

# **APPROVED**

**CRAIG PAEPER**  
*Chairman*

**ANTHONY GIANNICO**  
*Vice Chairman*

**BOARD MEMBERS**

**RAYMOND COTE**  
**ROBERT FRENKEL**  
**VICTORIA CAUSA**  
**JOHN NUCULOVIC**

**TOWN OF CARMEL**  
**PLANNING BOARD**



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**MICHAEL CARNAZZA**  
*Director of Code  
Enforcement*

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

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

**PLANNING BOARD MINUTES**  
**MARCH 9, 2023**

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

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<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>TYPE</u></b>	<b><u>PAGE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
Platinum Propane	65.10-2-11	Site Plan	1-2	Public Hearing Scheduled.
910 South Lake Blvd LLC	75.44-1-57&64	A. Site Plan	2-4	No Board Action.
ANB Holdings GCCM LLC- (Michael Scoca)	76.17-1-17	Subdivision	4-7	Referred to the Zoning Board.
Joe Zakon d/b/a 14 Nicole Way	65.6-1-22	P/H	7	Public Hearing Closed & Bond Reduction Recommended to Town Board.
Pulte Homes; Lot 4	55.14-1-11.2	P/H	7-8	Public Hearing Close & Bond Return Recommended to Town Board.
Pulte Homes; Lot 5	55.14-1-11.3	P/H	8-9	Public Hearing Closed & Bond Return Recommended to Town Board
Glenacom Lake Cell Tower	87.5-1-90	P/H	9-18	Public Hearing Left Opened.

The meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Rose Trombetta

## **PLATINUM PROPANE – 1035 ROUTE 6 – TM – 65.10-2-11 – SITE PLAN**

Mr. Cleary read Mr. Carnazza's memo dated March 3, 2023.

Mr. Franzetti read his memo dated February 28, 2023.

Mr. Cleary stated when the applicant was last before you they clarified a number of issues relating to how this facility was going to operate as a wholesaler. They clarified the volume of trips from their trucks that would operate from the facility and the issues of propane permitting. No special permits are required for the facility. The applicant submitted a lighting plan and the illumination levels are well below zero. There are no issues with the lighting plan.

Mr. Cote stated you have done a great job following up on all of our concerns.

Mr. Adam Thyberg of Insite Engineering, representing the applicant addressed the board and stated the garage, a car behind the garage and an old building will be removed as part of the site plan. The house will be converted into an office for the propane business and that building was subject to the two variances that were approved.

Chairman Paeprer stated he performed a site visit today and there is some landscaping on the front of road that should come down for site distance. He said it's not hard to pull out of the property.

Mr. Thyberg stated we have shown proposed landscaping along the frontage. We adjusted it as per Mr. Cleary's comments to pull it back for site distance concerns. He said one of the conditions from the ZBA was they want to see evergreens planted between the building and the frontage which is now shown on the site plan, but not close to the road. We will keep them out of the site distance triangle.

Chairman Paeprer asked Mr. Franzetti if it is up to the DOT if a traffic study is necessary.

Mr. Franzetti replied it's not up to the DOT. The applicant has indicated due to the volume that a traffic study was not needed. We agree with that, but the DOT may have a different opinion on that.

Mr. Thyberg stated we submitted to DOT and we are still waiting for comments. We have provided the entrance plan and there has been some tightening up of the geometry and the details of the driveway.

Chairman Paeprer asked if the building will be a "lean to" – 3 sided figure

Mr. Thyberg replied yes, that's correct. The existing dwelling is here (points to map) and it will be converted to the office. That building was subject to the two area variances that were granted last month. The garage will be removed. The proposed building is this one here (points to map) which is a "lean to" type building meaning that the facades facing out towards Route 6 will be finished. It will look like a building. The side facing in toward the site will be open and that's where the service vehicles will be stored. The only other structure that's associated with this project is the canopy behind the other building.

Vice Chairman Giannico asked if the "lean to" building is pre-engineered or will it be stick built.

Mr. Thyberg replied it's a pre-fabricated building with a metal roof.

Chairman Paeprer stated I will like to see the details and finishes of the buildings. What kind of building materials will be used.

Mr. Thyberg said I will work with the architect before our next submission and get you more detail.

Chairman Paeprer stated I would like to hear from the public on this application.

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

**910 SOUTH LAKE BLVD LLC – 910 SOUTH LAKE BLVD – TM – 75.44-1-57 & 64 – AMENDED SITE PLAN**

Mr. Franzetti read his memo dated February 28, 2023.

Mr. Cleary read Mr. Carnazza's memo dated March 3, 2023.

Mr. Cleary stated when they were last before us in November of 2022, the building has increased in size. It went from 24 rooms to 30 rooms. The building at that time was located in the middle of the site and a driveway in on the west side and a driveway out on the east side of the building. The big change now is the applicant went back to 24 rooms and he shifted the building to the east near the property line. So, instead of one way in and one way out, it's a single two way driveway. It hasn't solved the grading issue. By doing that, it has opened up a little bit of additional free space. He said since they don't have the required parking to begin with, they should devote a space for temporary parking for guests when they are checking in. One of the concerns was will the restaurant and conference space be rented separately from the guests. The applicant responded no and they would only lease that space to people who rent rooms in the hotel. Theoretically, that would reduce the doubling up of volume on the site. It would be very difficult to enforce. Also, he stated the architectural consultant needs to take a look at this also as well.

Mr. Michael Mastrogiacomo, applicant's engineer addressed the board and stated since we were last here, we shifted the building over to the east keeping the existing curb cut in order to create the two way. We feel this is a better traffic flow. We tried to keep some sort of setback which is just under 7 feet which will still require a variance.

Mr. Cleary stated the fire department will have comments with respect to that.

Mr. Mastrogiacomo replied that's fine. He said originally, we had 30 rooms, but we are back down to 24 rooms. The terrace (points to map) will be an open terrace, lounge area for guests.

Chairman Paeprer asked will that be open to the public as a rooftop bar overlooking the lake?

Mr. Mastrogiacomo replied no. He said the bar/lounge area is for patrons of the hotel only. We are not looking to open it to the public.

Mr. Frenkel asked to elaborate on extended stay.

Mr. Mastrogiacomo stated we are looking for people to come and visit family that live in Mahopac and surrounding communities that may want to visit with them for a couple of

weeks. Also, some professional organizations have a three or four day event which will require people to be here for a that amount of time.

Mr. Frenkel asked will there a maximum limit on the number of days?

Mr. Mastrogiacomo replied we haven't thought that far.

Mr. Cleary asked Mr. Mastrogiacomo if he will be submitting a market study.

Mr. Mastrogiacomo replied yes.

Mr. Cleary stated the applicant did indicate that they will be serving business travelers. He said the market study is necessary to understand the market you're trying to attract here.

Mr. Frenkel asked can you also explain what portions of your clientele are contributing to economic forecast. How much of this is extended stay, how much is business, etc.

Mr. Cote stated one of the concerns is that we're dealing with a really tight spot. He asked Mr. Cleary if we have to calculate parking spaces for employees.

Mr. Cleary replied no. The hotel parking requirement incorporates employees, guests, visitors, etc.

Mr. Cote stated by my calculations 24 rooms and 12 employees is 36.

Mr. Cleary said there is a practical side to this. The zoning compliance is an issue and they don't comply and that's why a market study is necessary. How does it operate if they have a lot of employees or there are outside uses of this as well as guests. We have a parking issue.

Mr. Cote said this is a big issue that needs to be dealt with.

Mr. Mastrogiacomo stated as far as the employees are concerned, we're planning on utilizing the community. Hopefully, they could carpool and minimize the impact on the parking area for the patrons or we could work out some other deal to get them to work.

Mr. Cote asked to provide the information of the hotel in Florida that the applicant owns.

Mr. Mastrogiacomo replied yes.

Chairman Paeprer asked will you be drilling wells.

Mr. Mastrogiacomo replied we have been going back and forth and one of Mr. Franzetti's comments was the issue of the water demand. We originally thought about switching to a drilled well and in speaking with them, we can't do that because we have town water available to us. As far as the pool is concerned, a pool company will fill it on a yearly basis. As far as irrigation, we would rather use the well if the town is okay with that.

Mr. Franzetti stated it's a County rule, if you have an opportunity to connect into town water, you have to abandon your wells and use just town water. He said if we can't connect you, then you could have a well. In this case, they will have to use town water.

Mr. Mastrogiacomo stated the current property is serviced by a well.

Mr. Cote asked Mr. Franzetti if he had some concerns of whether the calculations can support the hotel.

Mr. Franzetti stated last summer we were in a drought condition. He said we could only produce some much water. Once we produce that water, we can only push it out to everybody. If there are more people demanding the water then what we could produce, someone will be on the losing end of that. That's not how we want to operate our system.

Mr. Frenkel asked is their certain percentage that you operate by in terms of not going below a certain excess capacity. He said in your memo you stated we are 9% now and this will bring it down to 3%.

Mr. Franzetti stated you shouldn't be operating in that range, that's why it was brought to the board's attention.

Mr. Frenkel asked is there a standard percentage that you use?

Mr. Franzetti replied I don't know, but I'm sure that there is. With sewer treatment plants, once you're in 10% of full capacity, you have to then make a report to the state.

Mr. Frenkel with this applicant is it both water and sewer?

Mr. Franzetti replied it will be both water and sewer, but we don't own the plant on Mud Pond. The NYCDEP will have to give us a blessing too.

Mr. Frenkel asked at what point do we hear about the DEP's concerns?

Mr. Franzetti said they have to get to a point where we approve them and we pass a SEQR resolution and then they could deal with DEP. They could always go and meet with DEP and get opinions from them, but DEP will not provide any correspondence.

Mr. Mastrogiacomo stated we had conversations with the DEP regarding stormwater, not yet about the sewer. We also had conversations with the NYSDOT and they both asked about where he stood with SEQR review.

Vice Chairman Giannico asked are there any provisions to have the well as a secondary source of water?

Mr. Franzetti replied typically that's not allowed. He said the applicant could reach out to the County and find out.

Mr. Mastrogiacomo stated he will reach out to the County.

Chairman Paeprer stated you have numerous pages of comments from the consultants, so please keep working with them.

**ANB HOLDINGS GCCM LLC (MICHAEL SCOCA) – 93 TEAKETTLE SPOUT ROAD – TM – 76.17-1-17 – FINAL SUBDIVISION**

Mr. Franzetti read his memo dated March 3, 2023.

Mr. Cleary read Mr. Carnazza's memo dated March 2, 2023.

Mr. Cleary stated what the applicant is doing is trying to re-create the original subdivision that was an illegal subdivision, but it was a subdivision nevertheless.

Chairman Paeprer stated just to clarify, there were 2 lots, the County took it over and made it into one. Now, the applicant wants to put back to the way it originally was.

Mr. Cleary stated variances are required for this application. He said the applicant is re-creating the original lots which are usually configured, because the septic system for the right hand lot is in the L-shaped portion in the back. That's why he's re-creating the lots as proposed. Otherwise, it would make more sense to create two rectangles as opposed to a L-shaped lot.

Mr. Charbonneau stated it appears that the septic system for existing lot is at rear of the applicant's lot which is the L-shaped portion.

Mr. Michael Scoca, owner of the property addressed the board and stated he purchased the property in June of last year. When I purchased this property, I did my own due diligence and everything showed the property as one parcel not two. I received a quick claim deed from the County showing the properties were merged and buildable signed by Mary Ellen Odell. In June of last year, I met with Mr. Carnazza in his office and was unsure of why the line was on the survey and needed to confer with the Mr. Charbonneau. He said according to Mr. Charbonneau, he didn't recognize the documents from the County and everything the County gave him and it was basically an illegal merger. I'm here tonight, based on Mr. Carnazza's letter that he has no objection to the subdivision as it's legalizing an illegal subdivision that happened many years ago. What Mr. Cleary is saying is that I want back to the two lots, that's not correct. The two lots were merged by the County (points to map). He said we are not looking to put it back to two lots, we're looking to get it from two lots to one lot.

Chairman Paeprer stated if I'm hearing correctly is that it is one lot now?

Mr. Scoca stated Mr. Carnazza's question pertained to the southwest corner of the lot which was a small line that he didn't know how it got there. My architect and engineer put together this plan and I got a phone call from the planning board secretary stating there were questions regarding the plan.

Chairman Paeprer stated one of the earlier applicants had several pages of comments, like you do and it is not unusual to have the comments clarified and then come back to the board. Unfortunately, Mr. Carnazza is not here and Mr. Franzetti has several pages of comments.

Mr. Scoca stated we're not here for anything other than the subdivision, which Mr. Carnazza clearly states he has no objection to the subdivision as it is legalizing an illegal that happened many years ago.

Mr. Frenkel asked is it one lot or a subdivision?

Mr. Scoca stated Mr. Charbonneau is not recognizing the documents from the County.

Mr. Frenkel asked what are you attempting to achieve?

Mr. Scoca replied I want the property merged according to the town's laws, because they are not recognizing my merged deed from the County. I paid the planning board \$4,000.00 to merge the two lots into one.

Mr. Frenkel stated you don't want a subdivided lot.

Mr. Scoca replied no, I want one lot.

Chairman Paeprer asked Mr. Charbonneau for clarification.

Mr. Charbonneau stated my understanding is that there was an illegal subdivision which was conducted by the prior owner and then there was a failure to pay taxes with respect to that. There was a tax sale and the two lots, lots 17 and 18.1 were merged. This process is an attempt to legalize that single lot into a building lot.

Chairman Paeprer asked how big is the property?

Mr. Scoca replied just about a 1 acre of property.

Mr. Frenkel asked Mr. Charbonneau if there is any concern in terms of getting him to where he wants to be.

Mr. Charbonneau replied from a legal prospective, I don't think so.

Mr. Cleary stated the only way to correct this is by this subdivision process which requires conforming to our subdivision regulations. He said the only way you could authorize this is by granting the approval through the process.

Mr. Frenkel stated I understand the past, but where does the subdivision come in?

Mr. Cleary stated there's three parcels, two merged and the third is the L-shaped subdivision parcel that we're talking about. For every subdivision, every subdivision must comply with our subdivision regulations that involves what you would build on the property that is being adjusted by you. You have no authority to waive that requirement.

Vice Chairman Giannico asked does the Town of Carmel recognize that piece as 3 parcels currently?

Mr. Charbonneau replied that's correct. He said there are three parcels that are showing on the survey map. He is looking to legalize 17 and 18.1. At some point, before the County sold this for taxes, this lot was a U-shaped lot with the rectangular lot in the middle cut out. There was an attempt by the prior owner to merge that into 18.2 and they didn't go any further with that. They went to the ZBA and didn't go any further and then the lot itself went to taxes. This is a legalization of what he thought was purchased from the County.

Chairman Paeprer asked are you putting a home on this lot?

Mr. Scoca replied yes, just 1 single family home on the entire lot. He stated this is a quick claim deed from the County. In the quick claim deed signed in December of 2020 it stated if the parcel being conveyed herein by the County of Putnam does not comply with local zoning ordinances and/or is not suitable for construction of conventional water and/or septic and is contiguous with the person owned by the party of the second part, the parcel described herein shall be automatically merged with said contiguous parcel and the combined parcel shall thereafter be identified by the existing tax map of said contiguous parcel. He said he has been paying taxes on that contiguous tax map. He said I've been dealing with this for 8 months.

Mr. Charbonneau asked did you get a title policy when you purchased the property?

Mr. Scoca replied yes.

Chairman Paeprer stated to get the comments from the office and come back in two weeks.

Mr. Scoca asked is there any way I could go get the variance at least?

Mr. Cleary stated the question about whether this was the right configuration of the lots have been put aside, so nothing would change, but it would be pre-mature to do that. In this case, I think he could get his variance.

Chairman Paeprer asked what are the variances you need?

Mr. Scoca replied lot area.

Mr. Cleary said that wouldn't change. I don't think it's a problem with going to the Zoning Board.

Chairman Paeprer stated you could be scheduled to go to the Zoning Board and to give the office a call.

#### **JOE ZAKON D/B/A 14 NICOLE WAY LLC – 14 NICOLE WAY - 65.6-1-22 – PUBLIC HEARING**

Mr. Franzetti read his memo which stated the applicant has, requested that the bond for the referenced project be reduced. The original bond amount for the project was \$242,000.00. The bond has not been reduced. The Town of Carmel Engineering Department has performed numerous site visits throughout the construction of this site with the most recent being on February 16, 2023. Based on the inspection, the performance bond items identified in the applicant's request are completed and the bond can be reduced to \$98,000.00.

Mr. Cleary had no comments.

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

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

Vice Chairman Giannico moved to recommend bond reduction to the Town Board. The motion was seconded by Mr. Frenkel with all in favor.

#### **PULTE HOMES OF NEW YORK, LLC – LOT 4 TERRACE DRIVE: 55.14-1-11.2 – PUBLIC HEARING**

Mr. Franzetti read his memo which stated the applicant, per the attached January 13, 2023 letter has, requested that the bond for the referenced project be released. The original bond amount for the project was \$4,196,105.50. The bond was reduced to \$839,220.90 (20% or the original bond amount), by Town Board Resolution dated December 19, 2012. The Town of Carmel Engineering Department has performed numerous site visits with the most recent being January 2023. The Board should note that applicant in their letter indicates that they



believe that the punch list items in the Town's letters have been addressed. The Town had provided the attached February 3, 2020 memorandum summarizing site deficiencies and Pulte provided the attached January 4, 2021 response. This Department met with a representative February 1, 2023 to review the areas noted in the prior memorandum. It was determined that caulking was needed in certain areas. A site inspection was performed on February 9 to determine if the areas in question were completed. Based on the inspection, they are completed and the bond can be returned.

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

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

Mr. Cote moved to recommend the bond return to the Town Board. The motion was seconded by Mr. Frenkel with all in favor.

### **PULTE HOMES OF NEW YORK, LLC – LOT 5 TERRACE DRIVE: 55.14-1-11.3 – PUBLIC HEARING**

Mr. Franzetti read his memo which stated the applicant, per the attached January 13, 2023 letter has, requested that the bond for the referenced project be released. The Board should note that the original bond for Lot 5 was \$872,660.75. This bond amount has not been reduced. The Town of Carmel Engineering Department has performed numerous site visits (April, May, July, and December of 2018, August, September 2019, May 2020 and more recently January 2023 to inspect this site. This Department met with a representative February 1, 2023 to review the areas noted in the prior memorandum. It was determined that walking path needed to be repaired in certain areas. A site inspection was performed on February 9 to determine if the areas in question were completed at that time it was not., the applicant noted that on February 10, 2023 the repairs were made. A site inspection was performed on February 15, 2023. Based on the inspection, they are completed and the bond can be returned.

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

Ms. Michele McCabe from 17 Crosby Road addressed the board and stated my lot is right behind Terrace Drive. She asked Mr. Franzetti if this is relevant to where I live?

Mr. Franzetti stated these particular lots are not. He said it's either lot #3 or Terrace Drive bond. The lot #3 bond has been returned. The Terrace Drive bond has not been returned.

Ms. McCabe asked which lot is the main building on?

Mr. Franzetti said the biggest condo building is on lot #3.

Ms. McCabe asked the lot 3 bond has already been returned?

Mr. Franzetti stated that bond was voted on two weeks ago to be returned.

Ms. McCabe stated my property backs up to that lot in particular. She said there is no privacy between property and that big building. There are no trees or landscaping. I was here in 2021 to voice my concerns about this. Nothing has been done since.

Chairman Paeprer asked did the site plan call for landscaping there?

Mr. Paul Lynch of Putnam Engineering stated I don't remember.

Ms. McCabe stated I have been voicing concern since 2018 to Mr. Franzetti that there was no landscaping put there between the big building, the green house and my property. There are no trees.

Chairman Paeprer stated we need to research what was supposed to be there.

Mr. Cleary stated we could catch up through Mr. Carnazza and Mr. Franzetti's office with that concern in relation to the what the plans show and relay it to the Town Board.

Mr. Frenkel stated if the plans showed landscaping and it's not there now, being it's in front of the Town Board now, does the Town Board react to it or would we react?

Mr. Cleary stated if the landscaping plan called for 50 evergreen trees, for example, and they are not there, those 50 evergreen trees have to be planted or the money of those 50 evergreen trees be retained from the performance bond.

Mr. Frenkel stated so it's a Town Board issue at this point.

Mr. Cleary said it's a Town Board resolution.

Mr. Michael Caruso, applicant's attorney addressed the board and stated it's on the March 15<sup>th</sup> Town Board's agenda.

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

Vice Chairman Giannico moved to recommend the bond return to the Town Board. The motion was seconded by Mr. Frenkel with all in favor.

### **GLENACOM LAKE CELL TOWER – WALTON DRIVE – TM – 87.5-1-90 – PUBLIC HEARING**

The consultants had no comments.

Mr. Cleary stated material was submitted today by the applicant. I don't think anyone had an opportunity to review them.

Mr. Robert Gaudioso of Snyder and Snyder, representing the applicant was present before the board.

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

Mr. Edward Nieves from Teakettle Spout Road appeared before the board.

He stated as it relates to computers you have to change and update them frequently. The rules by the FCC and ISNIRP which are regulating committees, the proposals they made were based on evidence from 1980 which was way before these fast cell tower usages. With recent evidence, there was a scientific paper that came out 2020 which has been cited by over 150 publications stating those regulations that they provided at that time are not applicable to what is being used today. In summary, what do you want the town to be? Is it going to residential or is it going to be more commercial. The reason why is because it does

have health affects on the people that live in the community. That's something this board will have to make consider in making a decision. He continued to discuss the different health issues related to the cell tower.

Mr. Charbonneau explained, not to interrupt what the gentleman said, but this is an area that this board unfortunately is pre-empted by federal law from considering. The public needs to understand that the federal telecommunications act has taken this board's autonomy away with respect to certain issues and this being one of them.

➤ Ms. Linda Shaw from 53 Walton Drive appeared before the board.

Ms. Shaw asked how will you manage turning my home into a construction site at the end of the road where there is no turn around area.

Mr. Charbonneau stated there was a submission made by Mr. Gaudioso today and I believe that there is information in there regarding the staging issues.

Mr. Gaudioso addressed the board and stated we submitted both revised plans and a letter from our engineer detailing that the staging will all be on the proposed property not on Walton Drive, which includes the crane and any staging materials, etc.

Vice Chairman asked will the construction vehicles come in from Walton Drive?

Mr. Gaudioso replied the construction vehicles will use Walton Drive as it is a public road and come onto the property and they will all be staged on the property. They will not be staging on Walton Drive.

Mr. Frenkel asked how will those construction vehicles be parking?

Mr. Gaudioso replied they will be parking on the property.

Mr. Frenkel asked is there enough room on the property?

Mr. Gaudioso replied yes. It's detailed on the plans.

Ms. Shaw asked how are the vehicles going to turn around because you can't use my driveway.

Mr. Gaudioso stated the plan is to come in and create the access drive which will include the construction which will include the construction entrance. There will be an area of where the compound will be and it will be flattened out. The proposed construction drive and the driveway all meet the town code. Those changes were made in January. The plan shows the location of the proposed crane. We submitted a letter to the board from the crane company that the location will be appropriate. Once the stacking of the tower is done, the crane will be removed. All of the vehicles that need to be brought in for the facility itself, including the pieces of the tower will also be on the property as shown on the plans. There is plenty of room based on the proposed grading and construction as confirmed by both our engineer and the crane company.

➤ Ms. Evangelia LeClaire from Glenacom Road appeared before the board.

Ms. LeClaire addressed the board and stated she was very concerned from an environmental perspective as well as from a health and residential perspective to have 140 foot tower in view of my property and my neighbors. It's very upsetting to me and the notice only came

to me about two weeks ago. I have enjoyed this community for the last nine years, it is very disturbing that this community is going to be appropriating a commercial tower.

- Ms. Rosemary Lee from 43 Walton Drive appeared before the board.

Ms. Lee displayed drawings to the board showing the homes and proximity impacted by the project. There are impacts on the residents and the residential community. Walton Drive and surrounding areas are quiet neighborhoods. It is a family neighborhood with residential income homes. It is safe for children and the residents there are long term. This is a neighborhood character with surrounding forests and small lakes. The street is a dead end with little outside traffic. Many residents work more than one job and spend precious time outdoors enjoying their homes. They have installed improvements to enhance their property and grounds to increase the value of their homes. I submitted a statement and research that shows some of these homes will decrease in value by \$100,000. The view shed from this commercial industrial project will be destroyed as the applicant plans to clear cut 50 trees within close proximity to adjoining properties. The variances and height setbacks and fencing are not permitted under zoning regulations, which protects residential communities and the neighborhood character. We also looked at the master plan and throughout your master plan there are many comments about the protection of the environment, watersheds, forest and character of residential communities. This massive commercial industrial utility project does not meet the standards for a least intrusive siting and the applicant has not done their due diligence to offer a reasonable alternative, in spite of being requested by the Zoning Board and your board. There were other sites discussed from the community on Maple Hill not just the one. Three years have gone by and the submission is basically the same. The documents contained are three years old. The residents didn't have a chance to view any balloon tests and the photographs do not represent the visual impact on the immediate homes on Walton Drive in proximity to the tower. This project is going to bring commercial lighting, a generator, long months of construction vehicles and the clear cutting and removal of the trees. The community character of this neighborhood will be destroyed. The air quality, moderation in temperatures, absorption of water and flood prevention in the forested area will be severely impacted as well as the visibility of a 450 foot tower. The cutting of the trees will increase environmental impacts. These services will primarily benefit the Town of Somers residents rather than Carmel/Mahopac residents. The local residents of this zip code have no problem with the coverages, including 4G and 5G. She said when Maple Hill Estates was established, residents have stated that the area around Maple Hill was supposed to be kept wooded. Teakettle Lake is suffering from run-off and algal growth. What impact of the removal of trees and the stormwater and rainfall capture have on the steep slopes which will result in contaminants draining into the lake and surrounding streams. This plan also allows storage of petroleum products to fuel vehicles on the site, as well as oils, concrete, asphalt and fertilizer. None of this should be allowed in a steep slope residential area. The application has not flagged the proposed construction site properly. The applicant has not conducted their due diligence to find an alternative location. She said regarding the monopole cell tower foundation, the plan calls for temporary removal of 6,300 cubic feet of soil. She said whatever documents were submitted earlier in the day was not on the agenda and we haven't seen it yet. Approximately, 4,500 cubic feet will be needed to replace the concrete pad. This will result in a minimum of 30 truckloads of soil moving on and off the site and on local streets during this phase of construction. That will be a huge impact on the community. The concrete pad will require 2,300 cubic feet. A large volume of the soil will also be placed as fill in order to level the site. The applicant has not specified the amount of soil to be replaced as fill. We request that the following case law which I have previously submitted be taken into consideration when you're reviewing the application. At which time, Ms. Lee distributed packages to the board members for their review.

- Mr. Rob Cavallaro from 49 Walton Drive appeared before the board.

Mr. Cavallaro addressed the board and thanked the Zoning Board, Planning Board and everyone else involved with the transparency to the community. He stated the plans indicate there will be a staging area beyond Walton Drive and then the construction area starts. At the Zoning Board meeting it was mentioned that there will be 335 commercial truck loads needed for the project. He asked does it show on the plans that the huge trucks will be making a U-turn up Summit Circle and then back down Walton Drive? I feel that the dumping for the grade will be done on Walton Drive and not actually on the staging area. Will the dumping be done on the staging area or on Walton Drive? He asked what happens if that truck doesn't make that U-turn up Summit Circle and drives straight down Walton Drive and what happens when the truck has to exit, will they back out of Walton Drive? Is there a turnaround in the staging area for a 16' to 18' commercial dump truck to do that? He said these details have to be clarified.

Mr. Gaudioso addressed the board and stated we submitted a full SWPPP and it has been reviewed by the Town Engineer and there are no stormwater impacts. As far as the plantings, the actual removal of trees is 36 and we're going to replace all 36 trees. He said we have submitted numerous different alternative site analyses both from RF engineer and Mr. Klaus Wimmer and it's all part of the package. I haven't heard one single alternative that's been suggested that we haven't looked at. So, if there is an alternative that we haven't looked at and someone believes it's feasible, we would like to hear that.

Chairman Paeprer stated what I'm having difficulty with is there are about 65 acres of land and we're putting a cell tower 140 feet from someone's house. With all of that acreage isn't there a better resolution for the community?

Mr. Gaudioso replied no, there's not. He said you commented at the last meeting that it wasn't neighborly for the condos to place the tower on this part of the property, towards the back of the property near the power lines. If you look at the other areas where the condos are, there are residential houses along those locations as well. He said we showed the topography, the distance and we talked about the access drive which is 1100 feet and 200 foot grade change in that direction.

Chairman Paeprer said the topography doesn't scare me. It's a cost.

Mr. Gaudioso stated the first set of the comments were we're creating too much disturbance. We can't have it both ways. We have to minimize the amount of disturbance. We picked a spot that we believe is the least intrusive location given the topography and the RF standpoint and the surrounding uses including the power line towers at the back end of the property.

Mr. Frenkel asked if the Homeland negotiated any other alternative locations with the condominium complex?

Mr. Gaudioso replied we don't have any right to go any place else on that property.

Mr. Frenkel asked did the Maple Hill Board of Directors discuss two sites with you?

Mr. Manny Vicente, President of Homeland Towers addressed the board and stated when we look at sites, the first thing we look at is where is the site going to work. He said there is a 200 foot elevation change on average from where the water works are by the condos and where Walton Drive is and the distance is about 1100 distance which makes the grade

greater than 20% to drive any road up there. If we were to locate down there then we have to compensate for that difference with the height in tower.

Mr. Frenkel reiterated and asked did a negotiation occur with Maple Hill Condominiums for two sites rather than just one.

Mr. Vicente said there was no negotiation for two sites, because there wasn't a second area that was feasible for the site to work. At a 200 foot elevation difference, if we were to build a site down there, it would have to be well over 200 feet, which would then require lighting and marking for FAA. He said this whole area is a residential area. He said if there was an easier place on the property to go to that worked we would be there. We have demonstrated that in the last submission which you haven't had an opportunity to look at yet. He said not only did we look at the area to see what other properties were feasible, but we looked at this property and what would work.

Mr. Frenkel asked for an explanation of a document that was submitted which stated whereas, Homeland Towers has proposed two sites, site A & B on common grounds to this purpose.

Mr. Vicente stated when we were discussing the area of Walton Drive, this is where we discussing where in that area would we lease the facility. It's in the same general area.

Mr. Frenkel asked what your applying for is referenced as site A, correct?

Mr. Vicente replied he wasn't sure.

Mr. Frenkel asked where is site A and where is site B?

Mr. Vicente replied they would be within 50 feet or so of each other.

Mr. Gaudioso stated one of the things we were trying to avoid during the initial analysis are the wetlands. The plan shows that we are just outside the wetland buffer.

Mr. Frenkel asked are one of those properties in the wetlands?

Mr. Gaudioso stated during discussions we were trying to find a location that ultimately would be out of the wetlands.

Mr. Frenkel asked do we know whether this 50 or 100 foot difference would make a difference to the people on Walton Drive?

Mr. Gaudioso replied I don't think it would. He said we had these conversations with the people on Walton Drive. We were trying to settle the litigation, we went out and met with them and we discussed pushing it back on the property into the wetland area with the understanding that we would need wetland permits and that we rejected during the settlement discussions while we trying to resolve this. Going further back on the property into the wetland area was not acceptable at that time. Which was why we never pursued that location. He continued and stated there won't be any dumping on Walton Drive. He said we asked for all the materials that were submitted including tonight's materials. We respectfully, request copies of those materials as well as what was presented this evening.

Vice Chairman Giannico asked about the turning of the dump trucks.

Mr. Gaudioso replied they will turn inside the property.

Vice Chairman Giannico asked will the trucks be driving down Walton Drive into the site, turning, dumping and driving out. There will be no backing out down the street. Mr. Vicente replied that's correct. He said there is an existing entry drive right now. The site is in the middle of that entry drive. They will turn around in the entry drive.

➤ Mr. Brian Miller of Kia Ora Blvd appeared before the board.

Mr. Miller addressed the board and stated he lived in the Walton Road neighborhood and there has been many talks about the 140 foot tower and 170 feet away from homes. This is a residential neighborhood, not a commercial neighborhood. This is a category 5 cell phone tower location. He said if we make this category 5 an actual cell phone tower, it becomes a category 2. That gives it precedent for when they want put future residential towers in residential neighborhoods. He said a submission was made today and we haven't had a chance to review and I'm asking for a second public hearing, so everybody could have an opportunity to review whatever the submission is and comment further. He said it would be disingenuous not to allow people to respond to whatever this new submission is. He stated at the Zoning Board it was stated by the applicant that there is bad cell service in this area. We have excellent cell phone service in this neighborhood. During the height of COVID, we never had an issue. We got rid of our house phone because the cell service is so good. Verizon also said we need this because of the public utilities, such as fire, police, etc. We never had an issue. He said their submission is primarily to cover Lake Lincolndale. They should put a tower there not here. You represent the Mahopac residents, not the Somers residents. They submitted pictures of what the tower may look like. He said Mr. Gaudioso stated it's just above the tree lines. The tree lines in his submission are at 70 feet. This tower is 140 feet. It's double the amount of tree lines not just above the tree lines. They are not worried about the community and neighbors. He said they are setting you up, so if you approve this you're forced to approve the next one and so on. In their submission their goal objective is to cover Lake Lincolndale. Please think about that when you decide to vote.

Mr. Gaudioso stated there are other cell towers in Carmel in residential zones. We have pointed them out. They are also in the Town of Somers in residential zones. There is one right over the border in a residential zone. The areas of coverage are in both Somers and Carmel, so the statement that this is only going to cover only Lake Lincolndale is completely false. The statements of people who have service, they are in locations on our maps where we show there is service. There are high points where there is service and there are low points where there isn't service. Putting a facility in this location does not create a precedent for every other location. That is not a correct legal standard. As far as the letters that were sent were in the residential zones. We showed in the non-residential zones the technical reasons why we couldn't go there. The places where we sent the letters and didn't get responses were other residential areas. He stated we did show the photograph from Summit Circle that Mr. Miller referred to and you could see those power lines from that location as well. You could see the tower on Crest Drive from Walton Drive.

➤ Ms. Annette Romito from Teakettle Spout Lake appeared before the board.

Ms. Romito addressed the board and stated she has lived here for 48 years and raised her children here. They skated, fished and swam on the lake. Having a cell tower 100 feet from someone's driveway.....it's such a narrow street. There are studies being done, but no one what's to say that a cell tower emits radiation, because they don't have enough evidence. The Zoning Board stated there wasn't enough evidence for the cell tower. The evidence I see is a win win for Verizon and Homeland Towers. They are going to increase their customer usage and two other vendors will go on that tower bringing them more income and the residents will suffer. Our home sales will be reduced by 15 to 20%. The children deserve a

healthy environment. She said no one wants to admit that the tower emits radiation. We need to do the right thing for our community. Don't let Mahopac get this bad publicity by having a cell tower at the edge of driveways.

- Ms. Evangelia LeClaire from Glenacom Road returned to the podium.

Ms. LeClaire stated I walk every day for 9 years for about an hour and I'm very observant of the nature. I lived in Queens 9 years ago underneath a train. When I came up here from the city and had the opportunity to work from home and walk every morning and see the turtles, etc. She ran into the Audubon Society who were counting the bird migration on Glenacom Lake. Am I going to feel proud to be able to invite my friends or sell my home and this is what I'm looking at. Who will buy my home now? That's the impact that we're having here. The people of Mahopac value and cherish the Lake they have had for 40 years that has changed. Imagine the changes that will happen 10 years from now if this goes up, with the environment, the impact on kids and our health.

- Mr. Gerard Hanrahan from 25 Summit Circle Drive appeared before the board.

Mr. Hanrahan addressed the board and asked them to come to the site to see for themselves that there's no problem with the cell service. There is no transparency and this has been going on for a couple of years. The first letter that was received was a week ago for the hearing. I disagree with a lot that was mentioned here.

Chairman Paeprer stated the board members have been to the property and are very familiar with it.

- Mr. Edward Nieves from Teakettle Spout Road returned to the podium.

Mr. Nieves stated I'm in the scientific field. In research, we have to go through a lot of criticism before we get it to publish. 5G has only been around for a few years and the effects of 5G have not been noted for the health benefits. It's just starting to come out. The guidelines that they set for these things was based in the 80's and 90's. They are trying to convince why their cell tower should be required there. No one wants a cell tower so close to their house and then what would happen afterwards with the damage. Once the damage is done, who is going to pay for it. We're paying taxes here and when the damage occurs, we will continue to pay taxes for it.

- Ms. Rosemary Lee from 43 Walton Drive returned to the podium.

Ms. Lee stated while we can not talk about health effects, but we could all look back to the installations of facilities, such as power and nuclear plants, etc. We didn't know what the technology would yield in 20 years. We're in that position now. Aside from not being able to talk about health effects, because the FCC has a gag order on us, even though there is evidence out there. There are other issues, such as insurance in the long term. The world's largest insurance companies classify 5G as a high impact risk and they are not insuring these facilities. Who will bear the burden of cost when we do have claims arising from this. She stated Verizon said our business faces personal injury and wrongful death lawsuits related to alleged health effects of wireless phones or radio frequencies transmitters. We may incur significant expenses in defending these lawsuits and we may be required to pay significant awards or settlements. That may be the future, but if they are not insured, who is going to pay. We will pay that cost as well. We need some protection from this movement towards 5G.



- Mr. Craig Vieira from 26 Walton Drive appeared before the board.

Mr. Vieira addressed the board and stated this area on Walton Drive is a category 5 based on town code. If this antenna does go up, it will change the priority of this area making it a priority 2. They were looking for other areas to improve coverage in Mahopac, who's to say 6 months from now, they say there are other areas with coverage problems and they want to put up another cell tower. I don't want a bigger tower because our town code says that's where it should go. He said the major benefit for this cell tower is for Lake Lincolndale, Westchester County area. There will be some residual benefit to the town. I don't believe it should go in our town for their benefit. RF signals don't know boundaries. We as humans do. I believe you as Planning Board set boundaries and you need to weigh what is the benefit for our town versus this tower going up and the destruction of our comfort in our town.

Mr. Vicente stated I have been listening to the people in the audience for a long time. We have had a lot of meetings. Some of things that have been said I completely understand, but what is very clear is these facilities do go in residential areas all the time. I have one in my neighborhood that I could see from my back porch. The areas that need better service are in residential areas primarily in this area. Commercial areas get targeted first. The fact is most of work these days is in residential areas, such as North Salem, Bedford, New Canaan, Somers, Carmel and Putnam Valley. We have applications in all those towns, because the networks demand it, the usage is demanding it and the coverage is needed.

Chairman Paeprer asked Mr. Vicente how do you respond to people that say our area coverage is fine here and it will benefit Westchester and Lake Lincolndale.

Mr. Vicente stated the carriers are in charge of running and maintaining that network to make sure that their customers have all the services that are needed. They are in charge of infrastructure and getting that vital service to the public. They are the experts in doing that. To think that we would be here and Verizon would be engaged in the effort that we engaged in if wasn't necessary or needed, it's illogical. As far as, the tower diminishes value of the community somehow, whether it be property values or otherwise. I just came from the NYS Town Association meetings and most of the municipalities in New York State were there and what I heard from them is that they are having problems in a lot of communities in getting people to buy homes and move there because they don't have wireless coverage or broadband. They are going to petition the governor to say any affordable housing plans should be tied to prove that there is coverage for the people that will live there. That's how important they think it is. Most of our projects are municipal or government projects. We're in the 21<sup>st</sup> century and the networks need to grow and where they need to go is in residential areas. Do you tell the utility company how to do their job and what voltage and lines to use? You don't do that, but everyone wants to do that with the wireless industry. I understand that you want to have some controls and say in what happens and you should. This perception that we're evil, that's it's nonsense, it shouldn't be in residential areas and everything else that I'm hearing.

Mr. Cote stated I think most people in this room would agree that you do need cell service in residential areas. I don't think anyone is disputing that. What I'm hearing from everyone is that when you put this cell tower 174 feet from somebody's front door, that's the problem.

Mr. Vicente replied I understand that and I'm sensitive to it, but when we were in ligation and tried to settle it we offered to move it going through the wetlands and doing additional impacts and work against your code and move it all the way towards the power lines and the answer we got was we don't care.

Mr. Cote stated I think these people here tonight, given the choice of 174 feet from somebody's front door or putting it back there, perhaps people might be a lot more receptive to it now.

Mr. Vicente stated we offered that during the ligation and it was turned down. He said if people want us to investigate it a different area of the property (up on top) we will do that. That's what we have been trying to do. Also, people keep saying that we didn't look and this is the first place we picked and that's not true. The documents submitted shows that. At any these hearings, I haven't heard anyone say a specific property that's better and we should be looking at and consider putting the tower there even if it's available which we can't find.

Mr. Cote stated I think that's a disingenuous statement. Is anybody in this audience qualified to say I think this is a good location for your tower.....

Mr. Vicente said but they are qualified to say we didn't look at anything else.

Mr. Gaudioso interrupted and stated if we are going to have this discussion, we need some decorum in the room. The shouting and calling us carpet baggers is unacceptable.

Chairman Paeprer stated I think you have it.

Mr. Vincente stated it's not their job to prove anything, it's our job and I think we have done that with all of our submissions. My point is we can't find another location, we have documented that. We checked everything, we're very limited here. I keep hearing the same comments and I think people shouldn't be outraged that these facilities go in residential areas. Regarding value, do people want to move to a place that doesn't have services for them.

Chairman Paeprer stated I think people want to move where there are services, but not 140 feet from their homes.

Mr. Vincente replied I understand that.

Chairman Paeprer asked if anyone else in the audience wished to be heard on this application. He stated I appreciate everyone's comments. Mr. Gaudioso submitted a large package today and the board needs time to review that as well as the public. In this case, we're going to keep the public hearing open for another two weeks to review what was submitted today.

Mr. Gaudioso stated we would also like to see the package that was submitted tonight as well.

Mr. Charbonneau replied we will give you a copy of that. The secretary will send it to you.

Mr. Franzetti stated those photographs are being left with us.

Mr. Gaudioso stated they were presented at the public hearing, so I think we're entitled to a copy of that. It's part of the record.

Chairman Paeprer reiterated we'll review this in the next two weeks.

Mr. Gaudioso asked for the record what is the date of that? He stated there was a comment about the notices and we sent the notices out actually early compared to what the code required.

Mr. Charbonneau stated the notices are in compliance with the law.

Chairman Paepfer stated the next meeting is March 22<sup>nd</sup> at 7:00 pm.

Mr. Frenkel moved to adjourn the meeting at 9:13 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta