

APPROVED

HAROLD GARY
Chairman

CRAIG PAEPRER
Vice-Chair

BOARD MEMBERS
CARL GREENWOOD
ANTHONY GIANNICO
DAVE FURFARO
CARL STONE
KIM KUGLER

TOWN OF CARMEL PLANNING BOARD



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

MICHAEL CARNAZZA
*Director of Code
Enforcement*

RICHARD FRANZETTI, P.E.
Town Engineer

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

PLANNING BOARD MINUTES FEBRUARY 18, 2015

PRESENT: CHAIRMAN, HAROLD GARY, VICE-CHAIR, CRAIG PAEPRER, CARL GREENWOOD, ANTHONY GIANNICO, DAVE FURFARO, CARL STONE, KIM KUGLER

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Fischer & Free	65.11-2-27&29	1	P/H & Reso	Public Hearing Closed & Resolutions Adopted.
Nejame & Sons	44.9-1-16	1-3	Resolution	Resolution Adopted.
Carmel Fire/Sprint	44.14-1-24	3-8	A. Site Plan	Denied to ZBA & Referred to ECB.
Putnam Hospital Center/ New York SMSA Limited	66.-2-57	8	A. Site Plan	Public Hearing Scheduled & Referred to ECB.
Itzla Subdivision	55.14-1-6	9-11	Subdivision	No Board Action.
Hillcrest Commons – Lot E-2.2	44.10-2-4.2	11-13	Re-Approval	No Board Action.
MK Realty	55.6-1-44&45	13-15	Re-Approval	No Board Action.
Euro Builders, Inc.	64.9-1-15	15	Bond Return	Public Hearing Scheduled.
Tompkins Recycling	55.11-1-15	15	Extension	Applicant off the Agenda.
Joseph Smith Funeral Home	76.30-1-22	15-16	Waiver	Waiver of Site Plan Granted.
Minutes – 12/10/14		16		Heldover.

The meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Rose Trombetta

Chairman Gary welcomed new board members, Carl Stone, Kim Kugler and Dave Furfaro. He also congratulated Craig Paeprer on his appointment as Vice-Chairman.

FISCHER & FREE – 9 & 25 LOGAN ROAD – TM – 65.11-2-27 & 29 – PUBLIC HEARING AND RESOLUTION

Mr. Carnazza said all his comments have been addressed.

Mr. Franzetti had no comments.

Mr. Cleary have addressed all the issues. He said you have two resolutions before you tonight, a SEQR Negative Declaration resolution and a lot line adjustment resolution.

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

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

Mr. Giannico moved to adopt Resolution #15-03, dated February 18, 2015; Tax Map # 65.11-2-27 & 29 entitled Fischer and Free Subdivision – Lot Line Adjustment, SEQR Negative Declaration Resolution. The motion was seconded by Mr. Greenwood with all in favor.

Mr. Giannico moved to adopt Resolution #15-02, dated February 18, 2015; Tax Map # 65.11-2-27 & 29 entitled Fischer and Free Subdivision – Lot Line Adjustment Resolution. The motion was seconded by Mr. Greenwood with all in favor.

NEJAME & SONS – 133 GLENEIDA AVE – TM – 44.9-1-16 – RESOLUTION

Mr. Carnazza said all his comments have been addressed.

Mr. Franzetti said the Engineering Department does not have any objection to the amended site plan application.

Mr. Cleary said all site planning issues have addressed and you have an amended site plan resolution before you.

Chairman Gary asked if any of the board members had any questions.

Mr. Greenwood said I don't believe we acted on the waiver of a public hearing.

Mr. Cleary said I think it was done at the last meeting.

Chairman Gary stated as per the secretary, the public hearing was waived.

Mr. Greenwood stated I am curious as to how I voted.

Mr. William Shilling, Attorney for the applicant addressed the board and stated our application before the last meeting was for a waiver of a public hearing. He said the changes that were made were inconsequential compared to the site plan which was approved earlier.

Mr. Paepreer stated I remember spending time on the color of the roof.

Mr. Shilling said the color of the roof is in the resolution. That has been resolved.

Mr. Greenwood at the December meeting, most of the discussion was over the roof, its design and how it compared to the original design that was previously approved. He said I do not recall a formal vote by this board at that meeting to officially waive a public hearing.

Mr. Shilling said I believe it was taken.

Mr. Greenwood said if it was, then I would like to know how I voted, and I would like to know what discussion took place, because based on the rest of the discussion that occurred at that meeting, I find it very strange that we approved a waiver of a public hearing.

Mr. Shilling said why didn't you bring that up at the time. He said the Planner was instructed to prepare a final resolution on this.

Mr. Greenwood said at that meeting I don't recall any conversation about the preparation of a resolution.

Mr. Shilling stated I could assure you without any hesitation he was instructed to prepare a final resolution for this matter.

At which time, Chairman Gary pointed to the drawing in front of him and stated that building as it stands now resembles the building that was previously voted on. He said the only issue was the color of the roof. He said in the resolution the roof color has been modified.

Mr. Giannico stated the color and manufacturer is in the resolution.

Chairman Gary said there is nothing else that would warrant us to go back to the public. He asked Mr. Cleary if that was a fair statement.

Mr. Cleary said at the last meeting that is the conversation we had with the applicant. The applicant listed all the changes to the building that brought it back to the original approval. He said my notes say that this board waived the public hearing and I was directed to prepare the resolution for tonight.

Mr. Paeprer moved to adopt Resolution #15-01, dated February 18, 2015; Tax Map # 44.9-1-16 entitled Nejame and Sons Amended Final Site Plan Approval. The motion was seconded by Mr. Stone.

A roll call vote was taken as follows:

Mr. Greenwood	Against the motion
Mr. Giannico	For the motion
Mr. Furfaro	For the motion
Mr. Stone	For the motion
Mrs. Kugler	For the motion
Mr. Paeprer	For the motion
Chairman Gary	For the motion

Motion carries.

CARMEL FIRE/SPRINT – 94 GLENEIDA AVE – TM – 44.14-1-24 – AMENDED SITE PLAN

Mr. Greenwood recused himself and left the podium.

Mr. Carnazza read his memo which stated the applicant proposes to add antennas to the exterior of the “Flagpole”. The applicant is required to return to the ZBA for an amended variance. The Decision and Order of the ZBA, dated July 29, 2004, clearly states “Request for permission to construct a 120 ft. flagpole with six antennas inside it and the related ground equipment is hereby granted”.

Section 156-37E requires all applications for public utility installations shall be referred to the Environmental Conservation Board, the appropriate local Fire Chief and the Putnam County Health Department for their review and recommendation. Referrals required.

Mr. Franzetti read his memo which stated this application encompasses installation of external antennae on the exterior of the existing flagpole located at the rear of the Carmel Fire Department Building, along with an expansion of the existing fenced in area and improvements therein.

Based upon our review of this submittal, we wish to offer the following preliminary comments:

1. Original Site Plan approval was granted in 2004. The supporting documentation prepared by the applicant as part of the submission made clear that the intention of the project was to provide a cell tower that in all other respects resembled a flag pole. This is made clear by the language of the Full Environmental Assessment form which states “The Project involves the installation of a Public Utility Facility consisting of a 120-foot high flagpole, housing wireless antennae’s within the

flagpole.” The amended Site Plan Approval Resolution, likewise, identifies the project as “the construction of a 120’-0” tall flagpole wireless cellular tower...”. The signed Site Plan, shows both a section and vertical detail, identifying the antennas as being within the flagpole. (portions attached)

The current application involves installation of a Sprint Antenna on the exterior of the flagpole which will likely detract from the intended appearance as a flagpole only.

2. Should any public improvements be deemed necessary as part of the development of the tract, a Performance Bond and associated Engineering Fee must eventually be established for the work.

Mr. Cleary stated in summary my comments are the same comments you have already heard. He said the primary issue with this is the installation of the antenna on the outside of the flagpole. He said the whole intent of the flagpole was to camouflage those antennas within the pole. He said we need to know why that can't be done this time around. And if it must be installed on the outside of the flagpole we want to know how it could be further screened or camouflaged to minimize its appearance if that's necessary. The applicant submitted two groups of studies in addition to the materials. The first was the radio frequency compliance report. He said your board is exempt from dealing with the radiation issues with this antenna. He said you do have the ability to assure compliance with the federal standards. The report indicates that the antenna and the cumulative impact of the antennas in this instance will be 60 times below the federal limit for radiation on this site. The second study was a structure analysis report which the Town Engineer should review demonstrating the capacity of the tower to support the proposed antenna. These facilities are designated in our zoning code as public utility structures and we have a series of special permit criteria that they must address for each of these installations. To summarize, this application complies with all the requirements with the exception of one provision which requires screening of these facilities and the applicant is asking for a waiver of the screening requirement. The screening applies to supplemental equipment that is provided below the antenna. In this case, the equipment will be within a fenced compound. So, it is up to the board if additional screening is required beyond the fence.

Ms. Cara Bonomolo, Attorney from Snyder & Snyder, LLP, representing the applicant addressed the board and stated the applicant is seeking permission to collocate a wireless communication public utility facility on the existing monopole at the Carmel Fire Department. The facility will consist of three panel antennas flush mounted to the outside of the monopole and painted to match same. The antennas will be mounted at a centerline height of 75 feet on the 120 foot existing monopole, so the height of the tower will not be increased. In addition, we propose related equipment cabinets that will be located within a small extension of the fenced compound 275 square feet in size. That will be screened with 7 re-located evergreen trees and 2 proposed evergreen trees consistent with the existing landscaping. She said the waiver that Mr. Cleary spoke about was for a buffer area of 10 feet in width. She said it appears that it hasn't been required for the existing compound itself. We are proposing screening to what is there now. We would request a waiver of any additional landscaping requirements.

Ms. Bonomolo commented on the variance that was granted in connection with existing tower was a height variance and also a rear yard variance. She said we are not increasing the height of the tower and we meet the rear yard setback, so I don't believe that there is any reason that this application would need to go back to the zoning board for a new variance. She said with respect to the antennas on the outside of the flagpole, the way the flagpole facilities are constructed is they have a steel base, so the monopole at the bottom is made of steel and there are cylinders located on top that are constructed of stealth material that is RF transparent, so that the waves from the antennas can go through the stealth cylinders on the top of the flagpole. She said the stealth cylinders are already occupied by other carriers, and Sprint wishes to collocate at this existing tower but there is no room inside the flagpole to locate the antennas. In order to minimize any visual impact we proposing only 3 new antennas. We are going to mount them flush to the monopole as opposed to a traditional antenna array where you might see antennas sticking out several feet off the sides of the monopole on a platform. She said they will be painted to match that monopole.

Mr. Giannico asked Ms. Bonomolo if she had cut sheets on that antenna.

Ms. Bonomolo said the details are shown on the plans. At which time, Ms. Bonomolo displayed the drawings to the board members. She said the dimensions of the antennas are 72 inches in height, 11.8 inches in width and 7 inches in depth.

Chairman Gary stated you would agree that it would be better if they were inside the flagpole and you would agree you basic reason for putting them on the outside is cost effective also. He said you could get those antennas inside the pole if you wanted to.

Ms. Bonomolo said you have four other carriers on this tower. She said it is 120 feet in height. There is T-Mobile, Verizon Wireless, MetroPCS and ATT and they are occupying the space where the antennas could go in those stealth cylinders. She said where Sprint is going at 75 feet in height; there is no stealth material there for Sprint to locate inside that tower.

Chairman Gary stated we need verification on whether they could be inside the tower.

Mr. Cleary stated the question becomes can they continue the tower up above the area that they are talking about. He asked if there will be mounting hardware as well.

Ms. Bonomolo said there will be some mounting hardware.

Mr. Cleary addressed the board and stated by law you are precluded from dealing with a lot of the issues associated with wireless installations like this, the one area you have full control over is the aesthetics appearance of them. This is an issue absolutely can address as you see fit.

Mr. Giannico stated he was concerned with wind loading being that they are off the pole. Will that pole be able to withstand wind loading once those three antennas are mounted?

Mr. Franzetti said we will take a look at it. He said a structure analysis was submitted.

Mr. Carnazza said I think what the Chairman was asking is how do we verify that there is no room inside the pole.

Mr. Cleary stated as I understand it antennas must have certain separations from the different carriers.

Ms. Bonomolo replied that's correct.

Mr. Cleary said it is not a horizontal separation; it's an up down separation, so if your antenna is properly separated from the last one why can't it be inside the tube?

Mr. Carnazza said there is no cabinet there. Each one gets a separate cabinet.

Mr. Cleary asked why can't you do that in this instance.

Ms. Bonomolo said because it's not there.

Mr. Cleary said the ability to do it is precluded by.....

Ms. Bonomolo said I am not an engineer, but I would think you would be re-constructing the entire base and from a structural standpoint, I don't if that would work. I could have the engineer address in a letter why.

Mr. Cleary stated when this was originally approved the reason there was a flagpole there was to minimize the issues we are talking about right now. I think the applicant should go back and research the feasibility of trying to do what was originally intended on that site. He said if it is physically impossible then this board could make a decision based on that.

Ms. Bonomolo stated we will look into what other options there are. She said as the pole currently exists today, it's my understanding from my discussions with the engineer is there is no room inside the pole. It already supports four carriers and with the fifth carrier added at 75 feet, the stealth material is not available at that location.

Chairman Gary stated I feel that there is room in the pole, but I would like to see concrete evidence from the engineer why it can't be done.

Ms. Bonomolo replied absolutely. She said the structural analysis that was submitted also details all of the equipment that is currently on the tower. She said I will have my engineer prepare a certification explaining why it can't be done.

Mr. Paepfer stated I would like to see a photo rendering of what the antennas would look like on the outside of the pole.

Ms. Bonomolo replied will do.

Mr. Stone asked how many stealth tubes are on the pole now.

Ms. Bonomolo replied based on what I see on the site plan, there are four. Typically, they are four 10 foot sections. It's at 120 feet at the top and each carrier gets a 10 foot section within the pole. She said with the exception of one carrier the antennas are stacked in two levels within each section. She said our antennas that are proposed are 72 inches. So they are 6 feet long and the sections are only 10 feet.

Chairman Gary stated we dedicated a long time for the pole to look the way it is.

Ms. Bonomolo stated we will come back with a letter from the engineer detailing why we can't go inside the pole.

Mr. Cleary said we would like to see a photo rendering.

Mr. Carnazza said how will this affect the operation of the flag? Will the ropes get intertwined?

Ms. Bonomolo said I will find out.

At which time, there was a discussion regarding the variance that was granted in 2004 and if a variance was needed for this application.

Mr. Charbonneau stated I will take a look at the previous variance and make a determination of whether or not it is required.

Ms. Bonomolo stated if you determine that it does need to go to the zoning board, can we get the referral from this board and if you determine that we don't have to go.....

Mr. Charbonneau said that is up to the Chairman.

Chairman Gary said accept what Mr. Carnazza said and go to the zoning board.

At which time, the board members and Ms. Bonomolo continued to discuss the issue with getting a new variance and getting a referral to the ZBA.

Mr. Paepfer moved to deny the application to the ZBA. The motion was seconded by Mr. Giannico with all in favor.

Mr. Stone asked Mr. Charbonneau if this should be approved for the antennas to be outside the pole will that set a precedent for the next entity that comes before us and are obligated to approve?

Mr. Charbonneau stated there are issues that are unique to this application. If there is a determination made that there is no more space within the pole itself and that's a factor and it's unique to this application, the short answer is yes, it does.

Mr. Giannico moved to refer the application to the ECB. The motion was seconded by Mr. Stone with all in favor.

Mr. Greenwood returned to the podium.

**PUTNAM HOSPITAL CENTER/NEW YORK SMSA LIMITED PARTNERSHIP - 670
STONELEIGH AVE - TM 66.- 2-57 - AMENDED SITE PLAN**

Mr. Carnazza read his memo which stated the applicant proposes to add antennas to the existing cell tower. Section 156-37E requires all applications for public utility installations shall be referred to the Environmental Conservation Board, the appropriate local Fire Chief and the Putnam County Health Department for their review and recommendation. Referrals required.

Mr. Franzetti read his memo which stated this application encompasses installation of a panel antenna below the two existing antennas, on the existing tower located in the southeast corner of the Putnam Hospital Center property along with a 240 square foot equipment shelter. This Department has no objection to Site Plan approval.

Mr. Cleary said we have objections, they have demonstrated compliance with the public utility standard. They have also requested the waiver of the screening requirement. In this instance, there is an existing wooded area in place behind the antenna and the existing vegetation serves as the buffer. They have submitted their radio frequency compliance analysis and their structure analysis all of which demonstrate a suitable condition for the installation of this antenna. He said this needs a referral to the ECB and like all site plans you have to decide if you want to waive the public hearing for this application if not we could schedule their public hearing.

At which time, a discussion ensued with regards to waiving the public hearing.

The board members were in agreement with not waiving the public hearing.

Chairman Gary said we will have a public hearing.

Mr. Greenwood moved to refer the application to the ECB. The motion was seconded by Mr. Paepre with all in favor.

ITZLA SUBDIVISION – 9 MECHANIC ST – TM – 55.14-1-6 – SKETCH PLAN

Mr. Carnazza stated a few variances were granted from the ZBA. The only question was with regards to a pool being removed or moved to a different location to comply with code and they agreed to do that.

Mr. Franzetti read his memo which stated the project encompasses subdivision of a 1.446 acre parcel into two nearly equal lots. The Engineering Department offers the following comments on the sketch plan provided:

1. The sight distance profile is inadequate and the following should be considered:
 - a. Realign the driveway to the northwest towards the apex of the curve on the adjoining property. This will require an easement from the adjoining property.
 - b. Obtain a restrictive easement from the adjoining property which prohibits obstructing the line of site (e.g., no building or shrubbery allowed in the area)
2. The grade Mechanic Street, west of the driveway is approximately 16 feet higher grade than the grade at the driveway. Verification should be provided that the proposed 200 feet sight distance is sufficient considering the grade change. All calculations should be provided.
3. The eastward facing sight distance should be provided.
4. The Board should be aware that the drawing contains a note with the following language:

“There are no areas proposed to be reserved for recreation / open space”.

Mr. Franzetti stated there are more detailed comments offered which I will provide the applicant for their review.

Mr. Cleary stated for those of you who aren't familiar with this particular project, it is adjacent to a project that is known as RPK Precision Homes development. That project involved re-locating and re-constructing the Mechanic Street and Seminary Hill Road intersection. He said the planning board spent a lot of time with the location of the driveway. He said as Mr. Franzetti noted there is a bend in the road adjacent to this property that creates some site distance issues. The applicant has submitted some information regarding the adequacy of the site distance to the left that it is over 200 feet. He said what standard was used? Was it the AASHTO standard for that site distance analysis? And was it based on posted speeds or actual observed speeds? He said there are some grading issues associated with this, even though we are talking about a single new driveway, its location next to RPK and the new intersection creates some concern. So the site distance is a particular issue. They may be a benefit as Mr. Franzetti has also indicated in re-locating that driveway to the left and maybe a possibility

of running the driveway through the corner of the RPK property. They will need RPK's cooperation to have an easement limiting the planting of trees, etc. He said this is an "infill subdivision" so we probably want to see the provision of some landscaping and screening along that adjacent property line to mitigate the impacts associated with this.

Mr. Paul Lynch of Putnam Engineering, representing the applicant addressed the board and stated we will meet with staff and review all the comments and make the necessary changes.

Chairman Gary inquired about the grade of the driveway and Mechanic Street.

Mr. Franzetti said Mechanic Street is 16' higher so they would be coming down a hill when they are driving down. He said it will impact that driveway when people are exiting and entering it.

Chairman Gary asked if it impacts the intersection at Seminary Hill Road and Mechanic St.

Mr. Cleary said it's close. He said it is 75 feet away and that's why we are concerned about it. He said we need to look at it more closely and the applicant is willing to take a closer look at this.

Chairman Gary asked Mr. Lynch if he had an illustration of where the intersection is in relation to the driveway.

Mr. Lynch replied not tonight, but I will provide a composite plan that shows the intersection the RPK entrance and how it relates to where we are.

Chairman Gary also asked for the elevation change.

Mr. Lynch said he will do that.

Mr. Greenwood asked Mr. Lynch if we referred this application to the ZBA.

Mr. Lynch replied no.

Mr. Greenwood commented when he viewed the ZBA meeting, the drawing that was displayed was the original 7 house subdivision on the RPK property.

Mr. Lynch replied that's correct.

Mr. Carnazza said that is what is approved right now.

Mr. Lynch said the 7 lots haven't been merged back into 1 lot.

Mr. Greenwood said there was absolutely no reference made about the project that's approved and still possible. (RPK) He said the re-alignment of the road was not on the map that was presented to the ZBA. He said I realize it is a proposed approval.....

Mr. Cleary said that is why we make referrals, so we understand exactly what the applicant is telling the zoning board. He has a right to go on his own, which he chose to do and he chose to demonstrate information that we would not have wanted the zoning board to see. He said you raise a good point, but it wasn't illegal.

Mr. Greenwood stated I'm not saying it was illegal. He said a lot of what we are looking at pertains to the current approved site plan (RPK) not the 7 house subdivision.

Chairman Gary said I don't think the new board members know what's going on at that site, there is a lot going on and this should not be put before the board unless they could see the whole picture.

Mr. Cleary said Mr. Lynch recognizes that. He said the applicant is willing to provide the composite plan.

Chairman Gary said it should have been here right now, not that he is going to get it for me.

HILLCREST COMMONS – LOT E-2.2 – ROUTE 52 – TM – 44.10-2-4.2 – RE-APPROVAL OF AMENDED FINAL SITE PLAN APPROVAL

Mr. Carnazza had no objection to the re-approval of the amended site plan.

Mr. Franzetti said the Engineering Department does not have any objection to the re-approval of the amended site plan as long as there are no changes being made to the site. He said the board should be aware of the following:

New York State Department of Environmental Conservation (NYSDEC) Requirements

- The project has coverage under the NYSDEC General Stormwater Permit for Stormwater Discharges from Construction Activities (GP-0-10-001), permit number NYR 10T132.

New York City Department of Environmental Protection (NYCDEP) Requirements

- The NYCDEP approved the Stormwater Pollution Prevention Plan (SWPPP) for this project. The expiration date is July 2, 2015.
- The NYCDEP Amended Sewer System Determination for this project is valid until March 6, 2018.

Putnam County

- The project sought and received PCDOH Amended Approval of Plans for Sewer Collection System. The expiration date is March 7, 2018.

Town of Carmel

- The file does not contain documentation regarding the following items identified in the May 8, 2013 Planning Board Resolution (#13-10):
 - A filed and executed “Stormwater Control Facility Maintenance Agreement” with the Putnam County Clerk as specified in §156-85 (Items 37 and 4 respectively);
 - Easement information (Items 15 and 16)
- The performance bond is set to expire on April 5, 2015.

Mr. Cleary had no objection to the re-approval. He said this approval is also a co-approval with the Town of Kent as well.

Chairman Gary asked the new board members if they were familiar with the site.

They replied no.

Chairman Gary asked Mr. Cleary to give a brief history of the project.

Mr. Cleary addressed the board and stated Hillcrest Commons is located behind Shoprite Shopping Center off of Route 52. He said it is accessed from a driveway that enters the property from the Town of Kent side of the municipal boundary. Hillcrest Commons consists of 6 buildings (3 are constructed) and this re-approval is for the remainder of the 3 buildings. He said effectively, you need to re-approve this application by taking a look at the property and reviewing the file, so for the new members this is probably a good idea.

Chairman Gary asked about the swimming pool and clubhouse.

Mr. Cleary stated they have amended their site plan numerous times. The swimming pool is no longer there, but they gave you a bigger club house in exchange for the pool. No changes have been made since this was last before the board. The plan remains the same.

Mr. Greenwood stated from my recollection the pool was never removed from the plan. There was a lot of discussion with regards to removing the pool, but the majority of the board felt the pool was staying and it was never changed.

Mr. Cleary said he will verify that.

At which time, a discussion ensued amongst the board members with regards to the pool.

Mr. Zac Pearson of Insite Engineering, representing the applicant stated the pool is shown on the plans.

Mr. Cleary stated re-approvals can be done retroactively, so by having them come back next month while you review the file and visit the site doesn't affect them in any way.

Mr. Charbonneau stated re-approvals will come before this board again, so he suggested to the new board members to familiarize themselves with the planning board and building department files and also take a look at the actual site, so you have a better understanding of what was initially approved.

Chairman Gary said we will put it back on the agenda for next month.

Mr. Greenwood asked what the reason for the delay was.

Mr. Pearson said they are before the State for funding.

Mr. Greenwood asked if the emergency access road which comes off the Shoprite property being maintained during the winter.

Mr. Pearson said he will have an answer for him next month.

Mr. Stone asked for clarification of the pool. He asked if the pool was in place yet.

Mr. Pearson said the pool is part of this site plan approval that we are before you for a re-approval. The pool has not been built yet.

Mr. Stone asked what portions of this site plan have already been constructed.

Mr. Pearson stated the drawings in front of you have not been constructed. He said the project was divided into two site plan approvals. The first site plan approval included the access road and 3 buildings and parking which is currently constructed. The second site plan approval which is before you this evening is for 3 buildings, pool and parking. Two stormwater basins have been built and the third will be built with the other 3 buildings.

MK REALTY - ROUTE 6 & OLD ROUTE 6 - TM - 55.6-1-44 & 45 - RE-APPROVAL OF SITE PLAN APPROVAL

Mr. Carnazza had no objection to the re-approval of site plan.

Mr. Franzetti stated the Engineering Department has no objection to the re-approval of the site plan.

The planning board should be made of the following:

New York City Department of Environmental Protection (NYCDEP) Requirements

- The NYCDEP approved the Stormwater Pollution Prevention Plan (SWPPP) for this project on August 17, 2006.
- The NYCDEP provided a conditional extension to the August 17, 2006 SWPPP on August 11, 2011. A copy of the NYCDEP August 11, 2011 letter is provided as an attachment.
- The conditions of the SWPPP are now set to expire on August 17, 2016.

New York State Department of Environmental Conservation (NYSDEC) Requirements

- The project has coverage under the NYSDEC General Stormwater Permit for Stormwater Discharges from Construction Activities (GP-0-10-001), permit number NYR NYR10U062.

Town of Carmel

- The project sought and received a Wetlands Permit (Permit 844) under§89 Freshwater Wetlands of the Town of Carmel Town Code. The permit is set to expire in July 7, 2016.
- The file contains the requisite performance bond (\$199,770.00) and engineering inspection fee (\$9,988.50) identified in the April 11, 2006 Planning Board Resolution (#06-12).

Mr. Cleary had no objection to the re-approval of site plan. He said for the record the applicant should tell us why the request is before us.

Mr. Zac Pearson of Insite Engineering, representing the applicant addressed the board and stated it is because of market conditions. He said the applicant is currently looking for a user on the site. We have been asked to keep all the approvals up to date. He is currently marketing the property.

Chairman Gary asked Mr. Cleary for his recommendation.

Mr. Cleary said I have no objection to the re-approval; it is up to the board. There is no technical reason why you can't consider this request.

Mr. Paepfer moved to grant re-approval of amended final site plan approval. The motion was seconded by Mr. Greenwood.

Mr. Greenwood stated I have a hard time dealing with the response "market conditions" which prevents them from completing their resolution. We keep carrying these approvals when most of the time it is for monetary reasons.

Mr. Charbonneau stated there would have to be a more significant reason to deny the re-approval, because the courts would be sympathetic to an applicant who is having a difficult time financing a project in this climate.

Mr. Greenwood said I understand that.

Mr. Cleary stated Mr. Franzetti has to re-look at the bond that was posted 10 years ago to make sure that bond is adequate given today's conditions and constructions.

Mr. Greenwood stated going forward we should re-consider whether those numbers should be adjusted to today's standards. He said you are carrying numbers that was based on 10 years ago.

Mr. Furfaro asked would there be an adverse impact if we waited a month to give us more time to get up to speed as new members?

Mr. Cleary said I don't think it would be an impact in any way. The new board members should look at the file and visit the site and in the meantime Mr. Franzetti could review the bond number.

Mr. Giannico said we should see what the revised bond amount should be and have that established.

Mr. Franzetti stated the original bond numbers were developed in 2006, so it would behoove us to re-look at those amounts. I will provide the new numbers to the board before the next meeting.

Chairman Gary said we carry this to next meeting.

EURO BUILDERS, INC. – AUSTIN ROAD – TM – 64.9-1-15 – BOND RETURN

Mr. Carnazza read his memo which stated I inspected the above mentioned property pursuant to the request for bond return and found the property to be compliance as it pertains to zoning.

Mr. Franzetti stated we recommend that the board return both bonds of \$9,200.00 and \$21,720.00. We have inspected the property and all site improvements have been completed.

Mr. Cleary had no objection to the bond return.

Chairman Gary said to schedule a public hearing.

TOMPKINS RECYCLING – OLD ROUTE 6 – TM 55.11-1-15 – EXTENSION OF AMENDED SITE PLAN APPROVAL

Chairman Gary said Tompkins Recycling is off the agenda.

JOSEPH SMITH FUNERAL HOME, INC. – 692 ROUTE 6 – TM 76.30-1-22 – WAIVER OF SITE PLAN APPLICATION

Mr. Carnazza read his memo which stated he has no objection to the waiver of site plan approval provided the scope of the work is in compliance with the submitted plans.

Mr. Franzetti had no comments.

Mr. Cleary stated this is a request for a waiver of site plan. The existing funeral home is looking to take over the adjacent space that used to be a day care center. They are not expanding the nature of the business in any way. There are no additional parking requirements that are required. The site meets the parking requirements. He said he does not have any objection to the request for the site plan waiver.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated the applicant would like to expand to the area of where the day care center was to make it more convenient for the customers.

Mr. Greenwood moved to grant waiver of site plan approval. The motion was seconded by Mr. Giannico with all in favor.

MINUTES - 12/10/14

Heldover.

Mr. Furfaro moved to adjourn the meeting. The motion was seconded by Mr. Greenwood with all in favor.

Respectfully submitted,

Rose Trombetta