr. Furfaro with all in favor.

Respectfully submitted,

Rose Trombetta