

either side of the affordable unit until the affordable unit is built. Will states that is fine, but there should still be a level of affordable units getting built, as every building does not have an affordable in it, so you could build all the market rate buildings before you build any of the buildings with affordable units. Mr. Balter states that it is incredibly cumbersome to do it. Cynthia states that there are approximately 21 buildings with approximately 13 affordable units, which are evenly spread among 13 buildings. Will states that the Town does not want the first half of all market rate buildings to be built without a single affordable unit being built. Mr. Balter talks about adding in a Finding that protects the Town. Cynthia states that we don't have to decide the numbers tonight. The Draft should be worded in such a way that the moderate income housing units will keep in pace with the development and the COs on the market rate units. Roland states that a formula will need to be decided on.

Referring to Page 10, Item 2, there is a reference to Section 501 (c); the (c) will be taken out. Referring to the bottom of Page 11, the last paragraph is not in the correct place, and should be relocated. Referring to Page 12, Item 1, Cynthia states we are getting into the clearing limit lines and limits of disturbance. Cynthia states that on the Site Plan we have a distinct limit of the disturbance area. Cynthia would like to point out that the trails and the potential bridge are outside the limit of disturbance area. We either have to put a note somewhere that states an exception or we have to change the limit of disturbance area in the general vicinity of the proposed bridge. Will confirms that the bridge is going into the clearing limits, and there will be a note to handle the trail.

Referring to Page 13, Item 6 regarding the Nesting Habitat Creation and Maintenance, the Board agrees to not encourage nesting, so this language should be taken out.

Referring to Page 14, Item 5.3, the last paragraph talks about outdoor spigots. Cynthia would like to know why we would encourage outdoor spigots, and states that no one will be able to do any watering. This will be controlled by the Homeowners Association. Cynthia states that she did not realize until she became so involved with the stormwater process, that we are supposed to discourage people from washing their cars outdoors. Mr. Balter states that this is not a demographic with a lot of people who will wash their cars. Mr. Balter states that the grounds will be maintained by the association. Mr. Balter states that individuals may have potted plants on their walk that would require watering.

Cynthia states that the next section is all about the well monitoring. Cynthia thought there was one individual as an add-on who was concerned about their well. Cynthia did not see language in the Findings, but believes it is the Cindrach property. Mr. Dahlgren states that a monitoring plan was added into the FEIS. Cynthia states that the Findings mention specific names, and the Cindrach property should be added in. Cynthia asks Will to make a reference in the Findings.

Referring to Page 17, Cynthia states that we now have a letter from the NSTBA. Cynthia states that we want to bring the construction of the bridge back into the Findings as something we want to see sooner rather than later because it is important. Charlotte states the bridge should accommodate horses and pedestrians. Cynthia states that horses will be crossing in that general area. Mr. Balter states that they will take it under advisement.

Cynthia suggests forwarding a copy of the Dubin Plan, for the Applicant to see, as they are proposing to redo bridges. We will isolate the specific area on the Dubin Plan and fax it to the Applicant. Charlotte states that if the bridge is too steep the horses will slip. Mr. Balter will look into it and come up with sample bridges for review. Will confirms that the bridge will be built by the developer early on in the project, and the trail will become the responsibility of the NSTBA. Mr. Balter states that the way they have proposed the bridge has always been based on receiving an approval by the DEC. Charlotte states that horses will walk through the stream, but the DEC should not want them to. Will states that his understanding is that the trail is designed to

go around the entire perimeter of the property, and wonders if that is necessary. Cynthia states yes, the trail will go around the perimeter of the property. Will asks if there will be any conflict with homeowners walking dogs on the trail while the horses are on the trail. Charlotte states that the rules of the NSBTA state that dogs are not allowed on the trails. There is a discussion about dogs being required to be leashed. Charlotte states that the reason the NSBTA has this rule is because a lot of the trails are on private property and the owners don't want dogs on their property. They don't mind horses with riders on their property. Cynthia states that there should be a Finding that any homeowners utilizing the trail for dog walking will be required to have their dogs leashed.

Referring to Page 19, Item 5, the last bullet is discussed regarding the use of sand for winter traction and road maintenance. The monthly monitoring is discussed. Cynthia asks if representation to the HOA should be added in there. Cynthia confirms this is for the life of the project, not a construction term. Will suggests defining the winter months such as November to March.

Referring to Page 19, Item 6, Cynthia asks if the language should be changed and states that Frank Annunziata, the Town Engineer has just arrived. He will take a look at that paragraph. We will move on to the next item and then come back for a discussion.

Referring to Page 21, Cynthia would like to have a discussion about lighting, and asks if any of the lights will be on timers. Cynthia states that lights on buildings have a tendency to be left on. Mr. Balter states that the lights on the buildings will be the homeowner's individual fixtures. Will confirms there will be front door and garage lights. Mr. Balter states that having the pole lights on a timer is not a good idea because they take a few minutes to come on during the winter months. Therefore, people driving in will be affected. Mr. Balter suggests a generic response be put in for now. Mr. Dahlgren states there will be three pole lights located at pedestrian crossing areas and intersections. Mr. Balter states he will work on this further.

Referring back to Page 19, Item 6, Frank states the sentence should start out as "By the end of 2009 the town intends on completing a study of potential phosphorus reduction projects." Cynthia does not know if by the end of 2009 everything will be completed for the Town or just what we are doing for the Regional Stormwater Entity, RSE, for the NWWC. We may come up with other projects that won't be identified as part of the RSE. Frank states that the Study is supposed to be completed by the end of 2009. Will asks when the money will be provided. Cynthia states we haven't arrived at that point yet. Will asks if the reduction for phosphorus will be ongoing. Frank states that the study will outline potential phosphorus reduction projects. Mr. Balter suggests that the money be paid before the stormwater/construction starts. Roland states a concern with the wording and asks if we are forfeiting money if the project is not complete by 2009. Roland asks if the study includes other topics. Frank states no. Roland asks Frank if he has an issue with it occurring by the end of the year. Frank states no the permit is valid until the end of the year.

Cynthia states by the end of 2009 we will have identified retrofits in our Town as part of our joint effort. Cynthia states that by the end of 2013 we have to finish our projects. Cynthia states that she questioned Frank if we are sure that by the end of 2009 the work that we are doing with the RSE will identify all of the projects. It could be that one of the big projects we identify is going to cost \$500,000. We have a \$94,000 contribution proposed from the project sponsor. Maybe we could look into a smaller project that is not part of the RSE. Mr. Balter states that he does not agree that they should have to go below zero on the property. Mr. Balter states that bigger projects work better than smaller projects. Mr. Balter states that the Findings should have language to that effect. Mr. Balter would like the Findings to explain why they feel they should not go below zero on the property. Roland asks Mr. Balter if he would like the language to read "Identifying major potential phosphorus reduction projects" Mr. Balter states that is not really his issue. His issue is that when they walked in tonight they received a letter from the CWCWC. Mr. Balter states that the Findings should reflect that what we are doing is better. Cynthia states that it should be tied in with language about the

projects being identified by the end of this year. Cynthia states that the next question has to do with the timing. Roland states that the date should be left in. Frank states that the trigger is before the project has started, the contribution needs to be made. There is discussion about how to define it.

Cynthia talks about tying it into the SWPPP. There is a discussion about having the contribution made prior to the start of construction. Roland suggests the contribution should be made subject to the first permit being issued by the Town for any related construction activity. There is a discussion about a Disturbance Permit. Frank is not sure if the Building Department has such a permit. Will states that the approval will require a coordination meeting with the Building Inspector and Wetlands Inspector prior to any activity taking place.

Mr. Balter asks if we passed over the portion in the Findings relating to the collection of trash. Cynthia states that we have not gone that far into the Findings.

Referring to Page 22, Item 3, Cynthia talks about the architectural design and asks if this is tied into the Homeowner's Association so that the colors may not be changed. There is discussion about the colors changing in the future. There is discussion about making the language in the Findings clear that any future color changes be similar muted earth-tone colors.

Cynthia points out a grammatical correction on Page 23 in the third paragraph.

Referring to Page 24, Bernard confirms that children will be able to walk from the site via a pedestrian connection to the High School/Middle School. Bernard asks if there are any protections in place, as they will be walking through a wooded area. Bernard has a concern about protecting children coming home late from a sporting event, who will be walking through the wooded area. Cynthia states that is up to the parents whether they want their children to walk home or not. We are providing an opportunity for people to walk from this development to the school. Bernard states a concern with a potential problem considering what is going on today, and states it is not a good scene. Bernard talks about leaving ourselves or the Homeowner's Association wide open. We are giving permission for this to be used as a walking path. Bernard states that he would be concerned for his children. Mr. Balter asks how we would protect the children. Bernard is not sure.

Mr. Miller suggests a sign be posted that the pedestrian connection be utilized during daylight hours. After that they would be utilizing it at their own risk. Cynthia states that we can't control the world. It is important to provide an opportunity to get from a development to a school that is right next door and leave the responsibility with the parents. The path will be for homeowner's, as it is on private property. Children taking the path to cut through to Starlea Road will be trespassing. Referring to the proposed bridle trail, Bernard states a concern about the trail being shared by the horses and pedestrians. Mr. Balter states that the paths will not be defined as we are not grading them. Mr. Balter states that he has asked the NSBTA if pedestrians and horses co-exist on paths, and I have been told they do. Cynthia states that these are going to be bridle trail paths to be maintained by the NSBTA. They have rules about how they are to be used, as well as their own insurance, as well as the membership requirement. Bernard is worried about the possibility of a child spooking a horse. Bernard is concerned with the protection of the children. Charlotte states that of the bridle trails in North Salem most of them are pedestrian trails. Charlotte states that dogs are not allowed on them. Charlotte refers to Bloomerside where people walk their dogs and co-exist with the horses, as being a wooded area. Cynthia states that only one section of the trail will be shared. Cynthia states that it is the way we raise our children to respect the horses. Bernard states that we are talking about children who will be bringing friends home, so it won't be just residents. Robert states that it cannot be controlled.

Referring to Page 25, Cynthia states that the section on utilities was added in quickly. The other utility section is not finished yet. Cynthia states that the electrical will be underground. Mr. Dahlgren states that they have been coordinating with NYSEG regarding the easement. Cynthia states that one of the questions was whether

NYSEG would allow the lines to go under the road. It has been confirmed they are going to stay over the road. Roland asks if it makes sense to have Verizon install Fios. Cynthia states that negotiations are currently taking place with Verizon.

Referring to Page 25, the Transportation Corporation is discussed. Will would like to know if there is going to be a Transportation Corporation why would the Town create a Sewer District. Roland states it would be a backup requirement so that if the private utilities fail the Town has an entity in place to step in and run the operation. Referring to Page 25, Cynthia states that there is a blank under Water Supply.

Referring to Page 25, Item 5, add in "All" in the beginning of the sentence.

Referring to Page 25, Item 5.7, Cynthia asks if the numbers are still accurate. Cynthia inquires about the approximate market value of \$225,000 per unit. Roland thought the figure would be more like \$180,000. Mr. Balter will double check the numbers. Roland states an issue with how the moderate income unit owners will be charged for all the common elements. Mr. Balter states that because of resent legislation from New York State they have to be charged taxes based on the sale price. Roland is talking about the HOA fees. Mr. Balter does not remember, he will confirm. Mr. Balter states that normally the affordable units would pay less for the HOA fees. The affordables have less exterior space which will require less maintenance, in addition to a one-car garage versus a two-car garage. Mr. Balter states that they will come up with logic for the HOA document. Cynthia talks about future improvements that may take place. Roland talks about being seven or eight years into this community and all of a sudden a Capital Reserve Account is required. There will be market units that will be worth so much more than the middle income units. People may want substantial plantings for different seasons that may go into a budget that the moderate income owner may not be able to afford. Roland states that we have to be very careful about this. Mr. Balter states that this has never happened to him before. Cynthia suggests a general statement be added to the Findings so the HOA will have a fair formula in recognition of the market rate. Mr. Balter talks about a project he is doing in Putnam County where they will have two classes of members. That may be something to think about for the Salem Hunt Project.

Referring to Page 27, Cynthia confirms Hilary has the information to add in.

Referring to Page 28, Cynthia states that we have not heard from the Ambulance Corp.

Referring to Page 28, there is a discussion about solid waste. Mr. Balter states that they will not be paying for pickup. There will be no centralized bins. Everyone will have their own cans. Mr. Balter has been in touch with Bria Carting and they will treat the private road as a driveway. Bria prefers individual pick up versus a centralized pickup area. Mr. Balter states that there will be an area in the individual garages to house the garbage cans. Mr. Balter states that Bria will not be charging a private driveway fee. Cynthia states that when the Town negotiated with Bria, all of the private roads were identified. Will confirms that the individual homeowner's will pay the garbage pickup fee in with their taxes.

Referring to Page 29, Item 2 will be taken out.

Referring to Page 30 Cynthia asks Will if we should be doing an analysis of the Findings relative to alternatives. Will states that Hilary will add that in.

Cynthia asks Frank if he has any other comments. He does not.

Cynthia asks Will if the Board may see one more version the Friday before our next Meeting. Will states that they will be adding in the revisions as well as proofing the entire document.

Mr. Balter states that in regards to the phosphorus, the offset is really important. Mr. Balter states that they are giving into the 19% while they don't agree with it.

Cynthia states that letters came in from Westchester County, and the Office of the Attorney General. Cynthia states that the Board is doing what has been suggested. Cynthia states that the information in the letters have been stated repeatedly during the Northern Westchester Watershed Committee Meetings. Cynthia states that the Salem Hunt Project may be a model. Cynthia refers to the Westchester County letter and states that it contained language about revising the affordable housing provisions. Cynthia states that she asked Hilary to draft in our Findings, based on attending the Comprehensive Plan Meetings and conversations with the former and current Supervisor, there is an understanding that we are going to be changing our Zoning Code regarding how we calculate the eligibility for moderate income housing units. Cynthia states that regarding the diversity and dwelling unit mix, she sent an e-mail to the Housing Board. They don't have any input at this time. Cynthia understands the point the County is trying to make, it seems to her that North Salem has put forth a good effort in offering a variety of units. Cynthia states that we have homes in Salem Chase which she believes are three bedrooms. We have apartments in Croton Falls that are a mix of one and two bedroom. The Salem Hunt Project is proposed to have two bedrooms.

Cynthia states that as a community we are doing a good job to make sure we are providing different opportunities for housing. Mr. Balter states that no one wants a one bedroom unit, as everyone has a computer and they want a home office. Mr. Balter talks about the possibility of a couple of the units having three bedrooms. Cynthia states that this whole project has been reviewed on the basis of two bedrooms. Cynthia states that our answer would be that we did a very good job and the Town provides enough of a mix. Cynthia asks Roland if he has any words of advice. Roland states that an analysis should be done. Cynthia states that she called Ed Burroughs in order to ask him if there is any data at the County level that would help us assess the needs. Cynthia states that we have a two-bedroom unit in Croton Falls that has been for rent over a year now, and is not filled. Roland states that the County criteria is very specific as to whether we are addressing the need for individuals who want to live in specific areas in Town in a multi-family setting who need three bedrooms. The answer is that we are not. We have housing on the west side, but it is not multi-family. Roland states that if the Board is firm on their opinion, they need the Housing Board to send them the documentation requested, which is to outline the whole analysis. Then a response may be sent to Ed Burroughs.

Mr. Balter does not believe a response is needed. Mr. Balter states that there will be no shortage of people who will want these homes. The civil argument would be that this zone has been through four years of an EIS project. Mr. Balter talks about the Town not serving this specific need, but they are serving a need. Cynthia states that she has tried to obtain information from the Housing Board. Roland states that it would be important to obtain a report from the Housing Board in charge. Mr. Balter states that the Town has asked the Housing Board twice for their input. He wants to make sure they are not held up because of their lack of response. Cynthia would have to take direction from the Town Attorney. Cynthia states that the Supervisor is also going to call the Housing Board. Cynthia asks if the responsibility now falls back on the Planning Board. Roland does not believe so. Mr. Balter talks about the calculations changing if the bedroom counts change, as this has been a four year process. Roland states that maybe the answer is that it is too late. Roland will speak with the Supervisor regarding the Housing Board.

Cynthia states that there has been a concern about reducing the amount of impervious surfaces in regards to the number of parking spaces. Cynthia states that this development is in an area that is totally dependent upon the automobile. Cynthia states that a development like the Cotswold is running out of parking spaces. Mr. Balter states that the driveways count for parking spaces.

Cynthia states that an e-mail has been handed to the Board and Applicant tonight from the CWCWC to take a look at.

2. **Clearwater Excavating:** (owner – Gilbert Shott)
Site Development Plan (location – 110 Hardscrabble Road)

Discussion of Procedure.

Cynthia states that we are not going to have representation tonight from the Applicant. Cynthia states that this was put on the Agenda in order to keep this project moving. Cynthia states that the Board may not declare this complete until the stormwater portion is played out. There is discussion about starting the SEQRA circulation, and how close the Applicant is to having a complete application. Cynthia confirms with Roland that the Public Hearing may not be waived. Cynthia states that there is a lot to do and the Applicant may not make this season. Will states that the trees are going into a dormant stage. The key now is to have the Application approved so work may begin in the spring. Cynthia confirms with Will that this will not happen this fall. Frank states that it is important to follow through with a precedent. Cynthia states that the Applicant has both review memos. Frank states that the Applicant had to upgrade their SWPPP because their approval expired. An analysis was submitted to offset the mitigation. Frank states that he disagrees with the procedures of how their analysis was done based on the whole site area. Frank talks about the phosphorus being reduced by 19%. Frank talks about an analysis being provided to see how close the Applicant is to the 19% reduction. Frank confirms that the regulations state that the net amount should be zero.

3. **Release of Escrows per Written Request:**

- Brae Land Corp. - \$162.50
- Gerald Agranoff Trust - \$262.50
- Lusenti/Nash - \$337.50
- Quatennens/Nash - \$312.50
- Nash Road Relocation - \$118.12

Chairwoman motions that the Planning Board Approve the Above-Mentioned Release of Escrows per Written Request. Robert Tompkins seconds. All in favor. No opposed.

4. **Next Meetings:**

- Regular Meeting – October 7, 2009
- Work Session – October 21, 2009

5. **Comments From the Chair:**

Cynthia states that approximately 100 people attended the CPC Meeting. The survey results were discussed. The people of the Town have spoken. They love this rural Town and want to keep it rural. The need for an outdoor swimming pool, as well as bike paths were communicated in the survey. The Recreation Committee is upgrading the Recreation Master Plan, and will look into the possibility of utilizing the pool at Mountain Lakes.

6. **Resolution:**

Chairwoman motions to adjourn the Planning Board Meeting. Bernard Sweeney seconds. All in favor. No
Planning Board Minutes – 09/16/09

opposed.