

APPROVED

CRAIG PAEPRER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS
CARL STONE
KIM KUGLER
RAYMOND COTE
ROBERT FRENKEL
MARK PORCELLI

TOWN OF CARMEL PLANNING BOARD



60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 – Ext.190
www.ci.carmelny.ny.us

MICHAEL CARNAZZA
*Director of Code
Enforcement*

RICHARD FRANZETTI, P.E.
Town Engineer

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

PLANNING BOARD MINUTES

SEPTEMBER 25, 2019

PRESENT: CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, ANTHONY GIANNICO, CARL STONE, KIM KUGLER, RAYMOND COTE, ROBERT FRENKEL, MARK PORCELLI

<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	Resolution	No Board Action.
Taco Bell (Former Friendly's Site)	55.11-1-3	1	Resolution	Resolutions Adopted.
Braemar at Carmel	55.10-1-3	1-3	Site Plan	Public Hearing Scheduled.
Viscovich, Mario	75.42-1-69	4-6	Dock	No Board Action.
Centennial Golf Club of New York, LLC	44.-2-2,3,4	6-16	Disc.	Held over.
Thimm, Karl	65.17-1-15	16	P.H.	Public Hearing Closed & Bond Return Recommended to Town Board.
Union Valley Cemetery	76.16-1-8	16-17	P.H.	Public Hearing Closed & Resolution Adopted.
Homeland Towers Lake Casse	65.19-1-43	17	P.H.	Held over.
Homeland Towers Dixon Lake	54.-1-6	17	P.H.	Held over.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Rose Trombetta

DOWNTOWN MAHOPAC PROPERTIES – 559 ROUTE 6 – TM – 75.12-2-26 - RESOLUTION

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated we have had a lot of conversations with the DOT and they have eliminated about 85% of what they asked for. There is only one item left and asked the board if it could be held over to the next meeting if possible.

Chairman Paepre said we are making progress and had no problem to holding it over to the next meeting.

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

Mr. Carnazza stated all his comments have been addressed.

Mr. Cleary said all his site planning issues have been addressed and there is a resolution before you to be voted on.

Mr. Franzetti stated all his comments have been addressed.

Vice Chairman Giannico asked if there was any movement on a second tenant.

Mr. Paul Dumont of JMC Engineering, representing the applicant stated not at this time.

Vice Chairman Giannico stated the board was very clear on what they hoped to see with the building. I feel it was a poor attempt and that is just my personal feeling.

Chairman Paepre asked when there is another tenant, what will happen to the site as far as architectural, aesthetics, etc.

Mr. Dumont replied the architectural is set. We submitted a package for the second tenant. He said the only change you will see for what you see now, is the second tenant's name instead of the word tenant.

Mr. Cote moved to adopt Resolution #19-09, dated September 25, 2019; Tax Map #55.11-1-3 entitled Taco Bell Amended Final Site Plan Approval. The motion was seconded by Mrs. Kugler with all in favor except for Vice Chairman Giannico who was against the motion.

BRAEMAR AT CARMEL – 49 SEMINARY HILL ROAD – TM – 55.10-1-3 – SITE PLAN

Mr. Jeff Contelmo of Insite Engineering, representing the applicant handed out a sample board of all the different sidings of the building.

Mr. Carnazza stated all of my comments have been addressed.

Mr. Cleary stated the applicant has addressed of the comments.

Mr. Franzetti said the applicant has addressed all comments, there are things they would have to do in the future that they have noted.

Mr. Contelmo stated as your consultants pointed we had some minor site plan comments that was residual to the last set of reviews which we've addressed. Generally speaking we widened the turnaround drop-off area as requested by the Planner. We have advanced some of the details relative to water and sewer. We met with the town engineer to discuss the water and sewer connections and as he pointed out we've expanded our stormwater pollution prevention plan and submitted it to the Engineering office as well as DEP. We believe that the site plan itself has been advanced. Our architect has responded to your architectural consultants comments. He said the material board that is getting passed around has on it a representative sample of the roofing and siding. We have a picture of the stone and also a sample of the stone.

Chairman Paepre asked if the stone will be on the main entrance.

Mr. Contelmo replied yes, that's correct.

Mr. Porcelli asked if the stone is going to be a dry stack like stone or is it a cement joint.

Mr. Contelmo replied it is basically cultured stone.

Mr. Stone said on the front elevation there are two types of roof peaks, what is exactly going on there. It's a little unusual.

Mr. Contelmo replied I agree with you. He said this is not my work. I'm not the architect. He said what I think Mr. Stone is referring to are the two points (points to map). He said I think it has to do with a reflection on what's happening on the side.

Mr. Carnazza said it looks like a stair tower going up to the roof.

Mr. Contelmo said it could be. He said we will check it out.

Mr. Stone asked about the vinyl shingles. He said they seem a little out of proportion to the clapboard and so forth.

Mr. Contelmo said I understand what you're saying. He said the clapboard is a narrow spacing and when you move to the vinyl shake.....we will check it out.

At which time, a discussion ensued regarding the east and side elevations.

Chairman Paeprer asked if the water and sewer issues have been resolved.

Mr. Franzetti replied that has been addressed. He said it will be marginally higher, but it will not impact the overall percentage.

Mr. Marquez the applicant's architect just arrived at the meeting. Mr. Contelmo asked him will you be going with a dry joint or mortar joint.

Mr. Marquez replied we will be going with a mortar joint on the stone.

Mr. Contelmo asked Mr. Marquez about the roof elements and the abrupt change. He asked if there was a way to soften that.

Mr. Marquez stated that is the stairwell to the roof. He said we thought that was a lot better solution than having a series of walls. He said from the ground it will not be that pronounced, you won't be able to see that.

Mr. Contelmo said the next question had to do with the shakes and the reveal on the shakes as compared to the reveal on the clapboard. Maybe a smaller shake might be more appropriate or is a larger shake better because of the vertical dimensioning.

Mr. Marquez replied that is nitty gritty detail. We can toy around with that, I guess our thoughts originally were to..... By having a large shake and a smaller pattern on the siding we thought maybe it breaks the pattern up a little bit more.

Mr. Contelmo asked about the rectangular elements on the roof (points to map).

Mr. Marquez replied those are just elevator bulkheads. You won't see that either. That's way back.

Mr. Contelmo said lastly the question was under the windows are they split.....

Mr. Marquez replied they are PTAC units in the residential rooms.

Mr. Carnazza said it is similar to a hotel.

At which time, Mr. Marquez displayed the east elevation drawing that was asked by Vice Chairman Giannico.

Mr. Cote asked what is the purpose of having a stairwell to the roof?

Mr. Marquez replied it is required by code. He said one is required, but we provided two.

Chairman Paeprer said to schedule a public hearing.

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

Mr. Carnazza read his memo which stated there are several details missing from the plat. Detail any fencing (proposed and existing), additional variance may be required.

Variances required from ZBA:

Lake Frontage- 50 ft. 24.94 ft. 25.06 ft. variance
Lot Depth- 30 ft. 16.64 ft. 13.36 ft. variance
Area- 3000 sq. ft. 417 sq. ft. 2583 sq. ft. variance
Parking Space-1 space 0 spaces 1 space variance

Wetland permit is required from the ECB,

The platform is over the lake and sitting on the mud. A use permit is required from the STATE OF NEW YORK.

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

Mr. Franzetti read his memo which stated 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 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.

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

Applicant has noted they will meet with the ECB

5. 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.

6. 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. These details are required for review.
7. 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 required for review.
 - 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 required for review.
8. 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 required for review.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated one of the comments from the board was that the dock was going out more than 25 foot requirement. I met with the applicant and made a change to the drawing, so that variance is no longer needed. He said I know the consultants want more details, and there are a lot of details that have to be provided, but we don't get the variances the project is dead. So it makes no sense to go through all this spending the client's money to do all these details. He said if the variances are not granted we have no project, so I respectfully request that we go to the zoning board.

Mr. Carnazza asked what size fence is out by the road.

Mr. Greenberg said it is an existing fence.

Mr. Carnazza said I asked how high is the fence?

Mr. Greenberg said I don't know.

Mr. Carnazza said that is my issue. It could need a variance if it is over 4 feet.

Chairman Paepre said there is a lot going on in the very small area. He said I think the details are very important on this because it is so tight there.

Mr. Frenkel agreed with the Chairman.

At which time, a discussion ensued regarding the details that are still required to complete the site plan.

Mr. Stone stated if I'm looking at the drawing correctly, there is a new dock and an extension of a dock. That's 25 feet, but the new dock from the shoreline looks like it's a little more than 10 feet already. So that's a total 35 feet. How did we get to 25 feet from shore?

Mr. Greenberg said this is 1" equals 5'.....

Mr. Franzetti said I put a ruler on it. It is 25 feet.

Mr. Carnazza said it is from the high water mark is the exact wording of the code.

Chairman Paepre said there are at least two pages of comments, he asked that they answer some of the comments and come back to the next meeting.

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

Mr. William Shilling, applicant's attorney, addressed the board and stated the record should reflect that this is an application or petition for a zone change. He said you have the petition in your file and also an outline was submitted to you with some power points in the hopes that it would clarify the issues that are presented here this evening. He said in all my 37 years of practice I consider this one of the most significant and exciting applications that I've ever had. I think it's a monumental importance to the town and to the hamlet. He said one of the things that were mired by is our time constraints which will discuss. I think the advantages to the town and to the hamlet are so profound that I hope this board will embrace when it is we're trying to do. Currently the track is a 27 hole golf course which consists of 350 acres. On the site is a clubhouse, a banquet center a restaurant, and of course the golf course. He said unquestionably this campus fills the needs and desires and the initiatives of your codes and of town law in that it furthers recreation and furthers social and furthers green space. The application involves the westerly part of the golf course and are now nine holes bordering much on Kelly Ridge. Simply stated what we're looking to do

is a petition for a zone change to make the nine holes back to its original zoning of our one. Discontinue the nine holes and convert the nine holes to a cluster subdivision at the base of the site away from Kelly Ridge so that Kelly Ridge won't lose the landscaping and the views that they currently have. As a condition my client would sign a deed restriction in perpetuity, forever that there could be no development, residential or commercial on the remaining part of the site and the remaining part of the site is 250 acres which is an amazing and a very consequential concession that my client is making to forever bar any development on those 250 acres. In doing so, the goals of your code and the goals of town law are met in that it's preserving green space. It's preserving recreational opportunities, and this site is a social hub for many people in the town and village of Carmel. He said we're talking about protecting over 250 acres which is again a contribution which I think the Town of Carmel and the Hamlet would be a great benefit. We would also cluster the base around Kelly Ridge to preserve their green space and the views that they have. As per the outline in the application, this is an application pursuant to your code of 156-76 and 273 of the town law. Effectively, the procedure that's marked is the matter first goes to Town Board and referred to planning board for comments and for the approval and recommendations and then the public hearing would be held at the Town Board after you make your findings. He said the golf course was approved in the 1990s, significantly there were no restrictions to what we're doing today in our approval backing the late 1990s. At the time the property was zoned R-1 with single family residences. There's an entitlement to 162 units at the time and over the years my client has paid over three million dollars for that entitlement. Currently the site provides recreation, social and green space by virtue of the golf course and the amenities that I spoke about already. He said Mr. Smith will discuss very briefly with you the perils that golf courses find themselves in these days. The dynamic is completely different golf courses all over this nation and all over the state are in peril. They are failing and Mr. Smith will speak to that dynamic which are in the courts in all the boards in New York and across the nation. The golf courses have become less profitable, outings more infrequent, play reduced and so this dynamic is completely different than it was when my clients ventured to open a 27-hole golf course some 20 years ago. It's not uncommon now for golf courses to sell to more profitable uses whether it is residential or commercial. It's happening again in Long Island, it's happening in upstate New York it's happening in Westchester to sell to a more profitable use because of the problems that the golf courses are incurring. He said my client is incurring a similar fate here. Mr. Liebowitz would attest to devastating losses in the last number of years on this site and the burden it is to take care of 27 holes as opposed 18 holes. As a business person this is a matter of survival this isn't something that Mr. Liebowitz would like to be doing here, it's something they have to do. It's a matter of economic survival. So what it comes down to is having an our 18 hole golf course to having a cluster development at the base of the property and have all the attributes that currently brings, such as jobs. Or in the alternate a conventional as of right subdivision on the entire track in which case we would lose the golf course we would lose the banquet center and the other amenities and we would lose the scenic beauty that this campus currently has. To me it's a great opportunity for the town to keep 250 acres green or golf and have all the amenities that that we currently have keep the golf course and keep all of the things that make it a social staple in the Hamlet and in the Town of Carmel. On the issue of the law I have provided several means of authority as to what we're doing and the rationale and the legal basis for our efforts tonight. The first one is case law. It's

called conditional zoning and it's been set forth in a landmark case called Church vs. the Town of Islip. In that case the Court of Appeals (the highest court in the state) said it confirmed that the town can change the zoning with conditions that inure to the benefit of town. He said again, I ask that you consider the incredible benefits that would be granted if the zone change was approved. He said the second means of authority is the Greenway Connection which Carmel adopted the code. The code section is 156-90. It was formally adopted by the Town of Carmel and in its commentary it says the town should encourage use of incentives for preserving recreation and green space. I also want to point to your Planner's memorandum, I don't want anyone to think that Mr. Cleary supports or doesn't support this project. But, as a prelude to the master plan which is in its infancy, he said there is a need for smaller lots. That the lack of smaller lots leads to the accusation of exclusionary zoning and that smaller lots are important for people that don't have the means or desire to maintain. For these reasons and other reasons, we think that this proposition is an appropriate proposal before this board. I would like to submit to you that this is a great opportunity, but the opportunity is fleeting. It is your opportunity to use conditional zoning which is approved by the Court of Appeals and by other towns and other jurisdictions. He said we would like to keep the 18 holes, the clubhouse, restaurant and banquet center which are all important features within the hamlet. We would like to see Kelly Ridge buffered so they do not see the development that would occur in a conventional layout. He said the alternative is a full conventional site plan as of right, which would consist of 95 to 100 units on the entire track of the property. He said I'm not saying this as a gun to the head, I'm saying it because this is economic survival. This has to be done by clients, because they cannot sustain the losses they've incurred over the last number of years. He said the one thousand pound gorilla in the room is the master plan. The master plan is in its infancy. We know that master plans can take anywhere from 3 to 4 years and we also know with the change in administration, change of personnel, the whole thing could be scrapped. The master plan in my mind is an illusory. It's illusory for the discussion this evening. This is a proposal that's before you now. The master plan may or may not occur in the future and if it does it's 3 or 4 years away. To me it's an illusory obstacle; it shouldn't be in your consideration when deciding the plight of my client's application. He said there is no Town Board stopping you. I have seen this board pass projects in the last number of months, notwithstanding the coming of the master plan, so I ask you not to hide behind it. I ask you not to deflect to it. This is an application that needs to be considered now! If we don't consider it we lose an opportunity, the opportunity through conditional zoning is to keep 250 acres green and to keep a social and recreational hub in place.

At which time, Mr. Shilling introduced Mr. Peter Liebowitz of Centennial Golf.

Mr. Liebowitz addressed the board and stated 25 years ago, I came before the planning board to discuss the possibility of building a golf course. Unfortunately, the golf business has changed in the last 25 years. We are here before you to try to keep 18 holes in place. He said the facility is made up 27 holes, pro golf shops, teaching facilities, driving range and social venues which are very important. These social facilities average approximately 7500 guests per year. Our community uses these facilities for wide range of uses, such as weddings, baptisms, Confirmations, graduations, etc. The Rider Cup room is used for smaller events and business meetings. He said we have a number of golf schools and

special camps for your children. We provide discounts to all Putnam residents who play golf on the course. We are also the proud supporters of the Carmel High School team, which we provide free golf for their practice and matches. When Centennial acquired what was then the Tilly Foster farm, the property was zoned one acre, permitting 162 homes. Based upon that number of units we have paid over 3 million dollars in sewage charges and continue to pay \$21,000 additional sewer capital charges per year. He said golf play has declined over 18 years. Reported by the National Golf Foundation, a round of plays has declined approximately 120 million rounds per year. Consistent with these findings our play has continued to decline. Since the year 2000, our golf revenue has gone down 47% and capital operating costs to continue rise. The decline in golf has affected private clubs as well. Loss of membership fees has forced private clubs to offer outings every day of the week as opposed to providing outings only on Mondays. This has made Centennial less competitive and our business has declined at a significant rate. He said as you know a golf course is comprised of 18 holes, however, when we built the course we added a third nine know as fairways. He said a number of years ago we started to analyze alternative solutions, such as experimenting with innovative programs. He said the results of these programs have failed, and our operating losses are in the hundreds of thousands of dollars. The bottom line is there are less people playing golf and all the statistical analysis suggest that this trend will continue. We have come up with two options at this time. Our desirable solution would be to continue operating lakes and meadows and maintain all social functions. In order to accomplish this, we will close fairways and be willing to deed restrict it from any future development. Our plan would be to build 96 units as a cluster home development. This plan provides that over 90% of our 350 acres will remain as open green space. We have an agreement with Toll Brothers who is one of the leading and most reputable home builders in the country to be the residential developer. The alternative proposal would be to build 52 houses on the Carmel property. He said we are aware that the town is considering a master plan review. This is a long and difficult process and our ability to fund these losses will no longer be possible. I hope you agree by keeping the 18 hole golf course along with social venues remain open which we believe would be in the best interest of everyone.

Mr. Frank Smith from Shilling's law firm addressed the board and stated the issues faced by the Centennial Golf Club are not unique to the petitioners, and those issues are not unique to the Town of Carmel. Nationwide for the past 13 years annually, more golf courses have closed then have opened. In 2018, more than 150 golf courses across the United States closed. He said municipalities across the state have used conditional zoning in creative land use techniques to preserve golf courses in particular, but along with recreational uses and open space while simultaneously allowing for development. He said in Armenia, NY in Dutchess County, the Silo Ridge project was granted zoning waivers. This project retained an 18 hole golf course and they constructed more than 240 dwelling units and of the 670 acres, 80% of the property was retained as open space.

At which time, Mr. Smith continued to give more examples of zoning waivers throughout the state.

Mr. Smith stated municipalities across the state have used creative zoning techniques to solve modern problems such as the one we are looking at here today. Smaller lot requirements, cluster subdivision, mixed use developments, deed restrictions and other techniques have been used successfully across the state to preserve open space, to mitigate negative environmental impacts and to allow for smart growth. As opposed to a traditional subdivision, this project will seek to utilize 17 acres. Those 17 acres if combined with the golf clubhouse, the cart storage, maintenance barn and parking will keep more than 90% of the 350 acre property as open space or for golf. This project requires modern solutions and modern zoning techniques in order to preserve the golf course and preserve open space with the Town of Carmel.

Mr. Larry Boudreau of Chasen Companies addressed the board and stated I was here five years ago presenting to this Board for Centennial Golf. I know the project very well. I was tasked with doing the site plan and initiating an environmental assessment. At which time, Mr. Boudreau displays a map showing the plan. The plan on his left shows the concept within the context of the whole golf course, 27 holes. The next plan showed the 96 unit project. He said the clubhouse, the cart barn, the entrance road all stay the same. The project enters on the same entrance that's there today. The only thing we did was add an emergency access on Fair Street. He said we re-delineated the wetlands and we had NYSDEC confirm it (points to map). Under the current zoning the maximum potential development flow could be 66,000 gallons per day. Our proposal, the 96 units is projected to be 42,000 gallons a day. He said the finding statements written 25 years ago anticipated 87 trips during the week day am peak, 91 trips during the weekday pm peak. He said with this proposal there is reduction in the am peak by 11 trips and an increase in the pm peak by 15. He said the number of residents is expected to be 373 and the contribution to the school is 37. He said there is an overall net positive benefit to the town of 560,000 annually based on our calculation.

Mr. Shilling stated your favorable recommendation would lead saving the golf course, the restaurant, the jobs involved with the banquet center, the restaurant and the golf course. This is a social staple in our town and our hamlet and you would secure 258 acres in perpetuity of green space never to be developed again. He said if denied the inevitable would have to be the conventional layout subdivision in two towns with about 96 units. I want to remind you once again this is about survival this is not about a choice the Leibowitzs' have, it's about economic survival. It's legally appropriate because it's codified in the town law and it's codified in your code. It's codified in the greenway pact. Mr. Smith indicated that this is happening in the nation, but also right around the neighborhood in all of our neighboring towns. The town would have an opportunity today to gain a benefit that they wouldn't be able to gain if you choose to defer to the master plan. The comprehensive plan is in its infancy. We can't wait. I ask you please not to defer in a situation where action is needed now. I know that this takes courage and I know this takes insight. I ask you to follow the procedures outlined by the law. Give it a favorable recommendation to the concept if you believe the concept is worthwhile. The Town Board would then hold the public hearing to determine if it goes into a new zone. Once it's in a new zone, site planning issues all those things come before your board. And all the things that you need to know will be made known to you. The first step is for this board is to give a recommendation, favorable,

negative are no recommendation at all to the Town Board and then there is a public hearing at the Town Board. Once again, this is a very important evening, and I hope you agree with me.

Mr. Carnazza stated my only issue is the existing master plan that was done, does not even envision one acre zoning. Are we talking about making it a one acre zone here as well as making a law that allows all this? It's not envisioned that the current existing plan that we have in front of us. There is no zoning for one acre zoning to allow a cluster. In my opinion I thought a variance was going to be the answer at that point, not a change of zoning. It's something that we are bound by. Our code doesn't have one acre zoning.

Chairman Paepre asked do we know when they will start the new master plan.

Mr. Carnazza replied they just started taking RFP's (request for proposal). It's still a couple years out.

Mr. Charbonneau stated the target is 2021.

Chairman Paepre asked whether by 2021 it would be completed.

Mr. Charbonneau stated that's my understanding.

Mr. Cleary stated you heard it explained to you quite well this evening, however, the process is complicated. He said the first step is to create a one acre zone, which we don't have any longer. He said the petition didn't establish what parameters would be established. So, it's unclear if the intent is to recreate the old one acre zone, or a new one acre zone. That means all the uses, all conventional requirements and more importantly where the one acre zone would apply. So, if in fact if we create or recreate the one acre zoning and simply applied to one parcel in the town, it's now spot zoning. He said the residential cluster development is a permitted use in what used to be R-zone which no longer exists. It is governed by a formula on density and that is what Mr. Boudreau has done and provided you what would comply under those provisions. He said what Mr. Shilling failed to mention is we would have to amend the Centennial site plan to eliminate this component. We would then have to deal with SEQR. He said this is a lot of work that's required to deal with this. He said the comprehensive plan is a significant step for us. It would be doing everything they need us to do, but we are not doing in time for them. So, they have every right to step before you and ask for this to be done, but again, all the work has to be done by them. He said the task that's assigned to you; the Town Board has referred to you this zoning petition. Your obligation is to provide comments back to the Town Board. You could send them a positive recommendation, a negative recommendation or you could just send your comments back to the Town Board. The form of your response isn't dictated by law. You have a certain period in which to get back to the Town Board.

Chairman Paepre said based on what we heard tonight, if I ask the consultants to dig deeper and look into this some more.....

Mr. Stone asked about the cluster housing.

Mr. Carnazza said the cluster housing does not go to the board. That's a permitted use right now. It's the one acre zoning that needs to go to board and then they could do the cluster by right.

Mr. Stone stated so to get the number of units they want to build; it needs to be declared one acre zoning.

Mr. Cleary said that's correct.

Vice Chairman Giannico asked how would the one acre apply? Would each cluster need one acre?

Mr. Cleary said the parcel itself would be rezoned presumably to one acre. Once it's one acre, the conventional cluster calculation kicks in.

Mr. Cote asked about phase 1 and phase 2.

Mr. Boudreau said it's not really a phase; it's just for identification, north and south. It's all one project. It's color coded to show Carmel School Central District and Brewster Central School District. He reiterated it's all one project.

Mr. Cote asked Mr. Boudreau to clarify the 96 units and occupancy.

Mr. Boudreau said I could supply the data, but it came from Rutgers.....but it is planning common practice. We have a whole team of planners that do fiscal analysis, so for 96 units, 4 bedrooms that equates to a number that number was 300 and something for residents occupying the site and then from a fiscal standpoint, and I could analyze what it cost Carmel put that many kids through school and I could also look at the revenue generated by the property tax and tax from the town. He said it shows a net benefit to the town over 500,000 annually. It covers the kids; it covers the additional residents in the community.

Mr. Cote said property taxes in this community are very high and 75% to 80% is school tax. You have people that are saying they can't afford to live in this community anymore because of the school taxes. So, when I see development like that, although I think it's a great thing....what pops into my mind right away is how many children are going to be added to the school district and to me it looks like quite a few.

Mr. Boudreau said the number I cited is 37 kids from K-12. The projected number of residents is 373 people.

Mr. Cote asked have you thought about price point on the units?

Mr. Boudreau said the price I used for fiscal analysis was \$550,000 for the unit.

Mr. Carnazza said the question right now is the one acre zoning and without that we can't think about a price.

Mr. Frenkel said but the application sites a number of economic benefits to the town. He asked do these projections in terms of revenues to the town take into account whether these would be sold as condominiums?

Mr. Boudreau said there are 96 units in 25 separate buildings. Most of them are 4 unit buildings, so, I believe each building will have its own lot and the 4 would be condos. They would be sold as townhouses, condos. There will be a H.O.A.....

Mr. Frenkel asked do the numbers reflect the tax revenue that would be applicable to a condo as opposed to a non-condo residence.

Mr. Boudreau said he will check.

Mr. Frenkel said if it does not that would be a crucial piece of information.

Chairman Paepre said I'm not familiar with the scope of work involved with the master plan. I would think it's commercial, downtown, green space and so on.

Mr. Cleary said it is fairly broad. From my understanding it will be soup to nuts, a full complete comprehensive plan.

Chairman Paepre said a part of that would be looking at our 3 acre zoning. Is there a way to prioritize the stages? For example, stage one, let's look at residential zoning. Stage two let's look at commercial; maybe phase ten is parks and recreation. He said I would think the beginning of the master plan might 2 years out and the end of it might be 4 years out.

Mr. Cleary said I don't think that's what the Town Board had envisioned, but it has been done that where elsewhere, where they focused on just residential and then commercial is next. They could certainly structure it that way, that's something you may want to pass along to them.

Vice Chairman Giannico stated by working within our code at 3 acre zoning, you could reduce the acreage on the golf course. He said work with the 3 acre zoning and get a combination that may work with our current codes. If that's economically feasible that would get you another solution.

Mr. Liebowitz stated the alternative is we do 50 houses on the 3 acre zoning. To do that we would have to get rid of the golf course. It all becomes residential land.

Mr. Frenkel asked could you do cluster home arrangement on the existing property that would give you the golf course with just a reduced number of homes.

Mr. Carnazza said our cluster allows for open space and certain things and then you build on a tighter density on a smaller piece of land. But overall, you're developing at the exact density that you would be allowed to build on anyway.

Mr. Frenkel said so instead of 96 homes, a third of that would be about 60 homes clustered and the remainder would be open space which could be the golf course.

Mr. Liebowitz said we are proposing to close fairways by Kelly Ridge Road. Once we do that, we don't have enough land to do what you are suggesting.

Mr. Frenkel stated I thought the cluster zoning said only 35% of the undeveloped property would need to be preserved.

Vice Chairman Giannico said to take a look at that, because if you want to move now it's 3 acres. If you could re-lay that site to make it work.....

Mr. Liebowitz stated we have been a good member of this community for the last 22 years. He said in another project we have done in the pass we had the same issues. The zone change became a precedent. What they did ultimately was restrict it to the specialty parts that we have, so nobody else would be able to provide this kind of open space, who would maintain a 19 hole golf course and all the other facilities and that's the way the deal worked out.

Mr. Cleary said that was not part of the petition and there are ways to craft zoning that can achieve some of those points.....

Mr. Carnazza said you need to propose it to us.

Mr. Liebowitz said we want to stay here; we don't want to close the golf course.

Chairman Paepre said and we want to work with you.

Mr. Liebowitz said maybe we are using the language on variances versus other things. Maybe there are other things that we could work together to figure out how to do it. We have been a part of this town for 22 years and how can we continue to do so. Maybe we have to search for a better structure than what we providing tonight.

Mr. Cleary said by virtue of the fact that the Town Board referring this petition to the planning board, I think they are saying we are going to try and help you figure out a way to get this done if it's possible.

Mr. Carnazza said if you get a variance, it could be a case by case scenario, where if you do a zoning change, it's across the board for that zone that you create. He said you need to watch the wording and that's what we need to work on.

Mr. Shilling said an application for area variances on 90 acres is legislating. There's no way in the world that would pass. As far as our application is concerned you don't have to make

application to join another classification in existence. Our application says the petitioner's request is the zoning code in the Town of Carmel be amended, the zoning map be reclassified and change the zone of the subject premises from residential three acres to its formal classification which was R-1. He said I don't agree that you have join into a classification already in existence. You don't! You can create a new classification with parameters defined.

Mr. Cleary said so that's the clarification. It was not clear that's what you meant.

Mr. Frenkel stated on the open green space, you have this deed restriction and the golf course would continue to operate, what happens in 5 or 10 years if economics of golf courses get progressively worse and you can't operate that business there anymore.

Mr. Shilling said it will remain forever green. There is no development potential.

Mr. Frenkel said if they go bankrupt down the road and they can't pay their bills, the town could take it over and it comes off the tax rolls and becomes further economic burden to the town.

Mr. Cleary said that's absolutely right. A deed restriction won't solve that.

Mr. Shilling said the most important thing we are offering you today is no commercial and no residential development on that 250 acres.

Mr. Charbonneau addressed the board and stated procedurally the referrals come from the Town Board to you. You have the ability to make a positive or negative recommendation. He said time wise the referral came to us July 3rd and if the board is going to hold it over for additional two weeks to gather more facts and have the consultants dig deeper, I just ask the applicant to consent to that time so there is no issue. The board has as a 45 day period of time in which to make a decision, otherwise it's deemed a positive referral.

Mr. Shilling responded we are absolutely in agreement that we waive the time constraints imposed by this board and if more information is requested or required, we certainly would like to give it to you.

Chairman Paepre stated I think we made a lot of progress tonight. This is a major project for both of us, so I would like to ask exactly that. We would like to learn more and we will try to reschedule for 2 weeks if the work can be done. He said you all did a great job presenting tonight.

Mr. Porcelli asked have you done any calculations with the cluster zoning, to see how many units you could get.

Mr. Carnazza said they would have to give open space title to the additional open space. That would negate their right to ownership of a golf course and it would have to be ownership of the 90 or so homes.

Mr. Cleary said the preliminary calculation is 96 homes for cluster.

Chairman Paepre said to hold it over and hopefully in the next weeks you could get the work done and come back to us.

Mr. Charbonneau suggested for the next meeting, since the cell towers will be on the agenda there are issues that need to be discussed with counsel and you may want to do an Executive Session before the meeting.

Chairman Paepre said I think that's a good idea.

Mr. Cote asked Mr. Charbonneau with the project that just came before us, I'm concerned about precedent....We all heard people coming here and say economics, the times and we are having problems paying my bills. He said I worried about what effect it's going to have on other people coming before the board. Do you think it would create a precedent or if other applicants could come forward....

Mr. Charbonneau said he will address that. I would rather not go off the top of my head. It is a concern and again the board is being asked to give a recommendation, either positive or negative and I would suggest that the board also recite facts in support or whatever decision you make.

THIMM, KARL – 232 EAST LAKE BLVD – TM – 65.17-1-15 – PUBLIC HEARING

There was no audio for the first 2 minutes.

The public hearing was closed and a motion was made recommending the full bond return to the Town Board.

UNION VALLEY CEMETERY – 730 UNION VALLEY ROAD – TM – 76.16-1-8 – PUBLIC HEARING/RESOLUTION

Mr. Carnazza stated all his comments have been addressed. This is on for a public hearing.

Mr. Cleary stated he had no comments and you have an approval resolution before you this evening.

Mr. Franzetti stated all his 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. Cote moved to close the public hearing. The motion was seconded by Mr. Stone with all in favor.

Mr. Cote moved to adopt Resolution #19-10, dated September 25, 2019; Tax Map #76.16-1-8 entitled Union Valley Cemetery Regrading Plan. The motion was seconded by Vice Chairman Giannico with all in favor.

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

Chairman Paepre stated that Homeland Towers asked to be held over to the next meeting.

HOMELAND TOWERS DIXON LAKE – 36 DIXON ROAD – TM – 54.-1-6 – SITE PLAN (CELL TOWER)

Chairman Paepre stated that Homeland Towers asked to be held over to the next meeting.

Vice Chairman Giannico moved to adjourn the meeting at 8:35 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta