

APPROVED

CRAIG PAEPRER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS
DAVE FURFARO
CARL STONE
KIM KUGLER
RAYMOND COTE
ROBERT FRENKEL

TOWN OF CARMEL PLANNING BOARD



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*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

JULY 31, 2019

PRESENT: CHAIRMAN, CRAIG PAEPRER, CARL STONE, KIM KUGLER, RAYMOND COTE
ROBERT FRENKEL

ABSENT: VICE CHAIRMAN, ANTHONY GIANNICO, DAVE FURFARO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Downtown Mahopac Properties	75.12-2-26	1	P.H.	Public Hearing Closed & Planner to Prepare Resolution.
Hudson Valley Federal Credit Union	86.11-1-1	1	P.H.	Public Hearing Closed.
Viscovich, Mario	75.42-1-69	1-5	Site Plan	No Board Action.
Taco Bell (Former Friendly's Site)	55.11-1-3	5-8	A. Site Plan	No Board Action.
Homeland Towers Lake Casse	65.19-1-43	8-15	Site Plan	Public Hearing Scheduled, Denied to ZBA & Referred to ECB.
Homeland Towers Dixon Lake	54.-1-6	15-19	Site Plan	Public Hearing Scheduled & Denied To ZBA.
Centennial Golf Club	44.-2-2,3,4	19	Discussion	Adjourned.

The meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Rose Trombetta

DOWNTOWN MAHOPAC PROPERTIES – 559 ROUTE 6 – PUBLIC HEARING

Mr. Carnazza stated this is on for a public hearing and had no comments.

Mr. Franzetti stated all of the engineering comments have been addressed. I have met with the applicant's representative and they know a performance bond is required. They will also need to meet with the State DOT before they start building to make sure they could connect into stormwater drain on site.

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

Chairman Paepre stated my comments at the last meeting were to have the property cleaned up. There is a lot of storage there. He said Mr. Nichols committed to doing that and I'm looking forward to seeing that.

Mr. Joel Greenberg of Architectural Visions, representing the applicant stated as part of the site plan it shows the entire site being taken care of.

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

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

Chairman Paepre asked the Planner to prepare a resolution for the next meeting.

HUDSON VALLEY FEDERAL CREDIT UNION – 150 ROUTE 6 – TM – 86.11-1-1 – PUBLIC HEARING

Mr. Carnazza had no comments.

Mr. Franzetti had no comments.

Mr. Cleary had no comments.

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

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

VISCOVICH, MARIO – SOUTH LAKE BLVD – TM – 75.42-1-69 – SPECIAL SITE PLAN (DOCK)

Mr. Carnazza stated there are four variances required from the ZBA. He is here to get a referral from the ZBA. He also needs a wetland permit.

Mr. Franzetti read his memo which stated this application encompasses adding to existing deck, dock and adding a shed and a porta-potty. The amenity will require the creation of parking on the site per §156.27 of the Town Code. Based upon our review of this submittal, the Engineering Department (Department) offers the following preliminary comments:

1. Based on the drawing provided part of the deck is shown off of the applicants property. This will need to be clarified prior to moving forward with this application.

Applicant has noted that the deck is beyond the applicant's property. Additional details should be provided as to what work is proposed and if any easements are required from the neighbor.

2. The drawing should provide a legend which contains all significant features on the drawing.

Applicant has noted this comments, however no legend is provided.

3. The site plan provided is very confusing and should be updated to provide the existing and proposed site plans.
4. The short environmental assessment form identified the following that the project is located in 100 year flood plain. A Town of Carmel Flood Plain permit is required.

Applicant has noted this comment and will provide.

5. The following referrals would appear to be warranted:
 - The Town of Carmel Environmental Conservation Board

Applicant has noted they will meet with the ECB

6. Applicant notes that the project is on Route 6n which is a State road and "...does not believe we need to apply to the NYSDOT." As there is an NYSDOT drainage easement and pipe on this site, the applicant should confirm with the NYSDOT that no approvals are required.
7. Note on the drawing say the electric is proposed. The details as to how the electric is being installed needs to be provided. In addition any proposed lighting should be provided along with a lighting spill plan.
8. Additional details should be provided regarding:
 - How the proposed features will be installed (construction sequence)

Applicant has noted comment and indicated that this information will be provided if the necessary variances are granted and the project moves forward. These details are needed.

- If a parking spot will be installed.

Applicant has noted that none are proposed. This requires a variance.

- The plan must show the location of erosion and sediment control measures being used during construction.

Applicant has noted this comment and indicated that this information will be provided if the necessary variances are granted and the project moves forward. These details are needed.

9. Various plan information required pursuant to §156-27 ("Site Plans") is currently lacking. These include, but are not limited to:

- Off street parking

None are proposed. This requires a variance.

- Fencing details.

Applicant has noted this comment and indicated that this information will be provided if the necessary variances are granted and the project moves forward. These details are needed.

Mr. Cleary stated there are no further planning issues. The issues that Mr. Franzetti raised have to be addressed. He said you can make the referral to the ECB at this point and the next step would be a referral to the zoning board as well.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated one of Mr. Franzetti's comments was some of the improvements are not on our property. The drawings have been revised and the updated survey has been provided. There were encroachments from the neighbor with a dock, deck and a storage building. They have all been removed. The latest survey dated July 19th shows there isn't anything beyond our property lines. He stated as far as the comments from the Town Engineer, we have some major variances that we need and some of the consultants feel that we should go to the zoning board first instead of going into minute details. He said if the variances are not granted we have nothing. He said I respectfully ask for a referral to the zoning board.

Chairman Paeprer said one of the comments from the Town Engineer is the deck is shown off the applicant's property.

Mr. Greenberg pointed to the drawing showing that it isn't off the applicant's property.

Chairman Paeprer asked Mr. Franzetti if he had the most recent drawing.

Mr. Franzetti replied he provided those drawings, but he said the deck is beyond the applicant's property, that means it's on his property. That's how I read that.

Mr. Greenberg said the original drawings from his first set of comments were off the property. All the encroachments have now been removed (points to map). Again, as Mr. Carnazza stated he needs major variances and I would like to go to the zoning board.

Chairman Paepre asked what is being proposed for electric?

Mr. Greenberg said it's just a light in the shed.

Mr. Stone asked Mr. Carnazza what are the required variances?

Mr. Greenberg replied lot line, lot depth, lot area, dock projects over 25' and 1 car parking variance. Five variances altogether.

Mr. Stone asked why does the dock have to be this big, why can't it fit within the typical requirements.

Mr. Greenberg replied no. At which time, he points to the map showing the deck and stated it is less than 25 feet. The dock where the boats are going to be stored that is going out another 20 feet and if you look at docks on adjacent properties it does not go beyond those.

Mr. Stone stated it is proposed more than 25 feet extension into the lake. Why do you need that? It could be made shorter, correct?

Mr. Greenberg points to the map again showing the existing deck. He said the only thing we are doing is filling in this section (points to map). He said it's all existing.

Mr. Stone said that's not what is shown on the drawing. He said you are extending beyond the existing furthest deck and then adding a dock. Again, is that necessary? That's a question for the zoning board to assess whether it's warranted.

Mr. Franzetti stated it's the planning board's decision to look at that, before you send it to the zoning board.

Mr. Cleary stated there is an existing dock that's a conforming length that's being removed to build a larger dock.

Mr. Cote asked how long is the existing slip?

Mr. Greenberg replied approximately 12 feet.

Mr. Cote said so you are going from 12 feet to 20 feet.

Mr. Greenberg replied that's correct.

Mr. Cote said that's a big difference.

Chairman Paepre asked about the large drain under deck.

Mr. Greenberg said there is a huge drain approximately an 18" pipe that goes underneath.

Chairman Paepre said although you can't see it, I would like to see something on the erosion and sediment control.....

Mr. Greenberg said we want to do all that, but as you know if we don't get the variances, we don't have a project. He said if the board wants us to cut it back to 15 feet, we don't have a problem with that.

Mr. Cote asked about the flood lights.

Mr. Greenberg stated they are existing and they are solar lights.

Mr. Franzetti said there should be an existing plan provided to the board showing all the features that are there now and a proposed plan.

Chairman Paepre said to work with the consultants and clarify several of the comments.

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

Mr. Carnazza read his memo which stated provide detail of all signage. The large "Accent Wall" is a sign by definition. I need a detail of that as well. I only see a response to Rich Franzetti's comments. I did not get a response to any of my comments.

Mr. Franzetti read his memo which stated this proposal involves the re-occupation of the former Friendly's restaurant located at 1081 Stoneleigh Avenue to support a Taco Bell in half the building, and a second restaurant use in the other half of the building. No change to building footprint is proposed and the existing parking lot will be reused. The primary change involves the installation of a drive-thru window and traffic lane for the Taco Bell and the reconfiguration of the existing parking lot. The property is located within Carmel Sewer District #2 and Carmel Water District #2.

Based upon review of the Engineering Department offers the following preliminary comments:

1. The following referrals would appear to be warranted:
 - a. The Town of Carmel Environmental Conservation Board (ECB)
 - b. Carmel Fire Department

2. Permits from the following would appear necessary:
 - a. ECB

The applicant has acknowledged comments 1 and 2. The project has met with the ECB and had received a wetland permit (#951 expires June 27, 2020). The applicant will work with this Department to determine if this requirement is needed as the wetland delineation validation from the NYSDEC is still in process.

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. 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 has acknowledged this comment.

Mr. Cleary stated the applicant had made some modifications to the layout of the parking lot to address some of our original concerns with respect to this. At the last meeting, your real issue related to the façade of the building and how to integrate the two tenant spaces into one. The applicant has been working with our architectural consultant, Mr. Mellusi who is here this evening.

Mr. Paul Dumont of JMC Engineering, Darius Chafizadeh, legal counsel and the applicant Mr. Patel were present before the board.

Mr. Dumont addressed the board and stated when we last before you; we have had a meeting and multiple conversations with your architectural consultant. The design has gone through several iterations and we are very pleased with what we are presenting to you tonight. We have made some significant changes to the plans. He said we provided consistency and continuity throughout the building, in addition to trying to evoke the character your board was looking for in the Route 6 corridor. We feel that the current revisions made to the architecture marry the contemporary look of the current Taco Bell prototype with some of the features of the existing building and projects in the area. He said we are in receipt of the memo from Mr. Mellusi, the architectural consultant and we concur with the statement that the building has a quaintness that will add to the streetscape along the Route 6 area. There were also some technical comments and about five of those were site related that have already been addressed with our site plans and the remainder the project architect will be addressing them. He said at this point, we are hoping that the board will schedule a public hearing.

Mr. Vincent Mellusi, the board's architectural consultant addressed the board and stated the building that was first presented was a very contemporary looking building and the idea was to try and get this to be a little bit more in what the board is looking for, the New

England style. We worked out some of the details, such as the trim, raising the stonewall and capping that off and a couple of other small details.

Chairman Paepre stated Taco Bell is taking about 60% of the building, what did you look at with the rest of the building since we don't have a tenant as of yet.

Mr. Mellusi said one of the concerns when we first met, was to make it look as a unified building which it didn't before. He said one of the main elements was the trim color stopped here (points to map). I insisted it continue to make it look like one unified building. The canopies and lighting details were also changed.

Mr. Carnazza asked about the colors of the building.

Mr. Dumont stated the trim is a gray color; the rest of the building will be gray or off white color. The existing brick on the building will be painted a darker gray color. And the tower will get a stone finish.

Mr. Carnazza asked is it all charcoals?

Mr. Dumont replied yes.

Chairman Paepre asked about signage.

Mr. Dumont stated the project architect is working on developing that. He said if the board is comfortable with this, we will prepare to submit a signage package.

Mr. Cote asked Mr. Mellusi if he feels comfortable that this is consistent with the theme the town is going with.

Mr. Mellusi replied yes with the corporate look that Taco Bell has..... He said the existing building you are starting with today is more of a New England type building then this. He said what we have here as a design is as close as we are going to get. He said I would like to see samples of this.

Mr. Cote asked if they will bring samples to next meeting.

Mr. Dumont replied we will bring a sample board for the public hearing.

Mr. Cleary asked about the accent wall by the drive-thru.

Mr. Dumont stated the accent wall is part of the Taco Bell prototype. It's along the side of the building that faces away from the street side. It's on the drive-thru side. It's basically just a mural that's applied to the building.

Mr. Carnazza asked if it is optional. He said you will need variances for more than one sign. He asked is there a menu board also?

Mr. Dumont replied yes.

Mr. Carnazza asked does it have Taco Bell written all over it also.

Mr. Dumont said we will take a look at that. I don't think it's branded like that.

Mr. Carnazza said because you may not get that variance, because that's a sign.

Mr. Stone asked if this will be a total tear down.

Mr. Dumont said with regards to the façade, the roof will be taken down, but most of the brick that you see outlined on the plan is existing and it will be painted.

At which time, a discussion ensued regarding the more modern Taco Bell prototype and signature colors. They also discussed the charm of the existing building.

Mr. Dumont said for our clients the existing architecture that's there was corporate Friendly's architecture. It's not consistent with what the brand wants to see. He said we really did our best to marry the two.

The board members and Mr. Dumont continued to discuss the architecture design, such as the mural and plantings.

Chairman Paepre said there are still a few things that we are asking for, such as the roof equipment screening, the landscape layout, the signage and samples of the materials.

Mr. Dumont said we will certainly provide details on the screening.

Mr. Cote asked how high will the parapet wall be?

Mr. Dumont replied I'm not sure, but the architect could clarify in the next drawings.

Mr. Cote said I wouldn't feel comfortable with moving this along, without all the issues being resolved.

Mr. Dumont replied understood.

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

Mr. Robert Gaudio of Snyder and Snyder, representing the applicant addressed the board and stated since we last met we did revise the materials on this application. As you may recall, we originally proposed a 180 foot tower and we have now reduced the tower to 140 feet which we think it brings it a height where we could reasonably offer a tree option, a mono-pine option as part of the proposal. We have revised the visual resource

evaluation from Saratoga Associates, to show both of those options. We have revised the Environmental Assessment Form and all of the other supplemental reports regarding the 140 foot height. We have submitted DEC report that came out and looked at the sight and had no problems with any of the issues related to an allegation of fill at the property. We also submitted a revised site plan and engineering letter and most importantly we submitted a full report in response to your RF consultant's report.

Mr. Carnazza read his memo which stated the applicant proposes to add a 140 ft. cell tower to an existing residential property off Croton Falls Rd. in Mahopac. (NOTE: THE FCC LAW ALLOWS AN INCREASE OF 10% OR 20 FT. TO THE HEIGHT OF THIS POLE WITHOUT APPROVAL FROM THE PLANNING BOARD, ZBA OR ANY CHANGES TO SEQRA).

- Variances are required for the following:
- 156-620(2) only allows 50 ft. tall towers. 156-620(3)(c) allows 50% increase. 75 ft. allowed, 140 ft. proposed, 65 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.
- The owner of the property either did or will be submitting the DEC report on the fill. I was told that the fill was cleared by the DEC but I did not see it in writing yet.

Mr. Franzetti read his memo which stated the application consists of a 140 foot monopole and a fenced, 36' x 100', compound for related equipment along with an access drive. Based upon review of these latest plans, we wish to offer the following preliminary comments:

I. General Comments

5. 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)

The applicant acknowledged the need for the referrals, however in the response indicated that the Town of Carmel would conduct the necessary referrals. The applicant should not that they are responsible for these referrals.

6. Permits from the following would appear necessary:
 - a. NYSDEC – Coverage under General Permit GP-0-15-002
 - b. NYCDEP – Stream crossing
 - c. Town of Carmel Environmental Conservation Board

This comment has not been acknowledged by the applicant.

7. The area of disturbance for the project is 12,750 sq ft. This area of disturbance exceeds the threshold criteria of disturbance for the NYSDEC stormwater regulations.

This project is above 5,000 square feet and below the 1 acre threshold and therefore requires coverage under the NYSEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) and the development of Stormwater Pollution Prevention Plan (SWPPP) that includes erosion and sediment controls.

This comment has been acknowledged by the applicant. The area of disturbance includes the entire length of the access driveway. A SWPPP will need to be provided.

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.

This comment has not been acknowledged by the applicant.

Detailed Comments:

1. The proposed tower exceeds the maximum height permitted under §156-62(O)(2), which is capped at 50 feet. In accordance with §156-62(O)(3), the applicant must provide justification for exceeding the maximum height cap. Even with relief from §156-62(O)(2), the maximum height permitted is 50% of the of 50 feet, which would be 75 feet. The applicant is proposing a tower of 140 feet with exceeds this length.
2. The application proposes a tower location at a priority 5 site as identified in §156-62(I)(1). In accordance with §156-62(I)(2), the applicant must provide an explanation of why a higher priority was not selected.
3. Requirements of §156-62L. must be met.
 4. Requirements as set forth on §156-62(O)(3) have not been provided.

Comments 2, 3 and 4 have been acknowledged by the applicant. The information provided should be reviewed by Planning Board Counsel.
5. The previous site plan submitted called for electric service to the site to be installed underground. The current site plan calls for the electric service to be installed on/through seven (7) poles which now pass directly in front of the neighboring property. Typically the Board requires that all utilities be placed underground.

The easement information has been acknowledged by the applicant and should be reviewed by Planning Board Counsel.
6. Additional information should be provided as to deeded access rights to this property as it traverses over private and NYCDEP properties

This comment has been acknowledged by the applicant. The information provided should be reviewed by Planning Board Counsel
7. The silt fence and stabilized construction must be on conformance with NYSDEC requirements.
 8. Graphic representation of all vehicle movements (i.e., cars and trucks) through the site should be provided to illustrate that sufficient space exists to maneuver all types of vehicles anticipated at the site.
9. All turning radii for the site should be graphically provided.

Mr. Cleary stated he does not have any additional comments from his prior memo. He stated he reinforces Mr. Franzetti's comment that utilities be required to be provided

underground. He said we now have a height for the that antenna, so you have the ability now to go to a public hearing, commence public review and refer this application to the zoning board of appeals to see if the height could be addressed through the zoning board.

Mr. Gaudioso stated as far as the utilities are concerned, while it's not required by the code we don't have a problem putting it underground. The reason we showed it above ground was to show the option particularly with respect to making a referral to the ECB if you see fit. He said we will be happy to put it underground as long as the ECB doesn't have a problem with that.....

Chairman Paepre replied yes we would prefer underground, especially when you are talking about seven poles.

Mr. Gaudioso reiterated we would be happy to accommodate that request as long as the consistent and acceptable to the other agencies.

Chairman Paepre asked what is the difference between a monopole and a tree pole?

Mr. Gaudioso replied it is an aesthetic issue. He said at a 180 feet it would look kind of goofy, but at 140 feet it gets into context with surrounding foliage. He said at 140 feet we think it could go either way and we're happy to offer both alternatives and we will leave that to the discretion of the planning board. He said we think either the monopole or mono-pine is an application that we are comfortable with in this case at this height.

Mr. Frenkel asked if the tree limbs on the mono-pine would be visible in all viewpoints?

Mr. Gaudioso replied the places where it's most visible, the tree will be visible and it would be less visible where it's less visible. He said when you look at the one or two locations where it's most visible there are other pine trees in the context of those renderings, therefore, we think it does work. If there were no pine trees in those renderings, we wouldn't necessarily be inclined to offer the tree, but in this case we thought it worked. He said the tree limbs will be around 360°.

Mr. Frenkel asked if they will be revising the elevations to show what it will look like.

Mr. Gaudioso replied we don't have a problem doing that. If the board is inclined to go with the tree, we're happy to make that change. He said we have also filed to get on the August meeting for the zoning board. While the zoning board is performing a variance review, this board is the lead agency under SEQRA and there might be some feedback from the zoning board as well with respect to the two alternatives, but ultimately, I think the design will be in this board's prerogative.

Chairman Paepre stated we want the documentation to show the utilities running underground.

Mr. Gaudioso replied no problem.

Mr. Carnazza said to put a note on the map that the antenna will be painted to match the tree to camouflage

Mr. Gaudio said we will do a step better than that. We will put a “sock” (covering) on the antenna to match.

Mr. Frenkel said can you speak to the circumstances under which the tower might be extended.

Mr. Gaudio said what we put in our documentation from our expert is that we believe at this height; there is space for Verizon Wireless and at least one other carrier below. We will also design the tower to be able to accommodate other carriers below, but we will also accommodate and design the tower to be extended if necessary. He said what the FCC has regulations on is called an eligible facilities request. There are actually six criteria, so the tower couldn't just be extended without any approvals. It would still require approval from the town. He said one of the criterion is it can't be more than 20 feet in extension, no more wider than it currently is, no more than a number of equipment cabinets at the base, you can't expand the compound and you can't invalidate any prior condition of approval.

Mr. Carnazza said so what you are saying is based on our law we have right now, if you wanted to go up another 10 feet, you would have to come back to this board?

Mr. Gaudio replied it would have to go back to the town, how the town processes it is up to the town. He said the town could process it through a building permit application or they could process it through the planning board, but there is a certain time frame to do that. He said we are not proposing to extend the tower, but what we would do is put the money into the foundation and the tower design.

Mr. Cote asked as a stipulation to the approval would you be willing to say we won't increase the height?

Mr. Gaudio replied we don't think so at this stage. He said it would be bad planning for us and for the town. He said not being able to increase the height might handcuff everybody in the future, if someone did prove they needed the height. We will still build the tower to be able to support collocaters below the Verizon antennas. We believe at least one and maybe more might be able to go below. We will design the tower to be able to support those antennas.

Mr. Ronald Graiff, Radio Frequency Consultant for the town addressed the board and stated I submitted two reports on this and with the first one the original height was significantly overreached and then they submitted more information that I reviewed on July 26th. He said those results demonstrated more accurately the drive test that 136 was probably the minimum height required for their antennas. He said this pole could theoretically have no trouble doing three carriers at 136, 126 and 116. He said the issue with the ability of the carrier to increase the height of the pole, is correct. Mr. Gaudio is

correct with the test. He said the interesting thing that you face is that you are designing this as a faux tree, a mono-pine. If it were to be increased you would have to change all of the branches to change the shape of the tree. If you didn't you would get a hutch where it just goes straight up and you don't want that. You want it to continue to look like a conifer. He said Homeland Towers just recently submitted an application after a court hearing and they agreed to limit the height to whatever was finally approved not to increase it. He said if you do that, then grant it no matter what happened there could possibly be another pole. If you're worried about the possibility of 14 additional feet then perhaps they could stipulate to stop there. He said in my opinion the 136 was just about the minimum height. At 126 it began to lose in areas and the last thing you don't want to do is to have them come back with another pole at another time. It's a balancing test for you and if you do consider raising the branch structure will clearly have to change if you want to keep the correct look.

Mr. Stone asked Mr. Graiff to elaborate on the leaf attenuation numbers and the discrepancy in the two used different numbers that was in your report.

Mr. Graiff stated when drive tests are made in the winter when there are no leaves on trees, the attenuation of the signal is only free space attenuation, nothing is getting in the way between the transmitting antenna and the receiving antenna. He said when drive tests are made in the spring and summer, because of the leaves and typically we are talking about deciduous leaves, we're not talking about coniferous leaves the ones that are maples and oaks the ones that are fat and juicy, those leaves tend to attenuate the signal. He said if she had done this quoting a very famous ancient report about what leaf attenuation because of scattering is and she came up with this eight DB number. And then she said in some places it was higher and some places it was lower. I pointed out in my report if that's the case why didn't she shows us that so we could look at the standard deviation and see what the attenuation really was. My professional opinion and countless applications the record is six decibels (DB) which I believe is sufficient for leaf attenuation. He said these drive tests are nearly the gold standard, they are not the gold standard. What the gold standard is when you build and operate it, if it works with people with their phones that's when it works. So, when you do these things they tend to be a little more conservative to allow for people that keep their phones on the seat or on the floor as opposed to a dashboard. He said what matters to you and your planner is it better to have two poles or one pole if the one pole is just a little taller than you would really like it. He said would this system work for Verizon at 126 feet, probably? The evidence was it didn't look terrible. It wasn't perfect, but it didn't look terrible. Where it falls apart then is with three other carriers. If there are only two more carriers, after the Sprint/T-Mobile merger if that happens and then maybe DISH will be a carrier, I don't think your board will be the same board by the time that happens. He said so let's just concern ourselves with Verizon, ATT and the Sprint/T-Mobile if that happens. So, that's three carriers, 136, 126 and 116 it works, it works.

The board and Mr. Graiff continued to discuss the leaf attenuation.

Mr. Stone stated reading their reports, they have justified the coverage, but not capacity. Does the information on leaf coverage and attenuation have any bearing on capacity in the future?

Mr. Graiff stated these applications were for coverage, they were not identified as capacity and that's why I find all of these KPI (key performance indicators), dropped calls, failed calls, etc nice to look at but they don't mean anything. The fact of the matter is, is there demonstrated coverage in the area. He said the population density in this area is a lot less than Manhattan or White Plains. He said as people use mobile phones for more, and more things they will use more band width. What happens then, these systems, this long term evolution that they are using now and we are not talking about 5G, we are talking long term evolution is a very elegant system. He said Verizon, T-Mobile and ATT do something called carrier aggregation. He said when your phone is on LTE it is looking at both networks at the same time, the 700 megahertz network and the 2100 megahertz network. Remember, 2100 doesn't cover very well, but 700 covers really well. So, when they are far away from the tower they are using 700, but as they get closer they use 2100. Now, as more speed is required, this carrier aggregation makes them use both 7 and 21 and puts them together.

Mr. Stone asked if at some point there was a capacity issue as opposed to a coverage issue, does that mean a higher tower or more antennas or some other equipment on the same tower.

Mr. Graiff said if capacity were to be needed, it would be done by adding additional band width and additional frequencies. By that time, this new promise of 5G will probably come in and there will be a small pole on every other street corner to deliver this promise of 5G and that capacity will go there. He said I think you're safe.

Chairman Paepre asked if and when 5G comes and they go on every other corner, does that mean the existing poles come down?

Mr. Graiff said so what are they going to do if they do build out 5G network, the only way they could get it hooked up would be by fiber or some other way of bringing high capacity. He said one of things that's happening now at some of these trials, is they are using the macro site and this is a macro site, it's 140 feet tall. They are using those as nodes to distribute data to the 5G sites.

Mr. Frenkel asked how would you address adding branches onto the mono-pine to address an extension.

Mr. Manny Vicente, President of Homeland Towers addressed the board and stated every time we design a tower whether we think it's of sufficient height or not, we always design the foundation for an extension. I have been building towers for 12 years for Homeland Towers and we have never extended a tower. There are a few reasons for that. He said we agree to minimum height we don't want to agree to a height that doesn't allow for collocation without an extension. We think this height does that and I think what Mr.

Graiff said kind of supports that. If an extension is required, the cost usually gets carried onto the carriers, the T-Mobiles and Sprints. It discourages them financially from conducting that extension. When you have a mono-pine it becomes more difficult and more expensive and that further discourages them from extending a tower unless absolutely necessary. That's important to know. He said if a mono-pine should be selected by the board and the concern is about the look and it needs to be extended in order to prevent another tower from being the integrity of that design and look we will work with the board to specifically design the branches and length of the branches including the possible extension in the future should it be needed. I have been doing this for a long time and from experience we always design a little bit extra strength and size of the foundation goes a long way in the future and prevents a lot of unnecessary costs. He said we have never extended a tower in those 12 years and we built about 50 of them. It's not something that is done easily, either financially or from a design perspective and we would not agree to a height of 140 feet if we didn't feel comfortable that it does allow for the collocation of existing wireless carriers today.

Mr. Frenkel said to clarify; you are saying that there is an opportunity in this juncture to design the tree so that if it ever becomes necessary to extend up you don't have to undo the entire tree and it becomes less expansive to preserve the integrity of the look.

Mr. Vincente replied that's correct.

Chairman Paepre stated in my opinion at this point I think we need to hear from public and we need a motion to deny it to the ZBA and ECB.

Mr. Cote moved to deny the application to the ZBA. The motion was seconded by Mrs. Kugler with all in favor.

Mr. Cote moved to refer the application to the ECB. The motion was seconded by Mr. Stone with all in favor.

Mr. Cote moved to schedule a public hearing on this application. The motion was seconded by Mrs. Kugler with all in favor.

Mr. Gaudioso stated we agree to extend the shot clock to the end of September.

HOMELAND TOWER LAKE CASSE – 36 DIXON ROAD – TM 54.-1-6 – SITE PLAN

Mr. Gaudioso addressed the board and stated on Dixon Lake we have done a similar situation by reducing the height to 110 feet. That facility was always designed to resemble a tree. He said we need a denial to the zoning board and public hearing.

Mr. Stone asked what was the balloon test height on Dixon Lake?

Mr. Gaudioso replied that was at 150 feet.

Mr. Stone stated so the original balloon float was 150 and the current proposed height is 110 feet?

Mr. Gaudioso replied that's correct. He corrected himself and said the balloon test was done at 160 feet.

Mr. Carnazza read his memo which stated d the applicant proposes to add a 110 ft. "mono-pine" cell tower to an existing Residential property off Dixon Rd in Carmel. (NOTE: THE FCC LAW ALLOWS AN INCREASE OF 10% OR 20 FT. TO THE HEIGHT OF THIS POLE WITHOUT APPROVAL FROM THE PLANNING BOARD, ZBA OR ANY CHANGES TO SEQRA).

- 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, 110 ft. proposed, 35 ft. variance required.
- 156-42D- Two-way aisles are required to be 24 ft. wide. The driveway is only 12 ft. wide, 12 ft. driveway width variance is required.
- 156-20 allows 6 ft. max height fence. 8 ft. proposed. 2 ft. fence height variance required.

Mr. Gaudioso stated we don't have a problem with going down to a 6 foot fence. We believe the 8 foot is a better option given the location and security of it.

Mr. Franzetti read his memo which stated the application consists of a 110 foot tower designed to resemble a tree and a fenced 57' x 65' compound for related equipment along with an access drive.

Based upon review of these latest plans, we wish to offer the following preliminary comments:

COMMENTS:

1. The proposed tower exceeds the maximum height permitted under §156(O)(2), which is capped at 50 feet. In accordance with §156(O)(3), the applicant must provide justification for exceeding the maximum height cap. Even with relief from §156(O)(2), the maximum height permitted is 50% of the of 50 feet, which would be 75 feet. The applicant is proposing a tower of 110 feet with exceeds this length.
2. Requirements as set forth on §156.62(O)(3) have not been provided.
3. The application proposes a tower location at a priority 5 site as identified in §156.62(I)(1). In accordance with §156(I)(2), the applicant must provide an explanation of why a higher priority was not selected.
4. The gravel access drive proposed, exceeds 7%, therefore, in accordance with §128-37(E), the access drive must be paved.

The applicant has noted this comment and is paving the driveway from station 2+75 to 4+25.

The applicant should note the paving details should be changed to 8" base, 3" binder and 2" top.

5. The proposed tower will be located on a property adjacent to McDonough Park (off or Angela Drive). As such, in accordance with §156L. (1)(b), the applicant must demonstrate that the proposed tower will not unreasonably interfere with the view from the Town park.
6. All planting should be verified by the Town of Carmel Wetlands Inspector and all plantings shall be installed per §142 of the Town of Carmel Town Code.
A note should be added to the drawing.
7. The area of disturbance for the project is 26,850 sq ft. This area of disturbance exceeds the threshold criteria of disturbance for the NYSDEC stormwater regulations. This project is above 5,000 square feet and below the 1 acre threshold and therefore requires coverage under the NYSEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) and the development of Stormwater Pollution Prevention Plan (SWPPP) that includes erosion and sediment controls.
8. The silt fence and stabilized construction must be in conformance with NYSDEC requirements
9. Soil stockpile locations are to be shown on the drawing
10. A lighting spill plan must be provided.
11. Graphic representation of all vehicle movements (i.e., cars and trucks) through the site should be provided to illustrate that sufficient space exists to maneuver all types of vehicles anticipated at the site.
12. All turning radii for the site should be graphically provided.
13. 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 same issues apply with this application. The same referrals are required as well. They have addressed our initial comments. They have clarified the landscaping, screening and lighting in that area.

Chairman Paepre stated and the utilities will be underground also with this application, correct?

Mr. Gaudioso replied yes.

Mr. Franzetti stated he doesn't have to go to the ECB with this application. There was an inspection performed and any of the work being performed is outside the 100 foot boundary.

Mr. Frenkel asked is there a property value report for Dixon Road?

Mr. Gaudioso replied we could certainly provide one.

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

Mrs. Kugler moved to deny the application to the ZBA. The motion was seconded by Mr. Cote with all in favor.

CENTENNIAL GOLF OF NEW YORK, LLC – FAIR STREET – TM – 44.-2-2,3,4 –TOWN BOARD REFERRAL – CHANGE OF ZONING (DISCUSSION)

The applicant asked for an adjournment.

The meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Rose Trombetta