

APPROVED

CRAIG PAEPRER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS

RAYMOND COTE
ROBERT FRENKEL
VICTORIA CAUSA
JOHN NUCULOVIC

TOWN OF CARMEL **PLANNING BOARD**



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Town Planner

PLANNING BOARD MINUTES **MAY 24, 2023**

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

ABSENT: CHAIRMAN, CRAIG PAEPRER

| <u>APPLICANT</u> | <u>TAX MAP #</u> | <u>TYPE</u> | <u>PAGE</u> | <u>ACTION OF THE BOARD</u> |
|---|-------------------------|--------------------------------|--------------------|--|
| ANB Holdings GCCM LLC 93 Teakettle Spout Rd. | 76.17-1-17 | Public Hearing & Resolution | 1 | Public Hearing Closed & Resolution Adopted. |
| NYCDEP West Branch Aux Dam; 34 Drewville Rd. | 65.-1-5 | Resolution | 1 – 3 | Resolution Adopted. |
| Willow Wood Country Club 551 Union Valley Rd. | 87.7-1-6,7&11 | Resolutions | 3 – 5 | Resolutions Adopted. |
| Diamond Point Development LLC; 4 Baldwin Place Rd. | 86.10-1-2 & 3 | Site Plan | 5 – 10 | No Board Action. |
| Western Bluff Subdivision 350 West Shore Dr. | 66.14-1-20 | Subdivision | 10 | Holdover. |

The meeting was adjourned at 7:37 p.m.

Respectfully submitted,

Dawn M. Andren

ANB HOLDINGS GCCM LLC (MICHAEL COCA) – 93 TEAKETTLE SPOUT ROAD; TM – 76.17-1-17 – PUBLIC HEARING & RESOLUTION

Mr. Carnazza said I have no comments. This is the one that was a strange previous subdivision that was done without going through the process. Mr. Scoca is now going through the process of legalizing everything so I have no comments on this.

Mr. Franzetti said we just need to get the drawings finalized but there are no comments that substantially impact this public hearing right now.

Mr. Cleary said no comments and you do have a draft resolution of approval before you tonight.

Vice-Chairman Giannico said at this point, I'd like to take any public comment. Are there any comments from the public?

Mr. Cote said as there appear to be no public comments, I make a motion to close the public hearing; seconded by Mr. Nuculovic with all in favor.

Vice-Chairman Giannico said I'd like to have someone make a motion to adopt final subdivision approval.

Mr. Carnazza said SEQR should come first.

Mr. Cote said I'll offer the final subdivision approval Resolution of the Planning Board, Town of Carmel #23-14, dated May 24, 2023; Tax Map #76.17-1-17; ANB Holdings GCCM LLC subdivision; 93 Teakettle Spout Road. The motion was seconded by Mr. Frenkel with all in favor.

Mr. Scoca said can I just say one thing. Next month will be one year since I'd purchased the property at 93 Teakettle Spout Road. Prior to that, I had looked at the land and envisioned what I could make of it. Now we are finally nearing the actual building of an amazing home on what has been transformed into a beautiful and buildable lot. I want to thank the Board, Mr. Carnazza, Mr. Franzetti and the rest of the staff at the Town. With the help from all of you, we will be adding another beautiful home to the existing beautiful homes of Mahopac. From my team to all of you, thank you for your patience, guidance and cooperation in allowing me to get this done. Thank you.

NYCDEP WEST BRANCH AUXILIARY DAM – 34 DREWVILLE ROAD; TM 65.-1-5 – RESOLUTION

Mr. Carnazza said I do not have any comments.

Mr. Franzetti said there are no comments but the applicant did provide a bond earlier today and a letter that was dated in 2012 indicating that in the past, the Town Board has let the DEP put this notice of credit forward. So, that needs to be discussed and finalized as part of this public hearing. That's what we have to do but otherwise we're good. Mr. Costa will speak to that.

Vice-Chairman Giannico said and we also have a draft of a resolution for this?

Mr. Cleary said you do Mr. Chairman and there is the provision in the resolution that speaks to a performance bond. So, if it's going to be an alternative, we would have to revise that language of the resolution.

Vice-Chairman Giannico said very good.

Mr. Franzetti said just so you know, the last letter that was provided to us was dated 2012. It was voted on and approved by the Town Board. I don't believe, and Mr. Costa can speak to this, it's an action that your Board can take. The DEP has to go to the Town Board making the request, getting the request as a resolution from the Town Board and then moving forward.

Mr. Charbonneau said you can pass a resolution this evening subject to DEP going before the Town Board and asking for a replacement letter of credit or whatever the case may be.

Mr. Cleary said I would suggest revise the language of item #5 to be 'a performance bond or other suitable form of surety'.

Mr. Charbonneau said that's perfect.

Mr. Cleary said so add that language to whomever makes the motion.

Mr. Charbonneau said then they don't have to come back.

Mr. Costa said I'm with the DEP - Bureaus of Engineering, Design and Construction. So, the performance bond, just to make it clear, DEP gets 100% value of the contract performance bond from the contractor. That assures us that if anything goes wrong with the site or the contractor fails to complete his work, we can call 100% on the performance bond which is a little bit more than what the Town usually gets out of their contractors. That's the surety that we have. Secondly, of course, as the City of New York, we're not going anywhere. We're self-insured and standing by this work. There's no doubt that we're going to be there to make sure things are followed through. So, yes; they referred to a letter of 2012 which was for the previous project: Croton Falls Dam – the pump station. We had sent a letter to the Town Supervisor requesting that waiver and explaining the situation including what we do gain from the contractor, and it was through that letter that the Town Board passed a resolution to waive that bond requirement. That's what we'll look to do I guess. Maybe, before anything else, we should get a letter, similar to the last letter, for this project and send that in. That's what I would think would be the appropriate action for us to take.

Vice-Chairman Giannico said so it would be a new letter; not the 2012 letter.

Mr. Costa said yes. That was for a previous project.

Mr. Franzetti said yes. It was for a defined project that had defined criteria.

Mr. Charbonneau said again; the resolution would be predicated on that.

Vice-Chairman Giannico asked are there any questions from the Board?

Mr. Costa said we still have to follow up on the inspection fee. The last thing that I would just mention in terms of executing getting the fee paid – it'll take us some time – a few months – to get that going. We're going to start bidding the job in a couple of months so

construction won't start for four or five months. So, we've got some time. We'll be able to get that fee into you but it's going to take us two or three months.....

Mr. Cleary said the resolution gives you a year to satisfy all those conditions.

Vice-Chairman Giannico said I'll need a resolution to adopt the final site plan.

Mr. Cote said subject to the revision of item 5 and that being resolved with the Town, so subject to that, I'll offer the resolution of the Planning Board of the Town of Carmel #23-15, May 24, 2023 for Tax Map #65.-1-5 NYC DEP West Branch Auxiliary Dam Final Site Plan approval; seconded by Mr. Frenkel with all in favor.

WILLOW WOOD COUNTRY CLUB, INC. – 551 UNION VALLEY ROAD; TM 87.7-1-6, 7 & 11 – RESOLUTION

Mr. Carnazza said no comments.

Mr. Franzetti said all comments have been addressed. They've provided the performance bond yesterday I believe.

Mr. Cleary said and you have two resolutions Mr. Chairman. This one you do have a negative declaration and the amended site plan approval.

Vice-Chairman Giannico said are there any questions from the Board?

Vice-Chairman Giannico said I'll look for a motion to adopt the SEQR Negative Declaration Resolution.

Mr. Frenkel said I'll offer the Resolution of the Planning Board of the Town of Carmel, #23-12; May 24, 2023 for Tax Map #87.7-1-6, 7 & 11; Willow Wood Country Club Sporting Clay Course; Union Valley Road SEQR Determination of Significance Negative Declaration; seconded by Mr. Cote with all in favor.

Vice-Chairman Giannico said I'll also now need a motion to adopt the final site plan resolution.

Mr. Frenkel said I'll offer that Resolution of the Planning Board of the Town of Carmel, #23-13; May 24, 2023 for Tax Map #87.7-1-6, 7 & 11; Willow Wood Country Club Sporting Clay Course; Union Valley Road Amended Final Site Plan Approval; seconded by Mr. Nuculovic with all in favor.

Mr. Calcagnini said thank you.

A member from audience said excuse me. Can you please explain to me what just transpired here? There are two resolutions. I heard 'thank you' but I don't think anybody here knows what really happened. So, if somebody on the Board can take a moment to explain the relationship they have with Willow Wood Country Club so that the audience can understand what just transpired.

Mr. Charbonneau said the Board just approved the amended site plan approval for the Gun Club.

The 'member' said does that mean they can start firing right away?

Mr. Charbonneau said they can now work under the amended site plan. So, whatever was approved in the amended site plan, is now the approvals that are at the gun club.

The 'member' said does this mean they can start skeet shooting?

Mr. Charbonneau said whatever was in the amended site plan. Mr. Calcagnini.....

Mr. Calcagnini said may I address that?

Mr. Charbonneau said yes.

Vice-Chairman Giannico said this meeting now, is not open for public comment. If you wouldn't mind answering the question but the public comments closed; we extended a 10-day grace period. That period has now closed. This is not open for public comment.

Mr. Calcagnini said as a courtesy I would like to explain it.

Vice-Chairman Giannico said thank you.

Mr. Calcagnini said there is a lot of work that we have to do in terms of drainage work, road work, sound barrier work, berms, plantings, and I will be in touch with the technical staff from the Town to have them inspect and have them approve the work that was done before we resume shooting up there.

Vice-Chairman Giannico said that was presented at our last meeting – correct? It was all about remediation, sound continuation and such so that was the focus of this.

Mr. Calcagnini said correct.

Vice-Chairman Giannico said there is work that has to be done to mitigate the sound.

The 'member' said steel shot or lead shot?

Vice-Chairman Giannico said sir, with all due respect, the public comments are closed. That was addressed in the last meeting.

The 'member' said this gentleman had over an hour to speak at the last meeting. Everybody else was given three minutes so I think some of our questions could be answered by (inaudible) gave an hour at the last meeting.

Mr. Charbonneau said the public hearing is closed. The Board has now voted on the Resolution. We're done.

The 'member' said but you didn't explain anything.

Mr. Charbonneau said we don't have to explain everything. You can read the amended site plan approval which is what the Board just voted on. There are two other items on the agenda this evening. This is not a public hearing.

The 'member' said so everything is approved?

Mr. Charbonneau said correct.

A different 'member' of the audience asked are steel bullets being used instead of lead? The 'member' said you explain to us whether you're using steel or lead.

Vice-Chairman Giannico said we're going to have to move onto the next agenda item.

DIAMOND POINT DEVELOPMENT, LLC – 4 BALDWIN PLACE; TM 86.10-1-2 & 3 – SITE PLAN

Mr. Carnazza said the applicant amended their submission slightly. They're still taking down all of the dilapidated, unsightly buildings. They're replacing it with a retail building on Route 6; 120,000 s.f., three-story, self-storage building which may be phase 1 & 2; 120,000 s.f., two-story, self-storage buildings which will be phase 2. Engineer noted that they'll be placing signs on both Route 6 and Baldwin Place Road. Total allowed is 4 free standing signs in that district. In addition, the Engineer must also demonstrate that they can show parking. The parking for a self-storage warehouse is one parking spot per 10,000 s.f. It's not an overly used use but they have to demonstrate that they can do one per 1,000 s.f. just to show that they are able to that if it doesn't work, they can do it for another use on this site.

Vice-Chairman Giannico said you have a memo on this as well Rich?

Mr. Franzetti said I do. Thank you Mr. Chairman. So, as Mr. Carnazza explained what the project is, my memo didn't capture the fact that it converted into one building at 120,000 s.f. versus the nine prior at 137,000 s.f. The comments are still relatively the same. They've acknowledged comments. They've acknowledged for a referral. They've acknowledged the need for the permits. They've indicated that a traffic study will be reviewed by and approved by the NYS DOT and Putnam County. They've provided the SWPPP which is under review. It was a modified one from the original one. They will provide a Stormwater Maintenance Agreement. They've acknowledged that. Performance Bond – there were some detailed comments. They've acknowledged all the facts that are needed, details on wells, lighting plan, grading utilities. So, there are some details in there that need to be brought up but they've acknowledged the fact that they're needed and they just kind of have to provide it as they move forward.

Mr. Cleary said this is an update of the plan you originally saw. This is really just a preliminary presentation really to get your temperature. As Mr. Franzetti indicated, in the middle of the plan, the last drawing you saw had nine buildings. They were smaller buildings and as Rich indicated with a total of about 137,000 s.f. of storage space. Whether because of your prompting or because of the cost of doing the site excavation, they have modified the plan. Now, it's a single building that's shown on Adam's plan. It's slightly smaller. It's 120,000 s.f. I think. That's the change. Everything else remains the same. All of the work that's required that Rich and Mike indicated still has to be provided for you. So, there's no action to take on this. It's a little too preliminary to do anything. I think all that Adam wants to hear is this is better than what the prior plan was and what your reaction is. The comment that I would offer is the nine buildings were one and two-story buildings. This, I think, is a three-story building; bigger building; more mass. I think one of the things we would want to see is visual renderings of the difference between the smaller buildings and the one bigger building.

Mr. Thyberg said sure. We had provided color rendered elevations of the building but we'll certainly update the renderings that we provided previously with the street views.

Vice-Chairman Giannico said that building that you're representing now – please point to it.

Mr. Thyberg said that would be this one.

Vice-Chairman Giannico said and what's going to go on in the back; stay as is?

Mr. Thyberg said yes. So, the office building on the Route 6 frontage is the same as what was previously presented. The future phase is what was presented previously. Really; the change that Mr. Cleary was referring to was more kind of this middle area here that would be a part of the first phase of the project, and as Mr. Cleary pointed out, we had a total of nine buildings shown on this site. We did have a building of similar scale and similar location to this one here but we also had additional buildings back in here. We had another building over here and another smaller building along the driveway here. Those have been condensed down to that single building.

Mr. Cote said I believe at the last meeting, you had a rendition looking from the entrance or from the road showing the entrance showing that building. Do you have an updated rendering?

Mr. Thyberg said we haven't updated that one. We have updated the color version of the building elevation but we will definitely update those rendered views from the street.

Mr. Cleary said I should point out one other thing. They talked about relocating the driveway at the last meeting. They have relocated the driveway at Baldwin Place Road.

Mr. Thyberg said correct. We were working with Colliers Engineering on the traffic. On this project, they'll be spearheading the permitting with the DOT and County Highways and Facilities. One of Collier's initial comments was the suggestion that the driveway that was originally shown coming out at the existing exit that's right near the Mobil station be shifted a couple hundred feet to the west & north on Baldwin Place Road. We've done that.

Mr. Cleary said we're in the process of engaging a traffic consultant. They should be on board tomorrow or the day after.

Mr. Cote said what about the entrance on Route 6. Is that going to be relocated as well?

Mr. Thyberg said that would not be relocated. At this point, we would plan to keep that in its location that's shown. It should be noted that we're going into this with the assumption, and of course it'll come down to DOT permitting, but we're going into it that it's going to be a right in and right out only so you won't be making a left out of that location. You've got turning lanes and multiple lanes in that location. It only makes sense for that to be right in and right out only. The Baldwin Place entrance would be all ways. So, to Mr. Cleary's point, unless there are other questions or comments, we're looking to do a couple of things. One is to get your take on the revised plan. Again, this is a reduced scope as far as the project goes. We wanted to put that by you. Also, we did respond to a handful of the comments and questions. We did provide a maneuvering plan. We did a handful of those things to try and advance the project a little bit. Really, we're looking for a feedback on those couple of things. Then we're going to take that and gain some momentum and start to really engage with the outside agencies. In addition to that, we have also reached out to the Town's Architectural Consultant and we did put that on hold because we were going through such a significant change in the size and scale and nature of the buildings. We didn't want to put the cart in front of the horse as far as the architectural review goes but now we are set on going in this direction. That reviewer and that process will continue.

Mr. Cote said one comment. We had a discussion the last time you were here. I think we all agree that this is a really important location for this Town. You see it when you're driving into Town. One thing that we've gotten from other applicants, not that often but we get it, is renderings from Route 6 as you're coming in – what are you going to see? We've had some projects in the past where when it was all said and done, it didn't look..... We really want to give this one a lot of attention. We want to make sure it's enhancing our Town as opposed to the opposite. So, to the extent that you can do that, I think it would go a long way.

Mr. Thyberg said with the initial submission, we did provide those views. I think we provided one from Route 6 and one from Baldwin Place Road. We will revise those for the new plan and we will make sure that they're as accurate as can be. We're happy, of course, to engage with the Board and your Architectural Consultant.

Mr. Cote said especially since this building is going to be three stories.

Mr. Cleary said a word of caution as to whether you need to see those renderings before you say this is a better plan. That's just my opinion.

Vice-Chairman Giannico said I'd like to see them before I say it. The reason being because now it's a three-story building. The initial rendering, in my opinion, looked pleasant from the road. I just don't know if this is now going to look like a monster thing there at three stories.

Mr. Thyberg said this is going to be set back, I believe, even a little further than the other building. We'll do a comparison to the building that was previously shown. So, it'll sit back on the site. We are planning to do landscaping framing the building. No business wants to be completely screened off but looking to do something that will frame and soften the building as much as possible. We'll develop that landscape plan to make sure that we achieve that. I do think the rendered views will help.

Mr. Frenkel said just taking Mr. Cote's comment a little bit further, what's very important to me also is this is a gateway to the Town, and as Mr. Cote indicated, it has a special significance to us. I know that you're working with the architect but the result of that architectural offering is going to be very important to me. Right now, as I look at the building that you're offering, it's a warehouse. There are a lot of things that can be done. I rely on the architect to work with you and do that. That was one issue. Second question is will you be providing any type of economic analysis both in terms of the prospective success of this project in addition to the economic benefit to the Town?

Mr. Thyberg said I do believe that the applicant themselves provided some market research that is the basis of the investment they're looking to make in the site. I think that is on file. We'll make sure that you have a copy. I'll speak with them about whether that needs to be expanded.

Mr. Frenkel said the tax benefits to the Town or tax effects would be very important.

Mr. Thyberg said right. It'll certainly be a benefit.

Mr. Frenkel said we'll want to see it. We want to see the numbers. That's the point.

Mr. Thyberg said yes; I understand.

Mr. Franzetti said Mr. Chairman as a follow-up on Mr. Frenkel's comment, run it by Rose [Trombetta] – I thought we needed to do a permit before you reach out to the Architect first? There's a fee associated with the permit. That gives you your initial review with the architect. After that, they set a retainer for the project review. That's the way we've done it in the past. Let's confirm that tomorrow with Rose but I think it's important that gets looked at because that's the way it should be.

Mr. Cleary said now I'm remembering. It's not a permit. It's an application for an initial architectural review that allows you to go talk to them. There's a fee schedule.

Mr. Thyberg said right. We have been working with Rose [Trombetta] and there was discussion of establishing an escrow.

Mr. Cleary said there's an initial application and a nominal fee for an hour or two of their time. Then he sets an escrow account, knowing what he's looking at, to move forward with the review. It's a two-phased process.

Mr. Franzetti said and when we first met with the original owner and applicant, they did say they would make the renderings and the thing look more like a farm with cupolas; whatever the Board would desire on that. That's not quite shown on this drawing right here. That might be that lower building but what does this look like. The owner was amenable to it. He understood that piece. That's just going back to what Mr. Frenkel was talking about.

Mr. Thyberg said there's no question that the applicant will be open to introducing features that give more of the rustic kind of farm feel that was discussed at that meeting. They have sought to meet some of that aesthetic with the building that's on Route 6; cupola with a little bit of a farm feel. I'm sure we can get to an amicable place in terms of the style of this building as well.

Ms. Causa said just remind me: what's the duration of this – start to finish?

Mr. Thyberg said of construction?

Ms. Causa said yes.

Mr. Thyberg said they'd like to do it within a year. That would be the first phase. Right now, we are showing a second phase. There isn't a specific time line for the second phase for the buildings to the rear of the property.

Mr. Carnazza said if this is approved that way, I think the Board would have to put a close date on it because we can't leave a 2nd phase open forever. If it wasn't done, they would have to come back to the Board and revisit this.

Mr. Thyberg said and that could simply be written into a resolution; that would be understood.

Mr. Carnazza said I just don't like things hanging out there; approved and.....

Mr. Thyberg said sure. What's a typical horizon that you would see that?

Mr. Carnazza said approvals good for one year but you're going to get a Building Permit. So, your Building Permit would lock you for your year. However, if you're going to do a phase 2, I would say.....

Mr. Cleary said it's going to be tight, Adam [Thyberg] because all of the physical infrastructure associated with the entire site goes in first. The construction of those two buildings in the back can be 2nd phase if we're wearing out infrastructure by the time you get around to the 2nd phase, it's a problem for us. We try to keep that tight. I'm guessing your client wants to see how the 1st phase goes before he invests in the 2nd phase. If the 1st phase isn't working, he doesn't want to build a back phase. So, you're probably going to want a long period where we're going to want a tight period. We'll negotiate and talk about what's an appropriate thing. We like to keep a short leash on those types of things.

Mr. Thyberg said we can talk about that offline. The phases are fairly separate. The road network is separate. So, essentially, the 1st phase would end in this loop road here and then an extension would be created to provide this. The stormwater systems are separate. There is a separation with the regard to utilities and other infrastructure but we can certainly talk offline about how that might come together.

Vice-Chairman Giannico said based on offline discussions at some point, maybe that gets eliminated from the plan – phase 2 and we just deal with your project.

Mr. Cleary said that's actually a good point. If you are concerned about the extended length of time with respect to the potential development of the property, the solution to that is an amended site plan. Phase 2 turns into an amended site plan. We just approve Phase 1 as a site plan. If you choose to do phase 2, that becomes an amendment whenever, and we don't have to worry about time frames and so forth. It happens whenever you choose to do it.

Mr. Thyberg said I would say that the applicant's strong preference would be to have a future phase shown on a site plan of course. If anything were to be built that's different than what's shown on the potential approved site plan for the future phase, of course they would come back for an amended site plan.

Mr. Cleary said you know this. We have a history of problems with phased developments. So, that's why we're overly cautious. So, it's to be discussed. We're not even close to where we've got a plan yet.

Vice-Chairman Giannico said there's a lot of work that has to go before we even get to that next step.

Mr. Frenkel said will the architectural work be done on the phase 2 as well as phase 1 at this point?

Mr. Cleary said I'm inclined to say yes at this point.

Mr. Carnazza said if it's on the map, it's going to be reviewed.

Mr. Cote said just one question. I've gotten a little confused. The two buildings in the back – are they two story or three story?

Mr. Thyberg said I'll just run through this quickly. This is, as you saw in the rendering, a single-story building. This one is the three story and the way this works is the lower level/first floor would be access from the front of the building here. Then you come up to the elevation of the second level and you access that from here. The third level would be accessed by an elevator internal to the building. These buildings work in a similar way except there's only two levels. Just the way the natural topography on the site is, there's a ridge that runs through the site in this location so, this sits up a little bit higher. This

would access the upper floor, and as you go down, in either direction, you go down onto the lower level. So, two stories, three stories and just the smaller one-story office building.

Mr. Carnazza said and you mean a retail center for this use?

Mr. Thyberg said yes.

Vice-Chairman Giannico said any other questions or comments from the Board?

Mr. Thyberg said we'll update as discussed. I think we're going to continue to advance this plan because this is the preferred direction of the applicant. We will update renderings and provide a new presentation next month.

Mr. Cleary said again; that's at your risk Adam. If the Board sees the rendering and prefers the multiple buildings, that's a potential so that's why the rendering is important for them sooner rather than later.

Mr. Thyberg said sure. We'll make sure to provide that with our next submission.

WESTERN BLUFF SUBDIVISION – 350 WEST SHORE DR.; TM 66.14-1-20 – FINAL SUBDIVISION

The applicant did not appear so the application was held over to the next meeting.

Ms. Causa moved to adjourn the meeting at 7:37 p.m. The motion was seconded by Mr. Frenkel with all in favor.

Respectfully submitted,

Dawn M. Andren