

APPROVED

CRAIG PAEPRER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS
KIM KUGLER
RAYMOND COTE
ROBERT FRENKEL
MARK PORCELLI
VICTORIA CAUSA

TOWN OF CARMEL
PLANNING BOARD



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Town Planner*

PLANNING BOARD MINUTES
MARCH 11, 2021

PRESENT: CHAIRMAN, CRAIG PAEPRER, KIM KUGLER, RAYMOND COTE, MARK PORCELLI, ROBERT FRENKEL

ABSENT: VICE CHAIRMAN, ANTHONY GIANNICO, VICTORIA CAUSA

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Fairhaven at Baldwin Place	86.6-1-4	Site & Sketch Plan	1-8	Moved to Declare Lead Agency.

The meeting was adjourned at 8:08 p.m.

Respectfully submitted,

Rose Trombetta

FAIRHAVEN AT BALDWIN PLACE – BALDWIN PLACE ROAD – TM – 86.6-1-4 – SITE PLAN & SKETCH PLAN

Mr. Carnazza stated my comments have been discussed and vetted out.

Mr. Cleary had no further comments.

Mr. Cleary said Mr. Franzetti's memo stated the list of permits that are required and many site plan comments that need to be addressed.

Mr. Cote stated he took a hard look at the documents that were submitted for tonight's meeting and prior meetings. What stands out the most is unfortunately I don't believe a lot of the information that was given actually answers the questions that were asked. For instance, traffic has been an issue that we raised throughout the entire process. With regards to the traffic study that was submitted they didn't do a site visit, they used historical traffic data collected in the area between 2008 to 2016. It also used 2019 New York State DOT data for key intersections. My concern is right near that intersection is a brand new development on both sides of the road with many units in the town of Somers. Those could not have been included in the 2008 – 2016 data that was used. The other issue that was raised is the school bus. It is a very important concern with these children and the safety of these children. He said do you honestly think that DOT will give us permission to put a bus shelter in the right of way.

Mr. Jeff Contelmo of Insite Engineering, representing the applicant stated NYSDOT does not have the jurisdiction on that intersection. That's a county roadway, so the Putnam County Department of Highways and Facilities would be the permitting authority for any improvements within the right of way. Our suggestion is certainly not to put the bus shelter in the right of way, but on the private property. Those details could be worked out, we have done it on other projects, especially multi-family projects.

Mr. Contelmo continued and stated we submitted a letter addressing some of the open items. We also submitted the traffic study. We worked with Mr. Carnazza to identify the approximate location of the fire district boundary, because the parent site that we are dealing with is actually in both fire districts. We reached out to school to confirm that they wouldn't come into the private roadway until it was dedicated as a town road and to also confirm that they would pick up at that intersection. They actually pick up from Grand Meadow right now. He said the firm that prepared the traffic report, Maser Consulting, is a very well known traffic engineer in the region and Carmel area. They have done a number of traffic studies including the Somers projects that was referred to earlier. They have also done the studies associated with Union Place. I think their historical data is good and the projections that are made for growth over the years at 2% way over estimates the real growth that's happened and offsets the number of units that you're talking about. He stated we received a response from the County, which quite frankly to us was a bit of a letdown. We replied to the initial comments from the County based on some modifications to the project that were made and we also supplemental it with the parking study that was done. He said in our re-submission to them we tried to clarify to them what our project really is. The County continues to characterize us as a 72 unit dwelling catering to the disabled. That is not what we are. They don't understand it, we tried to clarify it.

Mr. Cote stated when I looked at the parking study, they used two groups to justify what their numbers are and one of them was the assisted living. When you read the definition

of assisted living, there are services provided in that, that you are not going to be providing. He said in my mind, I don't think it's an apt comparison with what you want to do to assisted living.

Mr. Contelmo stated I agree with you that the assisted living doesn't squarely fit with the supportive housing, but again we're relying on the professionals and their experience and the standards they utilize. The parking demand for affordable housing and the parking demand for supportive housing is far less than market rate housing.

The board members and Mr. Contelmo continued to discuss the parking calculations and traffic study for the proposed project.

Mr. Contelmo stated it's highly irregular for the County to start getting into zoning. The County's charge under 239m is to discuss issues relating to inner community or county wide issues. He said the County felt it was necessary to write a page to recite what your zoning says in §256-28, which again I find highly irregular. For the record, I'm not sure if it's really in their charge under 239m.

Mr. Porcelli stated this piece of property is part of a much larger parcel and it's kind of in the middle of the parcel. We are trying to get a sense of what they are planning on doing with the rest of the property.

Mr. Contelmo stated this parcel is on the extreme south end of the property. We are not placing something in the middle and then having to work around it. There are no plans or market demand for the property to my knowledge. We have run the new roadway into with a keen eye on that and that roadway follows a lot of the early planning and studies that were done for Union Place. I have also made it clear that Union Place is long gone and it's not coming back. To your point, it's a commercial zoned piece of property and from where I sit there aren't other plans in the queue, because the demand just isn't there. He stated some of the funding reviews that a project must go through at the state level requires maps that show proximity to services. Proximity to services is extremely important. Having some commercial development, particularly retail and service, such as a movie theatre, those types of proposals in close proximity to this particular community is looked at as a benefit.

Mr. Carnazza asked if they were planning on a putting a path that would go from this property straight through to the banks to get to Acme? And who would maintain that path?

Mr. Contelmo replied yes. The plans include the route and that particular improvement would be constructed as part of this project and it will be privately maintained either by the Search for Change or the landowner. As you may recall, we submitted a plan that showed the County's plan for the extension of the bikeway and how we planned our path to work their paths, so that, there would be a master plan for those improvements to work together.

Mr. Porcelli stated the concern is when this goes to the zoning board and sets a precedent for future development of similar types, such as more residential and it would greatly impact the schools and services without any return to the taxpayers.

Mr. Contelmo stated when Union Place was a marketable project, it included 390 apartments as a mixed-use development. We hope to see this property being used commercially. What was invoked 10 years in retail is long gone.

At which time, Chief Jeff Boyle of Mahopac Falls Fire District addressed the board and stated we have a few concerns regarding this project. He said at this time, we cannot fire protection for this development, reason being the apparatus that is needed for this type of development is a ladder truck. The Mahopac Falls Fire District is a small fire district, with single and double family homes. We do not have a ladder truck to support this development and they are not in the plans to purchase a ladder truck. I understand the Mahopac Fire Department is going to be in our mutual aid plan, however, with the development this large a ladder truck needs to be either the first apparatus or the second apparatus on location and it's not going to happen. The reason being is the apparatus is not guaranteed, it may be out of service or on another call, so a dedicated ladder truck from the Mahopac Falls Fire District is going to be needed for this type of development to adequately supply fire protection.

Mr. Frenkel asked how much does a ladder truck cost?

Chief Boyle replied over a million dollars.

Mr. Cote asked what necessitates a ladder truck for this project, is the height or configuration?

Chief Boyle stated it is the size of the building, the occupancy of the building, the type of material being used for the building and also includes the height. We do not have the resources to reach the top of this building. Our ladders only go about 35 feet, but it doesn't mean it the ladder reaches 35 feet, because you have to pitch the ladder out. The ladders we have in our fire department only goes to 26 to 27 feet.

Mr. Cote asked would you be able to reach the top if it were a two story building as opposed to a three story?

Chief Boyle replied that is a possibility. Average floor is about 10 to 12 feet. It all depends on the location of where we will place that ladder. Also, we do not have a location to store a ladder truck. He said at this time, we do not support this project, because we do not have the resources.

Mr. Cote stated the fact that the building has a sprinkler system, does that in any way change your opinion as to your ability to service in case of fire.

Chief Boyle stated a sprinkler system is only going to control the seat of the fire. It all depends on how the fire starts. That's the purpose of a sprinkler system, is to control the seat of the fire until the fire department gets there. It's not guaranteed to put the fire out. He said as far as EMS is concerned, they are all volunteers. This project will increase our call volume for EMS calls, it will put a wear and tear on our apparatus and it will basically tire our members out.

Captain Chris Tompkins of the Mahopac Falls Fire District addressed the board and stated one of his concerns is water. Most ladder trucks do not have the capability of holding much water due to large ladder on top of the truck. Most of time, you could hook up to a hydrant and get water that way. I understand there will be a sprinkler system

and an onsite water source for that sprinkler system. He asked will we be able to tap into that for proper fire protection?

Mr. Cote asked if there was a separate water supply, what size tank would be necessary to extinguish a fire at a building of that size?

Chief Boyle state there is a formula that we use, I don't know what it is right now. It depends on the size, height and what materials are used for the building.

Mr. Contelmo stated we did receive the fire department's letter which reflected the same concerns. We do note that our property is in both districts and the line comes across our property. Does that give opportunities for future discussions as to which fire district would serve the property and if there could maybe some re-thinking of the line based on Mahopac Volunteer Fire Department's ability to service and protect this type of building. He said we understand and respect their concerns and we appreciate what they do. As far as the water supply system, we are going to have drilled wells as our water supply system and we will have tankage relative to the sprinkler system which is will have fire pumps to service the sprinklers. With that type of system, you don't have hydrants. We have designed those types of system with dead storage tanks outside in consultation with the fire department.

Mr. Frenkel asked with regards to the wells, what type of studies was done to ensure there is enough water all year long for that development.

Mr. Contelmo stated a full Environmental Impact Statement (EIS) was prepared for the Union Place project which was made up of three volumes. Within that document, there was a tremendous amount of studies, physical testing and an analysis that was done. Relative to water, wells were actually drilled, wells were pump tested through a 72 hour pump test. Off-site wells were monitored to see if there was any inner connection from that pumping. All of that was done per state standards for the Union Place project. The Union Place project was proposed to use five times of what this project is proposed to use. He said the wells have been drilled and tested and there is ample water there.

Mr. Frenkel asked how many years ago was that study done?

Mr. Contelmo replied is was done in 2008. He said we would not proceed with that data blindly. We would retest those wells.

Mr. Brody addressed the board and stated this is my fourth time here and as you have gotten to know me and my agency, you got to know a little bit more about the continuum of housing support services that we provide across two counties. For the record, we need to be very careful not to draw comparisons between some of the supervised settings we administer that serve people that have far more intensive needs from those settings that are for people who are living independently and we operate many of those as well. In Putnam County we have between 60 and 70 people who are living independently. They receive some financial support from us and basic minimal support services and very infrequently emergency support services. We've had other settings that are completely different from what we envision for Baldwin Place that provides 24 hour continuous support for people with more acute needs and sometimes those individuals do experience a crisis and need a professional escort to a hospital or some other type of intervention. We do not want to add to the burden of the community. All the data on developments of this type which mix supportive housing and workforce housing do not use EMS services

any more frequently than other developments of comparable size and the same is true for fire as well.

Mr. Cote stated if a person living on premises doesn't report an incident to your organization how will you know?

Mr. Brody said that's not necessarily correct. He said in some instances we might not know. However, in the vast majority of cases we do know. All of our tenants do have a support staff and that would be true of Baldwin Place as well not because they need assisted living or continuous care, but they have someone who is just there to provide that additional support should they need it.

Chairman Paepfer stated you have 36 supportive housing and 36 affordable housing, if there are 10 units empty in one of those two categories, but you have a waiting list on the other, you wouldn't fill those apartments?

Mr. Brody replied no. That's part of the funding structure and part of the state regulation that requires that mix for a variety of reasons, part of it is embedded in the funding and state regulations. The state does not want us to concentrate on large groups of people with any type of special needs without counter balancing it with individuals who may qualify by income standards. He said the short answer is we would have to maintain that mix.

Mr. Porcelli asked but it's not limited to Putnam County?

Mr. Brody replied that's correct with the workforce housing. We would give priority consideration to Putnam County. If, we can't find viable candidates, by law, for those units we could go outside of Putnam County. He said there is a great need for more affordable housing in this community. He said we see our project as being aligned with commercial development. If you have more residents, they will purchase more goods and services in Putnam County, it's a win, win.

Mr. Porcelli stated not if you aren't paying fully into real estate taxes. You may be bringing more people into town to buy more goods at ACME, but you are not contributing to the school or town taxes.

Mr. Brody stated under the terms of a development like this, which may not generate the same level of income as market rate or commercial, we certainly do not have the same capacity to pay taxes in the way a commercial development would. He said this parcel desirable as it is, has been undeveloped for some time. What we would pay is an amount computed in accordance with a net operating income. We estimate during the first year would be in the range of \$63,000 a year going up to about \$83,000. We estimate about \$1,000 per unit.

Mr. Porcelli stated you are asking a lot from the community, but contributing a little, especially if some of the residents are not from this community.

Mr. Cote stated the property tax issue where you will be paying \$1,000 a unit, in my opinion will further compound the issues that we have in the Town of Carmel and people's ability to afford to live here.

Mr. Frenkel asked who are the parties for this pilot arrangement?

Mr. Brody stated there are two different provisions, one is a pilot, the other is the 581A. My understanding is that the project generates a certain amount of net operating income and that's what determines how much is paid to the community in the form of the 581A computation. If there is more net operating income and the development could offer something else, then something else could be considered subject to negotiation between the municipality and the developer. The parties are the owner/operator which is Search for Change. Others that are involved in the development, because we talked about the other mechanisms that support capital construction, such as tax credit, financing, grants and loans, other entities may be party to that, but I couldn't tell you for sure.

Mr. Frenkel said for a municipality point of view would the Town of Carmel be one party?

Mr. Contelmo said the Town Board would be one party.

Mr. Frenkel asked what about the County?

Mr. Brody replied he didn't know.

Mr. Frenkel asked what about the school district?

Mr. Brody replied yes.

Mr. Cleary stated any pilots would be negotiated with all the taxing jurisdictions.

Mr. Frenkel asked and how does the revenue from that pilot get divided between the parties.

Mr. Brody stated I can't answer that, but I will certainly get you answers to that.

Mr. Frenkel asked have you entered into a pilot anywhere else in New York State?

Mr. Brody replied no.

Mr. Frenkel asked do you have an operating budget that goes out pro forma for five to ten years?

Mr. Brody replied yes.

Mr. Frenkel asked if he would share it with the board.

Mr. Brody replied yes.

At which time, a discussion ensued regarding the pilot arrangements/terms, length of time and negotiations regarding the 581A provision.

Mr. Frenkel stated a lot of the spending that your tenants are going to do is across the county line, not in Putnam County. Yes, there may a shortage of affordable rental space in Putnam County, but there is also an excess of property taxes in Putnam County.

Mr. Cleary stated with respect to the review of this application, this board's obligation is to potentially serve as lead agency for the SEQR analysis of this application. Fiscal impacts are standard issued area of analysis that you're obligated to address.

Ordinarily, things like property taxes and how they offset costs associated with municipal services is a fairly straight forward exercise. In this case, the pilot is a negotiated term. Of the issues that you need to deal with in your SEQR analysis, the fiscal and economic impact is one of those issues.

Chairman Paerprer stated I do believe we should make a motion tonight to declare lead agency.

Mr. Cleary said a lot of the information we've been asking of Mr. Brody is clarifying things. We needed that clarification to understand how to process the application, and I think Mr. Brody has been very forthcoming in submitting that information, but I do think we are at point where we commence the SEQR review, and the first step is designating your intent to declare lead agency.

Chairman Paerprer stated we received a lot of paperwork and several comments from the county, which is unusual for us. It actually might help you if we declared lead agency right now, so we could pull it altogether and it would answer a lot of questions.

Mr. Cote moved to declare lead agency for SEQR review. The motion was seconded by Mrs. Kugler with all in favor.

Mr. Brody stated I understand the complexity of this project its unique nature in many respects. I realize I have appeared before you four times and I appreciate the questions and if you have additional questions that haven't been asked or answered, I would be happy to address them in the appropriate fashion, whether verbally or in writing. My agency which is a non-profit has expended close to one hundred thousand dollars between fees and all of our preparatory and pre-development work. That's our burden to bear and we are happy to bear it. I just hope you take it as an indication of how seriously we take this and how committed we are for this to be successful. We recognize there is a lot at stake here for the community and for the people we propose to serve and we do hope and expect that this could part of the solution to the problem and we hope to get to the Zoning Board of Appeals soon.

Mr. Contelmo stated I appreciate the first step for SEQR process tonight, I think that's smart to do. Mr. Brody has invested a lot of time and money for this project. Just to the town alone to appear here is about forty thousand dollars with no guarantees. The threshold issue is not traffic or taxes, although they are very important, the threshold issue is the use and a determination by the Zoning Board as to whether we will be able to proceed. If they decide not, those issues are certainly moot and we have no reason to take up your time. We have made this appeal on a number of occasions and I would like to know what is our path to get to the Zoning Board. Can somebody help me with that?

Mr. Cleary stated one of the variances that you need from the Zoning Board is a use variance. That's not a Type II action, it's an unlisted action or a Type I action. The lead agency, whether it's this board through a coordinated review or an independent review between both agencies, this board and the Zoning Board, has to be completed first. Tonight, we took the first step to that, whether the Zoning Board consents to the Planning Board being the lead agency for a coordinated review, this board would have to adopt its determination of significance first. If the Zoning Board wants separate uncoordinated reviews, then they would have to do SEQR.

Mr. Contelmo replied I do understand that and I appreciate you clarifying it. So, the plan is to complete SEQR before we go to the Zoning Board.

Mr. Cleary said you have to.

Mr. Contelmo said we don't have to if they agree to do SEQR.

Mr. Cleary said then they would have to do it, which in my recollection they have never done. That would be fairly unprecedented.

Mr. Contelmo stated I appreciate that clarification and thanked the board.

Mr. Cote moved to adjourn the meeting at 8:08 p.m. The motion was seconded by Mr. Frenkel with all in favor.

Respectfully submitted,

Rose Trombetta