

APPROVED

CRAIG PAEPRER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS

RAYMOND COTE
ROBERT FRENKEL
VICTORIA CAUSA
JOHN NUCULOVIC

TOWN OF CARMEL
PLANNING BOARD



60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 – Ext.190
www.ci.carmel.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
JANUARY 12, 2023

PRESENT: CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, ANTHONY GIANNICO,
RAYMOND COTE, ROBERT FRENKEL, VICTORIA CAUSA, JOHN NUCULOVIC

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Town of Carmel Comprehensive Master Plan & Zoning Code			1	Discussion.
Jedlicka, Regina	64.13-1-16	P/H & Reso.	1	Public Hearing Closed & Resolution Adopted.
Chang, John	76.30-1-26	A. Site Plan	1-3	No Board Action.
Glenacom Lake Cell Tower	87.5-1-90	Site Plan	3-11	No Board Action.
Minutes – 10/26/22, 11/10/22, 11/30/22 & 12/8/22			11	Approved.
Town of Carmel Comprehensive Master Plan & Zoning Code			11	Discussion.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Rose Trombetta

TOWN OF CARMEL COMPREHENSIVE MASTER PLAN AND ZONING CODE DRAFT – DISCUSSION

Mr. Cleary, Mr. Carnazza and the board members reviewed Section 156-30 (Special District Regulations) and 156-35 – 156-36.3 (Special Use Permit Standards).

Mr. Cote moved to go into Executive Session to discuss legal matters with counsel at 6:45 p.m. The motion was seconded by Mr. Frenkel with all in favor.

Vice Chairman Giannico moved to come out of Executive Session at 7:00 p.m. The motion was seconded by Mr. Cote with all in favor.

JEDLICKA, REGINA – 334 AUSTIN ROAD – TM – 64.13-1-16 – PUBLIC HEARING & RESOLUTION

Mr. Carnazza stated all his comments have been addressed.

Mr. Franzetti stated all his comments have been addressed.

Mr. Cleary stated you have two resolutions before you to be voted on this evening.

Chairman Paeprer asked if anyone from the public wished to be heard on this application.

Mr. Carnazza asked if the open development was approved and noted on the plat and are there conditions.

Mr. Joel Greenberg of Architectural Visions, representing the applicant, replied yes and the Town Board had three conditions added on. The conditions are:

- School buses are not allowed up the existing driveway.
- The homeowners are responsible to maintain the driveway.
- No further subdivision.

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

Mr. Cote moved to adopt Resolution #23-01, dated January 12, 2023; Tax Map #64.13-1-16 entitled Jedlicka Subdivision SEQR Determination of Significance Negative Declaration. The motion was seconded by Mr. Frenkel with all in favor.

Mr. Cote moved to adopt Resolution #23-02, dated January 12, 2023; Tax Map #64.13-1-16 entitled Jedlicka Subdivision Approval. The motion was seconded by Mr. Frenkel with all in favor.

CHANG, JOHN – 716 ROUTE 6 – TM – 76.30-1-26 – AMENDED SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes a change of use for the second floor of the deli on this site from an office to a chapel and altar area and an office.

- Provide a floor layout for each floor including all seating areas, dimensions, etc.
- Provide north point, scale, and graphic scale.
- The architect uses pre-existing as his comment for all zoning non-conformities. This is not a pre-existing building; therefore, the zoning compliance cannot be pre-existing.
- Provide a list of all necessary and all granted variances on the plat.

- Provide a parking calculation. The architect provided that 18 parking spaces are required, however, he did not provide a calculation. I do not see how 18 parking spaces can be sufficient for this site. According to the Fire Inspector, the occupancy upstairs is over 50 (19 parking spaces required for the 2nd floor alone).
- The architect should review the building code before this project goes any further. A second-floor assembly space for over 50 people may require sprinklers, a holding tank as the property is not in a water district, a second means of egress and an alarm system throughout the entire building. Only the first floor has a fire system at this time.
- Show the outdoor patio area.

At which time, a discussion ensued regarding how many parking spaces are required for this change of use.

Mr. Franzetti read his memo which stated the application involves legalizing a House of Worship on the second floor at the referenced property. Based upon review of the plans provided the Engineering Department offers the following preliminary comments:

- Drawing S100 shows the following proposed features:
 - Plantings;
 - Mulch Islands;
 - Railroad tie edges;
 - New concrete curbs; etc.

The applicant should provide details for these features along with the areas of disturbance associated with their installation.

- Applicants representative provided a water/wastewater report. The report indicates that water use will remain constant with current rate. The NYCDEP will need to be notified and approve the wastewater flows.

Mr. Cleary stated the building is dimensionally non-conforming in numerous ways. The applicant should provide evidence that these pre-existing non-conformities are legally pre-existing. The off-street parking requirement for all of the uses in the building must be identified. A full parking analysis is required identifying each use, and the parking requirement for each. The site plan notes that 20 spaces are required. This must be verified. It is noted that the site currently supports 18 parking spaces. A parking space variance is required. The off-street parking requirement for a house of worship is based on the square footage or number of seats. The applicant should provide the number of seats, so an accurate off-street parking requirement can be established for the use. The operational characteristics of the church is requested. What are its hours of operations? What, if any, ancillary services are provided outside of traditional worship services? How large is the congregation? As a place of public assembly, the applicant must document that the space fully complies with all building and fire code regulations and requirements. Clarify if any bells, clarions or other amplified sounds will be audible outside the building. Clarify if new signage is proposed.

Chairman Paeprer asked do we know if the 2nd floor could handle 50 people?

Mr. Franzetti stated I can't answer that question. I am not a structural engineer, so I don't have that answer.

Chairman Paeprer stated isn't this something we should look into?

Mr. Cleary stated there is an occupancy load issue, but that doesn't relate to structural characteristics the building. If there is a large occupancy in that space, it's fair to ask the applicant to provide some evidence of the structural capacity of the building.

Mr. Joel Greenberg of Architectural Visions, representing the applicant stated the Building Department probably has a file from when the building was built.

Chairman Paeprer stated we need to verify that.

Mrs. Causa asked what is the upstairs being used for now?

Mr. Greenberg stated originally it was approved for office space. Right now, it's being used as a church.

Mrs. Causa asked are we improving it or making it bigger?

Mr. Greenberg stated an inspection was done and it was realized that there wasn't any approval for a church on the 2nd floor. That's why we are here before you now.

Mrs. Causa asked how long has it been a church?

Mr. Greenberg replied about 4 years.

Mr. Cote asked what days of the week are the services?

Mr. Greenberg replied they are there twice a week. They only have services at night when the deli is closed. He said the deli and the church will not cross paths as far as parking, but we still need to get a variance for parking.

Mr. Cleary stated since this has been there for 4 years illegally and nobody knew about it, suggests it's not such an impactful use.

Mrs. Causa asked what are looking to change now?

Mr. Greenberg replied we need to legalize it. The original approval was for the deli downstairs and offices upstairs.

Mr. Carnazza stated the fire inspector did an inspection and saw all the chairs on the 2nd floor and asked questions and that's how it came up.

Vice Chairman Giannico asked whether it has proper fire protection for how it is being used now?

Mr. Carnazza stated the fire inspector didn't have any issues with what was there.

Vice Chairman Giannico asked how many egress staircases are there?

Mr. Greenberg replied just one staircase.

Mr. Greenberg stated he appreciates all the comments and will address them.

GLENACOM LAKE CELL TOWER – WALTON DRIVE – TM – 87.5-1-90 – SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to add a 140 ft. "mono-pole" cell tower to an existing residential property off Kia Ora Blvd., Walton Dr. and Maple Hill Dr. in Mahopac (the actual tower is at the end of Walton Dr.). The applicant made

application to the ZBA for the necessary variances (tower height, fence height, and distance to nearest occupied structure).

- What is the width of the driveway? How many trips will be generated from this site.
- A balloon test was done 2/20/20.
- Will there be lighting at the site? Is all lighting oriented downward?
- Why are you proposing a mono-pole and not a mono-“pine”? I assume the mono-“pine” would blend in better.
- Provide a note on the site plan that reads:
“All obsolete or unused wireless telecommunications antennas (including tower supports) shall be removed within 60 days of cessation of operations at the site. The Town may remove such facilities upon reasonable notice and an opportunity to be heard and treat the cost as a tax lien on the property. The Planning Board may also require, at the time of approval, the posting of a bond sufficient to cover the costs of removing an abandoned wireless telecommunications facility.”
- Provide a detail of the I.D. sign that will be installed with the owner/operators contact information (not to exceed 6 square feet).

Mr. Franzetti stated after speaking with counsel my first comment which indicated the applicant would need funding for escrow is not needed. Mr. Franzetti continued to read his memo which consisted of 3 pages of comments.

Mr. Cleary stated we have a fairly extensive series of regulations for wireless communication facilities. There are three threshold issues that exist within that ordinance. The first is we have a hierarchy of siting. This site is one of the lower priorities, which is a category 5 priority. The applicant has submitted a report as to why they can not be in one of the more preferable locations. That needs to be reviewed and evaluated. They looked at six other sites in the category 5 area to determine if those sites might be appropriate. They reached out to see if those owners would be interested in lease agreements. I think all of them declined. The applicant has a fairly thorough response to why they have wound up in category 5. The second threshold relates to the radiation emission of a facility like this. They have submitted their radio frequency expert's report. The third threshold is their facility service plan, meaning they have to demonstrate that there is a gap in service that requires this facility to be in this particular location which has been submitted for you to review and evaluate. The issue with this particular application is that the tower is 140 feet and they need a variance for this. Verizon is the carrier that would be located on this antenna that this company is building. They are also providing space for three other carriers that have not been identified as of yet. They are building a taller facility in hopes of attracting other tenants. Are those other tenants going to arrive at this facility, if not it doesn't have to be this tall. Mr. Gaudio should speak to the necessity to provide those additional carriers on the tower. We have a provision with respect to the setback of that tower from nearby residences, it does not comply with that because of its height. It's double the height of the tower. If the height was lower, it would comply. As it stands now, it doesn't comply, so they need a variance for that. The height of the tower becomes an issue. The second issue relates to visual impacts. They did a balloon test in 2020 and they did a crane test in 2022, photographs were taken and they did visual impact assessments from 39 viewpoints around the community. The tower would be visible from 29 of those viewpoints. Seeing it is not necessarily a basis to deny an application. There are two issues that are more of a concern. It's visible from the county trailway, which is designated senior resource and Teakettle Park. The applicant has provided some visual assessments of those. He said it's a little difficult to make out what's going on, so if you could zero in on those two particular viewpoints with a little detail for us that would be helpful. The final piece relates to the construction pad that they need to create. This pad will be in the middle of a steeply sloping area. It's a challenging construction site. They are removing a number of trees to accommodate that. He said the construction project of creating the pad is something we

have to look at very carefully. The amount of cut and fill that might be necessary for that. They are removing about 40 trees and we should talk about the replacement of trees. We need to verify that the generator will be code compliant. He said the proposal right now is a brown tower of 140 feet (monopole). Is there a color that might be better than brown? Is there some way to disguise the facility and use stealth treatments to mitigate the visual impact of the tower.

Mr. Robert Gaudioso of Snyder & Snyder, applicant's attorney addressed the board and stated we originally filed this application in January 24, 2020. At that time, we submitted a number of items which I would like to go through. We submitted a structural certification from our engineer to confirm the tower would be built to meet all the applicable federal and state standards for structural capacity. In addition, the tower would be designed to be able to support collocation which is required by your code. We submitted a wetland delineation report confirming that there were no impacts to either wetlands or wetland buffers. We submitted the full environmental assessment form. He said as Mr. Cleary stated the radio frequency exposure issue always comes up. It's a federally preempted issue, provided we show compliance with the federal regulations. We hired a third party company, Pinnacle Telecom and it was submitted with your package.

Chairman Paeprer asked Mr. Gaudioso to summarize what was in that report.

Mr. Gaudioso stated we hired Pinnacle Telecom and they apply a methodology that's approved by the FCC. So, there's a certain calculation of formulation and they use the worst-case scenario. They imagine that the facility would be operating 24 hours, maximum power – 7 days a week, which it doesn't, and they actually use the worst-case scenario with four carriers and we are only proposing one at this time. With that worst-case scenario, the calculation came out to be 2.42% of the allowable 100% limitation. Meaning, that it's 40 times below the federal standard. He said in summary, we used the proper methodology and hired a third party company and they looked at potential emissions from the facility and they used four carriers instead of the 1 being proposed and it is still 40 times below the standard.

Vice Chairman Giannico asked is that report signed and sealed by an engineer?

Mr. Gaudioso replied it's not required to be as long as you use the methodology required by the FCC, but it is signed by someone with experience in the field and the company has great experience in the field. He continued and stated we submitted a FAA opinion letter from our consultant confirming that there is no issue from a FAA standpoint. He said no lighting or FAA marking is required on the tower. We submitted a collocation commitment letter from Homeland Towers that's required by your code that they will make this tower available for collocation in order to avoid the proliferation of additional towers and it is also required by your code. He said back in 2020 we submitted the view shed maps. We submitted a letter from Dewberry Engineering, which included the code requirement for the setback from the property line is the underlying setback. We meet that. The code requirement for the occupied residences is two times the height of the tower. In this case it would be 280 feet. We have approximately 174 feet. We submitted a report with plans from our engineer showing the grade on the property. At which time, Mr. Gaudioso points to the map to show the grade of the property. He said if we pushed the tower back onto the property we would need a higher tower and we would have to remove many more trees and we would have to create a tremendous more amount of disturbance. In the Dewberry report, it shows a plan, table and all the calculations of the area of disturbance. We showed the area of disturbance in three different locations. We also calculated the number of trees that would be removed.

Vice Chairman Giannico asked what is the setback?

Mr. Gaudioso replied the setback that is required is 280 feet and we have 174 feet, so we need a 106 foot variance. He said this application does come under the purview as a public utility facility, so the variance standard is not the typical standard and this facility is a personal wireless facility so federal law applies. He said we addressed the alternative sites and the priority list in two different reports. The code has a priority list and the first priority is existing towers in commercial zones. We showed that there are some existing towers in the area, either Verizon is on them or they are located directly adjacent to them. Those towers in the Town of Carmel are mostly on Route 6. The second priority is other existing towers and we showed that as well. The third priority is commercial zones and we showed the closest commercial zone is approximately .7 miles away and it is tremendously lower in ground elevation. We also looked at in this zone other better parcels to be on and we reached out to numerous landlords, either those properties weren't available or they didn't work from a radio frequency standpoint. We documented all of that in Mr. Wimmer's report. He said this a 66.7 acre parcel. He said we submitted all of the requirements and a response to all of the requirements regarding that section of the code which is Section 156-62I. He said there were various litigations. The litigation was settled multiple times and that's what brings the application before your board. As part of that settlement, we agreed to submit the visual crane tests pictures and the RF radio frequency report and the visual renderings. On December 8, 2022 we submitted the RF Justification Report and we provided propagation maps which is a computer model which factors in where the existing coverage is and what the proposed coverage from the site would be. That's an industry standard model and you have that all in your report that was prepared by PierCom Engineering. The benefit of the propagation maps is that it shows over a wide area where the signal will be reliable and where it will not. He said we also did two types of drive tests. We had a specially configured vehicle with a drive test antenna and computer and we collected exactly what the signal is through various roads throughout the area and we produced that data to you in that report as well. We also put a temporary crane at the location. We had to offset the crane slightly, by about 125 feet, but we accounted for that in our analysis. What we did with that crane is we put up a test transmitter and we tested the signal at 140 feet, which is what we are proposing and then 20 foot increments down. We know what the signal would be at 140 feet, 120 feet and 100 feet. The PierCom report shows there is a significant degradation in the amount of the gap area that would be covered at the lower heights which is why we are asking for the 140 foot height. Also, as part of that analysis, we analyzed the gap area by square mileage, by number of residences within that area and we believe that we have demonstrated that there is a significant gap in that 140 feet. This would remedy that gap. He stated why are we not going higher? Going higher would not help us. There is a tremendous amount of topography in this area, both in Carmel and in the Town of Somers. Going higher did not increase the amount of coverage. Going lower would significantly decrease the amount of coverage. The height of 140 feet is necessary for Verizon Wireless, but we are still building the facility to support collocation below that. We also look at how the surrounding sites are operating now and we provided all of the data on drop calls and the access failure rates. We looked at every frequency band that Verizon uses in the area. We looked at the multiple heights. We looked at all of the surrounding sites and we updated the data from 2020 and it's all in the report. We contacted NYSDEC and US Fish and Wildlife Service regarding endangered and threatened species. The only issue is the bat issue and the letter stated in order to not impact the bats we could only take down trees during a bat clearing restriction time frame, which is October 1st to March 31st.

Mr. Gaudioso continued and discussed the Visual Resource Evaluation indicating the crane test with the 39 photographs from different locations and the view shed map. He said what we have proposed are both a brown monopole and a standard monopole. We are happy to discuss the tree alternative, but we would have to know that's something that the board was

interested in. He said we prepared a computer animation rendering of where the tower would be visible shown in the actual photograph. I encourage you to look at that first and have a discussion of what mitigation measures might be appropriate. He said it does look like a tree, but it is an evergreen tree and when you look at photos, it's mostly deciduous trees in the area. The evergreen tree may stand out more, particularly in the winter time. He said we submitted a Stormwater Pollution Prevention Plan, normally we would not be at that stage, but what happened with the original litigation is that we were at the building permit stage in order to go through that process we had to do the full SWPPP. We did the full SWPPP and engineered all the stormwater issues and we submitted the MS4 acceptance form which was signed by the Town Engineer. All of the stormwater issues have been addressed. He said we submitted a report from our engineer regarding the generator and the generator will only cycle for 30 minutes a week on a weekday between the hours of 8 a.m. – 6 p.m. Under your code the standard is 65 decibels during that time frame, we have shown that and we will be well below that at 52 decibels without any screening or vegetation. Finally, we submitted the site plan. We will be happy to review any comments from the consultants and if there are any additional notes or details we have to change, we will account for that on the revised plans. He said this application requires a special permit and site plan approval and it requires a public hearing. There are federal rules that affect this, the 150-day shot clock and we're asking that the public hearing be set and the referrals be made.

Mr. Frenkel stated you approached six other alternative category 5 sites for a possible location and the owners refused. Were they offered the same economic terms?

Mr. Gaudioso replied most of them didn't respond or when we spoke to them they weren't interested and it is detailed in the report. Those locations are not higher priority locations. All the higher priority locations either were not feasible from a technical standpoint or just didn't exist.

Chairman Paeprer asked can you please explain what a higher priority is.

Mr. Gaudioso stated your code has a priority list, 1 through 5. As part of the code we have to submit a report to show why we can't go in a higher location. One of the higher locations is on existing tower in a commercial zone on an existing tower along Route 6. We showed that we are already on those locations along Route 6. The next higher priorities are commercial versus residential. We showed that the commercial zone is .7 miles away. It's too close to our existing sites on Route 6 and it's too far from where we need to cover. This was all included in the report. In addition, we wanted to make sure we canvassed the area even though we had a willing landlord with a 66.7 acre property next to the power lines to make sure we weren't overlooking something. Out of those six sites, the owners weren't interested.

Mr. Frenkel asked they weren't interested in discussing or they weren't interested in the economics you were offering?

Mr. Gaudioso stated most of the sites didn't even respond. The one we had a discussion with, ultimately that site wasn't feasible from a RF standpoint.

Chairman Paeprer asked who currently owns this property?

Mr. Gaudioso replied Maple Hill Estates Condominiums.

Mr. Cote asked why can't you put this further back into the woods to be a good neighbor.

Mr. Gaudioso stated we have wetlands in this area (points to map). At which time, he pointed to the two different alternatives on the map. It showed what the height of the tower would have to be to make up for the loss in ground elevation, because the property drops off precipitously. We calculated the number of trees at alternative #1 and alternative #2 and the amount of disturbance. We prefer to be closer to Walton Drive from a disturbance standpoint. We tried to find a spot that would meet the underlying setbacks from the property line that would be a fairly insignificant number of trees to be removed on a such a large parcel and the amount of grading that would make sense. As the Dewberry report shows the amount of grading increases exponentially as you go back on that property. The amount of land disturbance and the amount of trees to be cut increases exponentially.

Mr. Cote and the amount of cost to you.

Mr. Gaudioso stated it's a matter of us literally tearing up the entire back portion and taking numerous trees that are providing some of the screening around the base of the facility.

Mr. Cote stated I looked at all of the reports and I don't wholeheartedly agree with everything. I have been to the site and walked the site. He said I'm not convinced that it needs to go in that exact spot.

Mr. Gaudioso stated I think that's an issue for the Zoning Board.

Mr. Frenkel stated I was at the site and I looked from the perspective of home at the end of Walton Drive and this tower will be right in their face.

Mr. Gaudioso stated we have made our application and there are criteria under the code that have to be applied and I think we have addressed those criteria and ultimately you will make that decision. The criteria under the code is either we meet it or we don't and that will be the decision.

Mr. Cote stated so your point is you wouldn't be willing to consider moving it to another spot?

Mr. Gaudioso stated we submitted the documentation and if you tell me there is another spot that you would approve and articulate to me why that's a better spot, then we are certainly happy to have that discussion.

Mrs. Causa stated this more then just the code. We have people that are very concerned about what this will look like. She asked if you were to go deeper into the woods, how much higher would it be?

Mr. Gaudioso stated we looked at two different spots, there are two different ground elevations. One was about 170 feet and the other was 198 feet. We stopped at 198 feet because that's when you start getting into FAA lighting and marking. He said if you are possibly talking about a Monopine tree design, anything over 140 feet will be well above the tree lines.

Chairman Paeprer stated you spoke about different coverage at different feet, but personally if I lived in that area, I would rather a little less coverage and lower the pole to 120 feet.

Mr. Gaudioso stated the federal rule is if the carrier is being materially inhibited from providing its service then that would be a prohibition of service which is not allowed and I think we have documented it all. It's not a little less service, it's a significant amount of less area and less people that are being covered which is documented in the PierCom report.

At which time, a discussion ensued regarding the service and the number of people being covered with the 140 foot pole.

Chairman Paeprer asked about the 5G technology.

Mr. Gaudioso stated the 5G technology is using the same frequency bands. It's creating the technology that 4G is LTE and that's not going to go out with 5G and that's a misunderstanding most people have. 4G is the work horse of the system. 5G is an overlay where they are using the same frequency bands.

Chairman Paeprer asked if these towers will all be necessary for the next iteration?

Mr. Gaudioso replied that's correct. It's being used now. He said for example, T-Mobile is using 600 megahertz which is like Verizon's 700 megahertz to do their 5G. Basically, what 5G really means is faster download speeds and higher throughput. The 4G is what's carrying the calls and basic data.

Mr. Frenkel asked if the 5G technology on telephone poles would solve the gap coverage that you're trying to solve?

Mr. Gaudioso replied absolutely! He said they are putting 4G antennas on telephone poles in New York City and dense residential areas and they will be putting 5G on those poles.

A discussion ensued regarding the gap areas in the surrounding towns and along Route 6.

Mr. Carnazza asked are you trying to achieve the same height as you go down the hill?

Mr. Gaudioso replied we have to.

Mr. Carnazza said it will be the same elevation just further away, so it's not a taller pole?

Mr. Gaudioso stated it's a taller pole. He said the top of the pole is the same height AMSL, it's much higher AGL and it's a much greater span above the tops of the trees and that's where the visibility comes in.

Mr. Carnazza said at the point where it is, but not from where it would have been.

Mr. Gaudioso replied that's correct.

Mr. Frenkel stated my understanding is that this is mostly going to provide gap coverage to Westchester County residents, is there any alternative location in Westchester County that would serve their purpose?

Mr. Gaudioso replied it's covering both towns. He said there is no place in Westchester, because there is a tower in Heritage Hills. We are trying to provide coverage that connects into and then connecting to the other side to Route 6.

Mrs. Causa asked of the 4 sites that you didn't hear back from; did you pursue it any further?

Mr. Gaudioso replied no, because we found this site which worked from a technical standpoint. He said we think this is a better site because it's a 66.7 acre property and it's next to the power lines and we have a landlord that was willing to enter into a lease agreement.

Chairman Paeprer stated you're scheduled for the Zoning Board at the end of the month, correct?

Mr. Gaudioso replied yes, January 26, 2023.

Mr. Charbonneau stated procedurally you're going before the Zoning Board on January 26th. We would like to have you back on the January 25th. Will you be in a position to address some of the consultants comments at that meeting?

Mr. Gaudioso replied many of the concerns that I heard tonight, we have already answered. If there are details that need to be changed on the plans, I don't know if we can get that submitted in less than two weeks. We could certainly endeavor to do that. More importantly, because of the FCC shot clock it needs to be referred to the County, Fire Department and we think there should be a public hearing sometime in February.

Chairman Paeprer stated if we could satisfy the consultants comments and be back here for the next meeting, it's feasible to have a public hearing in February.

Mr. Frenkel stated Mr. Cleary raised gaps in your visual analysis.

Mr. Gaudioso asked Mr. Cleary which viewpoints are you referring to?

Mr. Cleary replied 36 and 37.

Chairman Paeprer asked if he could bring the renderings for the public hearing?

Mr. Gaudioso replied yes. We don't blow them up, because it throws the scale off. We could make copies and have them passed around.

Chairman Paeprer asked about the color.

Mr. Gaudioso replied we could do any color. He said let us propose two colors, there's a pine cone brown and a thunder gray that are the two colors that we have found in our experience are the best colors.

Mr. Frenkel asked if they could show what the Monopine would look on the visuals.

Mr. Gaudioso said we will try to do some from the viewpoints that were the biggest concern.

Chairman Paeprer asked Mr. Gaudioso to explain the shot clock to everyone.

Mr. Gaudioso stated as per Congress, these applications may not be unreasonably delayed and what the FCC has created and the courts have agreed to is that a presumptively reasonable period of time is 150 days from the date we file it which is December 8, 2022. He said we have 150 days to get through all of our permitting and as part of the settlement agreement to give the town additional time for the building permit stage. We are not counting the building permit stage. At the end of the 150 days, we could either mutually agree to extend it or we could go to court. He said if we are making progress, we are willing to have that discussion to extend it, but we need to make that progress.

At which time, an audience member wished to speak.

Mr. Charbonneau stated the Zoning Board will have a public hearing on January 26th. So, if you want to address the Zoning Board that would be the opportunity to do it.

The audience member asked are you approving the application now?

Mr. Charbonneau stated we are no where near there. He said if you have anything that you want to submit in writing that should go to the Planning Board secretary and she will forward it to us.

MINUTES – 10/26/22, 11/10/22, 11/30/22 & 12/8/22

Mr. Frenkel moved to approve the minutes as corrected. The motion was seconded by Mr. Nuculovic with all in favor.

TOWN OF CARMEL COMPREHENSIVE MASTER PLAN AND ZONING CODE DRAFT – DISCUSSION

Mr. Cleary and the board members continued to review Section 156-36.4 (Short term rentals) to 156.36.14 (Educational Institutions).

Mr. Cote moved to adjourn the meeting at 9:00 p.m. The motion was seconded by Mr. Frenkel with all in favor.

Respectfully submitted,

Rose Trombetta