

# **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  
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**RICHARD FRANZETTI, P.E.**  
*Town Engineer*

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

## **PLANNING BOARD MINUTES**

**May 22, 2019**

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

<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>
Willow Wood Country Club Inc	87.7-1-6,7&11	1-3	A. Site Plan	Denied to the ZBA.
Taco Bell (Former Friendly's)	55.11-1-3	3-6	A. Site Plan	No Board Action.
Homeland Towers Lake Casse	65.19-1-43	6-8	Site Plan	No Board Action.
Minutes – 04/24/19		9		Approved.

The meeting was adjourned at 7:38 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 stated we got our replies back from the last set of comments. The QUIET ZONE signs were added to the trail is close to houses. Trash enclosure detail was submitted. 502 Parking spaces required, 80 proposed, 422 parking space variance required. 10 x 20 parking space required, 9 x 18 proposed, variance required. Parking layout is provided. Will this area be permanently improved? If not, a variance is required. Provide a list of all ZBA variances or interpretations requested and denied or granted.

Mr. Cleary read Mr. Franzetti's memo which stated 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.

New York State Department of Environmental Conservation:

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. 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 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 most of the site planning issues. The primary issue that remains outstanding with respect to this application is the clarification of the noise impact issues on the northern portion of the property, so the plan has been revised and it includes A Quiet Zone sign. How that will be enforced or implemented is a question and whether or not it's adequate or sufficient.

Vice Chairman Giannico asked on the northern side where the quiet zone has been established, will there still be a berm put there?

Mr. Rich Williams of Insite Engineering, representing the applicant replied yes, there will be one.

Vice Chairman Giannico asked Mr. Williams to point to the berm on the map. He said the berm is important because as you come down off that hill and come around the intent of the berm should shelter several homes around the bend.

Chairman Paepre asked Mr. Williams to take the board and the audience through the project again.

Mr. Williams addressed the board and stated as far as the berm is concerned, we do have a detail of the landscape berm. The berm itself is over 50 feet long and 22 feet wide at the base. It will rise approximately 3 feet. The reason we are doing that is to actually create a soil. There is a lot of ledge rock in that area. There are existing trees there, but they died. We will be bringing in the soil and building a soil berm in order to establish a suitable planting bed for the trees. He said going back to the site plan what's highlighted in yellow is the sporting clay course (points to map). On the eastern portion of the property we have the existing club, existing parking lot, existing clubhouse and shooting fields. What was created was a trail through the balance of the property. There are 14 stations that start here and end here (points to map), although the trail does continue farther to the north to allow access, there are no stations on this portion of the property.....

Vice Chairman Giannico interjected and said which is where the residents are.

Mr. Williams replied yes. We have added quiet zone signs. He said reason the trail comes to the north is because of the slopes in order to get back down to the main access road, you have to traverse the hill and the idea is when the carts are coming down, there are ways to be respectful of your neighbors by not speeding down the hill, and coming down in a relaxed pace. There is no shooting at that portion of the property. He said there existing noise barriers that have been constructed at the stations. He said I think must of the board members have done a site visit and probably have seen them first hand. He said the balance of the stations as you work your way shoot into the course. For safety, with the exception of on the south side here (points to map) there are two stations that shoot out to the south. All shots remain on the property and all shooting is done within the required separation distances to residents.

Mr. Furfaro asked to point to where the berm is located on the map.

Mr. Williams points to the map showing the location of the berm and said it will be along the northern edge. We will add additional screening, just so you don't see the carts coming down and try to minimize the visual impact.

Chairman Paepre said we spoke about possibly adding some more roofs or sides to the stations, especially stations 13 and 14.

Mr. George Calcagnini of Willow Wood stated with regards to stations 13 and 14; we are willing to put wings on them instead of a flat wall. He said we could also put an L shaped board at station 12. He said station 12 is further away from the houses and an L shaped is all that would be required.

Mr. Cote asked if station 12 was sitting on the side of the valley.

Mr. Calcagnini replied yes. He said station 12 is all the way up on top of the valley on the ridge line.

Chairman Paepre stated in my opinion we need to do some more at stations 13 and 14. Possibly extend it to station 12. He said we have to do something to mitigate the noise.

Mr. Calcagnini replied we have no problem doing what we said.

Mr. Furfaro said I think this is a nice recreation for the Town of Carmel and it's a nice thing to have, but we do have to be good neighbors.

Mr. Calcagnini said we are willing to do that.

Mr. Furfaro said you need variances, correct?

Mr. Carnazza said they need parking variances. Is it permanently improved?

Mr. Williams said our intent would not be to pave and stripe the lot, but to leave it as item 4.

Mr. Carnazza said so that would be the additional variance.

Mr. Stone moved to deny the application to the Zoning Board. The motion was seconded by Mr. Cote with all in favor.

Mr. Furfaro asked if they have to go to the ECB also.

Mr. Williams stated now that we had the wetland validated by DEC, we will survey it and then we will meet with the Town Engineer and confirm exactly what we would be going to the ECB for.

**TACO BELL (FORMER FRIENDLY'S SITE) – 1081 STONELEIGH AVE – TM – 55.11-1-3 – AMENDED SITE PLAN**

Mr. Carnazza read his memo which stated the applicant provided floor plans and elevations. The parking requirements are met. The applicant provided a detail of the trash enclosure. Provide detail of all signage. All necessary variances (provided signage

complies) were granted by the ZBA for the Friendly's project in 1984. The zoning table has been corrected. This project should be referred to the ECB for comments.

Mr. Cleary read Mr. Franzetti's memo which stated he following referrals would appear to be warranted:

The Town of Carmel Environmental Conservation Board (ECB)  
Carmel Fire Department

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.

1. Vehicle Movement Plans should be provided which provide the following:
  - a. All turning radii for the site should be graphically provided. This includes the turning radii into the modified site entrances.
2. The note on Drawing C-100 identifies proposed mill and resurface (typical), however the Pavement resurfacing detail on C-900 has a Truing and leveling as required. Please bring these in conformance with each other. It is recommended that milling be performed.
3. Provide location of and calculations for grease trap sizing.

Applicant has noted that there is a grease trap onsite and that it will be inspected/cleaned. Documentation of this inspection/cleaning should be provided to the Engineering Department.

4. All planting should be verified by the Town of Carmel Wetlands Inspector
5. All plantings shall be installed per §142 of the Town of Carmel Town Code.
6. All curbs and asphalts should meet the specifications provided in the Town of Carmel Town Code.
7. The applicant should provide wind load calculations for the canopy.
8. Sidewalks, manholes and guiderails should be installed per §128 of the Town of Carmel Town Code.

Applicant has noted comments 5 through 9. Note should be added to the drawings.

9. The applicant should provide a water and wastewater use report.

Applicant has provided some basic information. A full report of water/wastewater should be provided as a standalone document.

10. 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.

Mr. Cleary stated the applicant has responded to the initial comments. He said the primary concern was that the initial presentation was for half the building and we didn't know what the other half of the building was going to be used for. He said they are indicating that it will be another restaurant use and what they have done is calculated total parking requirement based on two restaurant uses. He said they presented an architectural plan that is based on a single building as a coordinated single architectural design. That is a significant improvement from where we were at the last meeting. He

said on the right side of the building the parking layout was conflicting. They have organized the parking a little bit better. He said there was some concern about the entrance driveway and whether it should be curbed to separate traffic. He said the applicant is keeping that as a painted area. He said there was a concern about the drive-thru and whether it was adequate in size. The applicant has provided some information from other Taco Bells indicating that this use is typical of Taco Bell. He said it is a fairly long driveway and with that information from other facilities it is reassuring to understand it's not unusual for them.

Chairman Paepre said at the last meeting we discussed the architectural part of the building. He said when you are ready we want you to use our consultant about materials, finishes and signage.

Mr. Paul Dumont of JMC Engineering, representing the applicant addressed the board and stated we have provided preliminary architectural drawings.

Chairman Paepre said before you show us the drawings, can you please give us a brief overview of what's planned for this location.

Mr. Darius Chafizadeh, applicant's attorney addressed the board and stated this is the Former Friendly's Restaurant on Stoneleigh Ave. He said this is a redevelopment of that site and the plan is to leave the building as it is. He said the footprint will remain the same, but there are some parking changes. He said the site will be operated by a Taco Bell and another restaurant.

Mr. Dumont stated we are proposing some minor modifications to the site. The building interior and façade will be renovated or changed in order to facilitate the Taco Bell restaurant. We are proposing minor site improvements, most notably the addition of the drive-thru. Also, the re-building of the existing trash enclosure, handicap accessibility improvements and some landscaping improvements. At which time, Mr. Dumont displays the preliminary elevation prepared by the project architect. He said it shows not only the Taco Bell space, but the second tenant space. He said at the last meeting, you asked us to take a look at the Coco Farms and McDonald's architecture and use it as a guide. He said what you see before you is a comparison of the existing McDonald's restaurant and the schematic elevation that we have now. Full architectural packages including signage are being developed and will be provided before we come back to you. He said some of the façade material features have been coordinated with the McDonald's project.

Vice Chairman Giannico stated at the last meeting we talked about how the building fit into the design of the community. In looking at the actual building as it sits today and looking at your rendition, you have changed the roofline and taken away the cupola, which was some of the features we liked about the project. He said taking into account the design and the materials used in similar locations, that's fine, but I think the overall structure and building as it sits right now, should be preserved in my opinion.

Mr. Furfaro stated before you get to involved it would be wise for you to get together with our architectural consultant.

Mr. Cleary asked if the flat roof necessitated for HVAC equipment.

Mr. Dumont replied I'm not positive, but I do know that we could work with Taco Bell corporate.

Vice Chairman Giannico said the curb appeal could stay as close as possible to what it is. He said if you could work within the parameters of the existing rooflines, incorporating the newer materials, I think that would put us on track.

Chairman Paepre said to make sure you are ready to meet with our architect.

Mr. Dumont stated with regard to the amended site approval, last week we appeared before the ECB for discussion of the wetland permit and we received the permit at the meeting. He said the site plan required some minor modifications to address their comments, which were mostly erosion and sediment control measures and construction notes. He said if you feel comfortable with that, we asked that you consider setting a public hearing for the next meeting.

Mr. Cleary said ordinarily we set a public hearing on a plan that is complete.....

Chairman Paepre agreed with Mr. Cleary. He said you need some time with the architect and I don't want to schedule a public hearing until we know what the building is going to look like.

Mrs. Kugler asked if the rendering is a prototype.....

Mr. Dumont replied no. This is an actual elevation specific to the building.

Mrs. Kugler asked is this the new style of buildings they (Taco Bell) is going towards?

Mr. Dumont replied yes.

Mrs. Kugler said in looking at some of the other facades you have online, there are some that are step down from this that would marry better to what we are looking for in the town.

**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. Variances are required for the following: 156-62O(2) only allows 50 ft. tall towers. 156-62O(3)(c) allows 50% increase. 75 ft. allowed, 160 ft. proposed, 85 ft. variance 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. 156-20 allows 6 ft. max height fence. 8 ft. proposed. 2 ft. fence height variance required. I spoke to the owner of the property and I will be conducting a site visit to discuss the alleged fill placed on the property.

Mr. Cleary stated Mr. Franzetti has an extensive memo; most of it was from the prior memo as well. He said one thing that Mr. Franzetti did since the last meeting was verifying the wetlands on the property and they are accurately flagged, so there is a wetland permitting application as part of this as well.

Mr. Cleary stated the applicant has submitted a revised package that material was sent to the radio frequency consultant engineer. We have not yet heard back from him. He will provide comments to the board and has indicated that he is available to come to our next meeting if needed.

Chairman Paepre stated for the record Mr. Gaudio and Homeland Towers has agreed to extend the shot clock on both cell towers, Croton Falls Road and Dixon Road to June 28, 2019.

Mr. Gaudio of Snyder & Snyder, representing the applicant agreed with the Chairman on extending the shot clock.

Chairman Paepre addressed the audience and stated this is not a public hearing. He said we do not want to debate this with the public whether it's 190 feet or 160 feet. Let us keep working with our technical consultants to narrow it down. We will give the public plenty of time to speak.

Mr. Furfaro stated this project may be on a historic site. What is the.....

Mr. Cleary stated material has been passed along to the State Historic Preservation Office and they are waiting for comments.

Vice Chairman Giannico stated Homeland Towers has responded to our consultants' comments and we are waiting for a review of those responses.

Mr. Gaudio stated I haven't seen the comments from the consultants yet. He said we had submitted on May 10<sup>th</sup> a number of items, including responses from Saratoga Associates regarding some photographs of the trailway. We revised the EAF, we submitted the pinnacle report at 160 feet, we submitted a response from Lane Appraisals, and we submitted a response letter from our engineer with revised plans. He asked if those were not the subject of the most recent comments.



Mr. Cleary said that is the subject of the comments. That packet was sent to Ronald Graiff.

Mr. Gaudioso said so tonight's comments from the consultants were from the May 10<sup>th</sup> submission?

Mr. Cleary said that's correct.

Mr. Gaudioso asked if in the future, we could receive the comments prior to the meeting.

Chairman Paepre said if they are ready prior to the meeting, he replied yes.

Chairman Paepre asked Mr. Gaudioso if there was anything new he wanted to share with the audience.

Mr. Gaudioso replied no. He said as I mentioned earlier we did submit seven items in response to the prior comments. We will make the application to the Zoning Board for the June meeting. As you know this board is the lead agency as it pertains to SEQR, so in order for the Zoning Board to act we would have to have a SEQR determination.

Chairman Paepre said we putting a lot of weight on our technical consultant who is an expert on this. We are waiting to see his comments and then have them come back to us.

An audience member asked what the process is, does it go from the Planning Board to the Zoning Board.....

Mr. Cleary stated the plan will be presented to this board and some point the board will be comfortable with the plan, ready to be reviewed in detail. That's the point it will be referred to the Zoning Board for the height variance. If the variance is granted it comes back to this board for final consideration of this site plan. He said the ECB is in that loop as well.

She asked is it for both sites?

Mr. Carnazza said it will happen separately.

Mr. Cleary said tonight we are only talking about the Croton Falls Road site.

Mr. Furfaro said it is only one site at a time. They are two different applications.

Chairman Paepre stated we follow the agenda and tonight's agenda is only for Croton Falls Road. Dixon Road is not on the agenda and we are prepared to speak on it.

An audience member asked why is the shot clock date the same for both towers?

Mr. Cote said it is emanated from when they the application in, that's when the shot clock starts.

**MINUTES – 04/24/19**

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

Mr. Furfaro moved to adjourn the meeting at 7:38 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta