

condominium to fee-simple. The Board does not have a problem with language being added in. On Page 3, the Applicant would like clarification that the field to be maintained by an annual mowing is an SSDS field. On Page 14, the last paragraph has a typo. The language should read “8-inch by 8-inch”. On Page 15, the last paragraph, language will be added regarding the possible need for irrigation during construction. The Applicant would like the sentence to read “No permanent irrigation improvements are proposed.” Mr. Miller refers to Page 15, the second paragraph under Groundwater Resources, and states the language is awkward. Mr. Miller suggests the language “of units” be added.

On Page 16, Item No. 2, Mr. Balter discusses the extra-low flow toilets. He states they have every intention for the use to be 1.2 gallons per flush. He would like to leave the figure at 1.6 for now. The initial testing had been done on 90 units versus 65 units. Mr. Balter states that the project is proposed to use extra low flow toilets. This could result in up to a 25% water savings.

Mr. Miller refers to Page 18, the second paragraph, and states the word “entire” should be added before “Town of North Salem”. Mr. Miller refers to Page 19, and provides suggested changes to the language in the last sentence of the first paragraph, so it reads, “It is anticipated that the use and routine maintenance of the trails would typically be exempt from the Town and NYSDEC regulations.” Cynthia confirms the Board does not have a problem with that language. Page 24, the second sentence in the second paragraph, the Applicant is asking for the wording “nor will be permitted” to be taken out, as well as the word “permanent” be added before “entry sign.” Cynthia states that it is her hope there will be no sign. Robert states that someone driving in the dark will appreciate a sign. Cynthia talks about the 911 numbering, and states that is critical.

On Page 30, the fourth sentence in the last paragraph should have the language “has been proposed and evaluated” added at the end. On Page 33, in the third paragraph, there is also a typo regarding the number of units. Cynthia confirms the Board, Applicant, and Planning Consultant have no further questions or concerns. Cynthia asks Roland if he has anything further. He does not. Gary refers to Page 29 and would like to know how the market value of \$225,000 for the moderate income units was derived. Cynthia states that someone took the median salary of Town employees, which was approximately \$65,000.00, and multiplied it by 2 ½, and then multiplied it by a two-bedroom factor. Gary confirms the figure is not a market value. The language is suggested to be changed to sale price instead of market value. Gary asks if the moderate income units will have significantly reduced property tax rate. Mr. Balter states yes. Gary confirms that the other owners may pay approximately \$25,000.00 per year in property taxes. Mr. Balter states that is why they originally came in with a town house/condominium proposal instead of a fee-simple proposal. Gary asks Mr. Balter if he will be able to obtain \$850,000.00 per unit with \$25,000.00 a year in taxes. Mr. Balter states he is comfortable with those numbers. Cynthia states that the numbers may change when the units are built. The numbers are detailed in the FEIS and DEIS.

Cynthia states that the Board has a Draft Resolution to consider tonight. The Draft Resolution shall be revised to include language amending the Lead Agency Findings Statement to reflect the changes discussed tonight. The Board waives the reading of the Resolution.

Chairwoman motions that the Planning Board Approve the Adoption of the Findings for the Salem Hunt Coordinated SEQR Type I Action. Bernard Sweeney seconds. All in favor. No opposed.

After the motion Mr. Miller would like to know what they need to do now in order to move the Site Plan and Subdivision forward. Mr. Miller states that a set of Plans are in front of the Town for review. Cynthia states she will check the last review Memo regarding completeness. Mr. Balter confirms October 14th is the next deadline date for submittals. Mr. Balter states that he believes they are done. There is discussion about setting a Public Hearing on the Site Plan and Subdivision. Cynthia states that she and Sonja will look into it.

3. Paul Properties: Rod Burgess (owner – various – Verni, Paul Properties)
Chapter 189 Tree Cutting Permit (location – Hardscrabble Road)

Project overview and discussion of completeness of application.

Cynthia states that we have a review Memo from MDRA. We have two representatives with us tonight. Rod Burgess, Division Manager for Scotland Hardwoods, LLC, is the Applicant. Also with us is Andrew Hubbard of the Watershed Agricultural Council. Cynthia states that we do have some issues and questions with procedure and the Project. Cynthia suggested this item be put on the Agenda as a Pre-Application. The first order of business would be a presentation on the Project, and then a discussion on the review of the Project and how that would mesh with the Town's review regarding Chapter 189. Cynthia states that this is the former Orchard Hill parcel. Currently activity is taking place on the southern portion.

Rod Burgess states that he is a professional forester, employed by Scotland Hardwoods a Connecticut company. Mr. Burgess is a licensed Connecticut Forester, practicing forestry in Connecticut and New York for 27 years. Mr. Burgess states that early on in the Project he contacted Bruce Thompson to find out what if any information we needed to supply to the Town, as well as the proper format. Mr. Burgess states that both Bruce and Cynthia have been very helpful. Mr. Burgess is still a little bit confused as to the procedure. It does not seem like there is a timber cutting permit process in place. It is hard to follow the paper trail. Mr. Burgess refers to the MDRA Memo, and states that it is almost like they did not read my Application. Most of the items of concern have been addressed in my proposal. It seems like most of the concerns stem from the fact that MDRA has not been involved with timber harvesting before. Mr. Burgess hopes his concerns will be addressed.

Mr. Burgess states that his company, Scotland Hardwoods, LLC plans to conduct a selective timber harvest on approximately 150 of a total of 263 acres, owned by Paul Properties Inc., and Orchard Hill LLC, located off of Hardscrabble Road in the Town of North Salem. This land is further identified as Sheet 3, Block 1735, Lot 41, as well as Sheet 4, Block 1735, Lots 7 and 62. Mr. Burgess states that they have signed an agreement to participate in the New York City Watershed Agricultural Council (WAC) Forestry Best Management Practice Program. We also contacted NYDEC Forester Barbara Lucas Wilson concerning threatened or endangered species and a DEC classified stream or wetlands crossing. Based on her comments, no DEC Permits are required. Mr. Burgess refers to the Town Code 107-5(b)(1)(b), excludes Wetland Permits required by the Town as we are conducting a selective timber harvest. Similarly we are exempt from the Storm Water Management Chapter 193-6, Item B in accordance with Chapter 193-11 concerning log haul roads and yarding areas. Mr. Burgess states that these are items he and Mr. Hubbard went through with Cynthia. In looking at the MDRA Memo, it seems as if they are addressing it again.

Cynthia states that she believes MDRA was agreeing that the Applicant is exempt from both the wetlands and stormwater.

Mr. Burgess refers to Exhibit A, which details a narrative description of the Project, and Exhibit B, which is a Map. Referring to Exhibit A, Mr. Burgess states a one- to three-man logging crew operating a log skidder will cut and skid the logs to one main yarding area located at the end of an established driveway. This crew, utilizing a pickup truck to get back and forth from their homes, will be involved concerning their daily work schedule. This amounts to about one to two trips per day into and out of the property. No more than twelve total trips per week are expected concerning the logging crew. From this yarding area a tri-axle log truck will pick up the logs and exit the property via Hardscrabble Road. If necessary, an anti-tracking pad using three inch stone will be installed concerning the established driveway, where it meets Hardscrabble Road. Mr. Burgess states that if it is determined mud is coming out of the hole, an anti-tracking pad will be put down. One to two trips per day are expected as related to the log truck having to enter and exit the property, which will amount to more than twelve trips per week. The regular working hours are from 8:00 a.m. to 6:00 p.m.,

Monday thru Friday, and 9:00 a.m. to 3:00 p.m. on Saturday. The property boundaries have been marked with fluorescent pink flagging and the already established main skid roads have been identified with blue. These are established skid roads that are already there. The MDRA Memo questioned whether the roads are established.

Cynthia asks how Mr. Burgess is defining them as roads. Cynthia states that there are old farm roads and mud trails that go through the property. Mr. Burgess states that most properties have old farm roads. Basically they are old roads which were established for various reasons. They are wide and were established for the purpose of hauling logs. Cynthia states that it appears that some of the roads have been opened up recently. Cynthia states that the last time a Site Inspection was conducted there were pathways on the property. Cynthia would not call them roads. Cynthia states that if they were real farm roads, they would have been in better shape than what we saw. Cynthia asks Mr. Burgess if he is aware of some of the conditions of these pathways/farm roads. Mr. Burgess states yes. We will create new roads, by cutting the roads open and establishing new ones. It is much better when the road is already there, even if it has been less traveled in the past, we can tell the condition of the road. In a few portions we opted not to use the actual trail. It is always better to utilize the trails that are already on the property. These are not roads and driveways so there may be issues with potholes. Cynthia asks Mr. Burgess how he would propose to improve the roads so his vehicles may drive on them smoothly. Mr. Burgess states it is not necessarily how to improve the roads, it is how to make sure the water runoff is channeled in the right direction. It is not a piece of the road that will not be adequate in terms of the weight of the machinery and the logs. If there are pockets in the road that are collecting water, we want to make sure there are offsets for the water to go off the roads. These are basically tractors that are built specifically for this purpose, with blades on the front. These are not by any means driveways. These are about the best roads that you will find on any property.

Mr. Burgess shows the various highlighted areas on their proposed Map which is Exhibit B.

Mr. Burgess continues with Exhibit B, and states that Oak, Maple, Black Birch and Tulip Poplar represent the species of trees involved with the harvest. Each tree to be harvested will be marked with blue paint about four feet above the ground and at the base of the stump. Robert confirms with Mr. Burgess that the stumps will be cut as low as possible to the ground, eight to ten inches maximum from the ground level up. If a tree is on a hillside, one side may be higher. Sometimes we come across a double tree. Mr. Burgess states he has pictures to show the Board. Concerning a tree survey done on the property in 2005, an average of 122 six-inch diameter trees at breast height (DBH), and larger trees are present per acre, concerning the harvest area. Of this total an average of 30, fourteen-inch DBH trees and larger trees are represented. A third of the harvest area is not withstanding the area which has been designated wetlands. There seems to be some confusion about what the harvest area is. Cynthia asks Mr. Burgess how steep the slopes are. Mr. Burgess states that there are slopes that go up to 25% on the property. Mr. Burgess shows the Board an area on the Map which is designated as no harvest areas or steep areas. It is not so much the steepness of the area. There are ledge outcroppings and the area is extremely steep. The main aspect to harvesting the timber is getting the timber out of there. These machines can operate in steep areas depending on how the roads are laid out. Cynthia confirms the Applicant is proposing to remove trees that are on 15% to 20% slopes. Mr. Burgess states that the machinery can operate on steeper slopes than this.

Mr. Burgess continues with Exhibit B, and states they plan to remove about 50% of the fourteen inch and larger trees as related to the harvest. Mr. Burgess states that by no means would this process be considered a clear cut. Mr. Burgess states that as it is possible that some of the 122 six-inch trees mentioned might be damaged during the harvesting process it is also expected that a small percentage will also be cut down. When these trees are harvested there may be smaller trees that are damaged or snapped off. All tops concerning the harvested trees will be reduced to within five feet of ground level. We had hoped to start the harvest during the fall of 2009 or winter of 2010 when the ground is either dry or frozen. Based on a wetlands

survey done on the property, along with our own field inspection, it will be necessary to cross three main drainages in order to remove the marked timber from the property. Mr. Burgess states that he and Mr. Hubbard identified the main drainage areas on the property. Cynthia asks Bruce if a Wetlands Permit had been obtained for the prior activity. Bruce states yes, when the current owner went before the Town Board for the Golf Course/Conference Center proposal, they obtained a Wetlands Permit for drilling the test wells. Mr. Burgess states that they plan to use temporary portable bridges and or poles, as well as associated silt fence and/or hay bales, concerning specific areas.

Mr. Burgess continues with Exhibit B, and states that due to the percentage of the slope along the southern edge of the farm pond and continuing east along the wetland areas a buffer strip will be applied. Referring to the BMP Field Guide a buffer width of 75 feet will be implemented within which no main skid roads or yarding areas will be permitted. As an extra precaution, as some of these may be vernal pools, we plan to put into place many of the major suggestions listed in the Forestry Habitat Management Guidelines for Vernal Pool Wildlife. We have opted to keep all of these areas as vernal pools. Our activities will include the following as related to the above-mentioned guidelines and all of the associated major wetlands also mentioned above. (1) The wetland depression will be left undisturbed. All of these wetlands have been identified. Harvesting, heavy equipment operation, skidding activity or landing construction in the wetland depression will be avoided. (2) The Wetland depression will be kept free of sediment, slash and tree tops concerning the forestry operations including harvesting and road building.

Within a 100 foot zone around the wetland depression the following three items will apply. (1) A minimum average of 75% canopy cover of the trees will be maintained for which trees will be a minimum of 20 to 30 feet tall and uniformly distributed. (2) Harvesting in this area will take place during dry or frozen soil conditions. (3) Skid roads and or landing construction will be avoided. If skid roads or landings already exist BMP's concerning appropriate erosion controls will be applied.

Within a 100 to 400 foot zone around the wetlands depression the following three items will apply. (1) A minimum average of greater than 50% canopy cover of trees will be maintained for which trees will be a minimum of 20 to 30 feet tall and uniformly distributed. (2) Harvesting in this area will take place during dry or frozen soil conditions. (2) Skid roads and/or landing construction will be avoided. If skid roads or landings already exist, BMP's concerning appropriate erosion controls will be applied. Water bars will be constructed on the main skid roads where necessary upon completion of the harvest. The yarding area will be hayed and seeded upon completion of the project, corresponding with the growing season. Seeding is not supposed to take place after October 15th until March. Mr. Burgess states that is the project outline. We will furnish more information as requested.

Cynthia states that it would be beneficial for the Board to do a Site Inspection. They could set it up for a Saturday. Cynthia states that the Applicant should concentrate on the MDRA Memo. There are items in the Memo that the Applicant may need to have clarified. The Applicant should let the Board know which portions they will be supplying more information on, so the project may be moved forward. Cynthia states that she spoke briefly with Mr. Hubbard today. Both Mr. Hubbard and Mr. Burgess may want to go over questions they may have. Cynthia would like to do this quickly, and if a separate meeting is required, they will do that. Cynthia states that the Board does agree that there are certain activities that are exempt.

Mr. Hubbard states that he is a Forester for the Watershed Agricultural Council. The mission of my organization is to support the economic viability of forestry and agriculture within the New York City watershed region. Mr. Burgess and Scotland Hardwoods have applied for funding from my organization to help offset the costs of installing forestry BMP's on the skid trails, log landings, and stream crossings for this project. Mr. Hubbard refers to the Review Summary on Page 1 of the MDRA Memo in regards to the Board consulting with the Town Attorney regarding which if any permits are required from the Board. Mr. Hubbard

feels this project is exempt from a Wetlands Permit. There is no filling of wetlands. Selective harvesting is listed as an exemption in the Town Code. Regarding the requirement for a Tree Removal Permit, Mr. Hubbard states that he sent a letter to Bruce Thompson a month ago requesting a clarification of the current definition. Cynthia states that she believes there is an agreement on the Wetlands Permit. Cynthia states the Applicant should respond stating that no fill will be going in the wetlands.

There is a discussion about the Applicant being exempt from the Town's Stormwater Management and Erosion and Sediment Control Law, with the exception that landing areas and log haul roads are subject to the performance and design criteria set forth in 193-11. Mr. Hubbard states that he is positive they are exempt from that. Mr. Hubbard states that typically in New York State, if a Town does not have a Timber Harvesting Ordinance, there is no Permit. Mr. Hubbard has had other towns within the watershed acknowledge this. Mr. Hubbard refers to the Town of Somers where they just recently wrote an exemption for a Tree Preservation Ordinance. It was obvious to them that cutting trees in a forest management project is not the same as the cutting of trees for a view shed. Mr. Hubbard states that this Town does not have a Timber Harvesting Ordinance. Mr. Hubbard states that he came before the Town Board on February 27, 2007 about the fact that there is no Tree Harvesting Ordinance. Mr. Hubbard offered his assistance to the Town at that time, if the Town had an interest in regulating timber harvesting. Mr. Hubbard offered to help develop a Timber Harvesting Ordinance that would facilitate the practice of forestry. Right now the Applicant has put a lot of money into this review. Mr. Hubbard states that there is a little bit of history here and precedents set in other towns in this region.

Mr. Hubbard refers to Page 3, Item 1 in the MDRA Memo regarding Site Planning Considerations. The memo talks about the log landing being within 100 feet of the protective buffer. Typically, in forestry, we refer to the BMP Guide. These are the recommendations from DEP essentially written by the different organizations in the forestry industry. In this situation, according to Page 65 of this book, we only need a 50 foot buffer, so we are in compliance. Again, this is a case where someone doesn't know forestry is trying to make a review without being up to date with DEC recommendations. On Page 3, Item 2, Mr. Hubbard states he does not know where to begin with that one. On Page 3, Item 3 is a good point. Mr. Hubbard states that Mr. Burgess will show pictures of the stream crossings. Gary asks Sonja her opinion of Page 3, Item 2, as she wrote the Memo. Sonja states that the main point was that even though the Applicant states that they are entitled to tree harvesting, it will still have quite an impact on the existing natural resources on the site. The tree canopy will be reduced, which will have an impact on soil erosion, which will impact the wetlands due to more sediment being deposited. Mr. Hubbard and Mr. Burgess both disagree.

Mr. Burgess refers to the BMP Guide that relates to logging and states if this guide had been read, the reviewer would find out that the impact of skid roads and the cutting of trees would have minimal impact on wetlands as long as the roads are set up. The wildlife and endangered species have been covered. There is no doubt the land will change to some extent. This is being reviewed from a development standpoint. Cynthia asks Mr. Burgess if his opinion is that by removing 15 trees per acre, the canopy will not be impacted. Mr. Burgess states that there will be a change in the canopy. There has to be a change because we are removing trees.

Mr. Burgess has difficulty with the concerns raised in the Memo regarding wetlands and erosion. Mr. Burgess states that if the reviewer knew how their operation works, based on the Plans submitted, these questions would not be raised. Cynthia asks if that broad statement could be made regardless of the soil conditions under the canopy. Mr. Hubbard states that harvesting would not be done during mud season. Mr. Hubbard could pull out volumes of studies done on impacts of timber harvesting in the watershed. Exposed soil is where the problems are. Taking down a tree in a forest is not the problem. It is the removal of the trees that require following the BMP Guide, which include the instillation of grass seed and hay. The dropping of 15 trees on an acre will initially let more sun in. The long term and short environmental impacts are very small.

Mr. Hubbard states that they will reply to Item 3 and provide pictures of stream crossings regarding the bridges. Mr. Hubbard states that the first part in Item 4 is correct, in that both the Applicant and the property owner have both signed on to participate in the BMP program.

The balance of the information in that section relate to a program that the Applicant is not participating in at this time. Gary asks Mr. Hubbard if Item 4 should come out all together. Mr. Hubbard states that yes. Cynthia asks Mr. Hubbard to what extent does his office review this beforehand and during the actual process. Mr. Hubbard states that he is out on the site quite a bit. Mr. Hubbard states that he and Mr. Burgess walked the crossing sites. Two of the three identified are crossings. The third has a drainage basin of approximately 3.5 acres. The drainage basin area has been bone dry both times Mr. Hubbard had gone out there. The two other crossings have water flowing. Mr. Hubbard is willing to fund approximately \$1,000.00 per crossing for the installation of water bars, silt fencing, and hay bails. Mr. Hubbard states that he goes out beforehand, draws up specifications, goes out during the project, closes out the job out with the logger, and then pays the logger based on the BMP's they have installed to his specifications. Mr. Hubbard will flag out the water bars. It has been determined there are approximately 45 water bars to be installed on the property. Mr. Hubbard hopes forestry projects may occur in this time Town and in the rest of the Croton Watershed as well as help to make sure they are done correctly.

Cynthia states that the Applicant is here tonight due to the Chapter 189 Permit process. Cynthia states that the Applicant has been versed on why it probably is not the most appropriate form of legislation for this activity, but it is what we have. Cynthia asks Roland for his guidance to the Board as to whether they should continue the proposed Application. Roland states that the Applicant is persuasive in their argument. Roland would like to meet with Bruce and report back to the Board.

Cynthia states that in the meantime, the Applicant should prepare a brief response to the MDRA Memo in order to keep the Application moving, which would be a summary of our discussions tonight. Gary states that it would be helpful for Mr. Hubbard to include a brief description of his role during the proposed process to make sure it is in compliance with the practices. Mr. Hubbard states that he does not have regulatory authority. Mr. Hubbard states that he does have a document signed by the owners which confirms that they wish to follow the plans that have been laid out. Mr. Hubbard is here tonight to represent the forest owners of the Croton Watershed. Mr. Burgess states that Mr. Hubbard has been involved with other projects that Scotland Hardwoods has done most recently, and should attest to the fact that we are easy to work with and have implemented the proper procedures.

Mr. Hubbard discusses the timetable for proceeding. Cynthia states that if they were to follow the Chapter 189 Permit process, the Applicant would need to get to a point where their Application is Complete. The Board would like to see a response to the MDRA Memo. There would be a Public Hearing process which is a thirty-day period. We are looking at a minimum of two more meetings to get to a Final Approval. Mr. Burgess confirms the third Wednesday Meeting of the month is a Work Session. Cynthia states that when the Applicant makes their next submittal, it will be reviewed. We are looking at the first meeting in November. Gary asks what happens if it is determined that this Applicant is not required to obtain a Chapter 189 Permit. Cynthia states if that is the case, the Board received a courtesy presentation, and should start working on a timber harvesting permit process document.

Bruce confirms there is nothing precluding the Applicant to go before the Town Board regarding their concerns with the fees. Cynthia states that a letter was already sent to the Town Board, and the Applicant should be on their Agenda for next Tuesday. Mr. Burgess asks Roland if it is possible to have a decision by next Tuesday. Roland states that it is possible.

Cynthia states that she will take Mr. Hubbard up on his offer if the Town decides to write legislation.

Roland asks Mr. Hubbard who he made his presentation to. Mr. Hubbard states he made a 40-minute PowerPoint Presentation on February 27, 2007. He does not recall which Board. Cynthia stated that she looked at the Town Board Minutes and did not see anything regarding this specific presentation.

The Board discusses the Hausermann Property, which had a similar timber harvesting process on 55 acres. Robert believes that particular operation was ruled to be an agricultural exercise, and was deemed exempt from the Chapter 189 process. Cynthia states that the Board had Mr. Hausermann go through a process. Robert recalls that in the end he believes it was determined the Applicant could proceed without a Public Hearing. Roland states that there must be a project file. Cynthia states that she did provide the project file to the Applicant.

**4. Lake Hawthorne: Dean Martin, P.E. (owner – Lake Hawthorne Homeowners Assoc.)
Wetland/Chapter 189 Permit (location – Nash Road)**

Project overview and discussion of completeness of applications.

Cynthia confirms that Dean Martin is here tonight to represent the Lake Hawthorne Project. Cynthia states that the Applicant is well on their way to providing the information that was asked for. Cynthia states that this is an opportunity for Mr. Martin to receive clarification on the material being asked of him. Mr. Martin states that the Memo from MDRA is straight forward. Mr. Martin states that they will make revisions to their Plans and forward another submittal for review. Mr. Martin refers to Page 1, Item 1 in the MDRA Memo and states he will forward the Memo to his engineer to review regarding the Biological Report which was submitted to the Town. Cynthia states that the Town Engineer will receive the next submittal for his technical review. Cynthia asks Sonja if the SEQR process had been started back when this Application began, and at what point may we set a Public Hearing. Sonja states that a submittal should be made in response to their Memo. Also, the Town Engineer should review it and provide his comments.

Mr. Martin refers to the stormwater management portion and states that they will be clearing land in order to create a materials deposit area. We will further clarify the clearing. Cynthia states that it would be beneficial to figure out what the future holds. Cynthia knows that there has been silting in the pond because of construction activity on neighboring roads. Cynthia states that if Mr. Martin is still noticing silt coming down, she encourages him to have a conversation with the Highway Department to see if something may be done so that this dredging does not need to take place every 10 to 15 years. Mr. Martin shows the Board a larger view of the sediment basin area. There is a sediment trap on both sides. Cynthia asks if the Town has an Easement. Mr. Martin is not sure. Cynthia states that the Applicant may wish to write a letter to the Town Board to see whether or not something could be done regarding road improvements, as well as the vacuuming of the basins.

Cynthia confirms the next submittal will go to the Town Engineer and MDRA for review. Assuming everything is in order, the Public Hearing may be set at the November 4th Meeting for December 2nd. Cynthia confirms with the Board that in the interest of moving this along, the Applicant may refer technical questions to her, and then a conference call will be set up with the Town Attorney.

**5. Dubin: Don Rossi, Esq (owner – Dubin Properties)
Wetlands Permit (location – 12 & 14 June Road)**

Discuss Proposed Revisions to Conservation Easement and Referral to Town Board.

Don Rossi refers to the MDRA Memo dated October 5th and states that on Page 1, Item 1 is fine. Mr. Rossi states that for Item 2, in lieu of referring to grantor or grantor's successors throughout the document, we already have a provision in the existing document that states it runs with the land and it is binding on successors. Mr. Rossi suggests we include without limitation the purchase of lots within the subdivision, which would be Paragraph 8 of the existing document. Mr. Rossi states it would be a blanket provision. Mr. Rossi states that Item 3 is fine. Referring to Item 4, Mr. Rossi states that there is one section between the entrance drive and the Crook Brook where an extensive meadow area is located. Mr. Rossi thought that if the property were to be used as a horse barn, or commercial boarding stable, that would come under the heading of agricultural. There is an existing irrigation system that was installed for the watering of landscaping plants around the pond. Cynthia does not have an issue with identifying the existing irrigation system. Cynthia has a concern with having a Conservation Easement, and introducing new aspects, such as an irrigation system. Mr. Rossi states that it is not a huge area. If they have a horse barn and want to install a paddock around that area, it is already cleared. Cynthia states that the Conservation Easement is only the wetlands and wetland buffer areas. If they put an irrigation system in it may drain to the buffer areas. Mr. Rossi states that there will be no new irrigation system.

Mr. Rossi states that one of the points of this potential amendment was that the Conservation Easement area in general could be used for agricultural purposes. Cynthia states that is fine. Mr. Rossi states that the concept for Item 5 is fine, except Mr. Dubin plans to replace the existing wooden bridges with real stone bridges. Mr. Rossi talks about the stabilization of the bridges. Cynthia confirms the bridges will be located in the same spot. Mr. Rossi states that the footings may need to be expanded. Mr. Rossi states that Item No's. 6, 7, 8, 9, and 10 are fine. Referring to Item 11, Mr. Rossi confirms that the proposal for review and approval by the Board would not be separate. Cynthia states it would be whatever is required under Chapter 189. Sonja states that they were concerned with the language regarding the preservation of vistas being subjective. Sonja states that the term selective cutting is more like a harvesting action. Mr. Rossi suggests language being added stating they are subject to compliance with Chapter 189. Cynthia states that if it is a field now, it should be kept as a field, and not let it return to a forest.

Mr. Rossi refers to Item 12 and states that language was picked up from some of the other sample easements. Mr. Rossi states that the whole property may be leased in the future. Item No. 13 is fine, except that they are only allowed to utilize existing trails. There should never be a time when we would have to remove part of a wall to create new trails. Mr. Rossi states that there is an existing utility line that runs from the road into the property through the Conservation Easement area that provides utility service to the house on the property. We want to make sure we are allowed to maintain this area. Mr. Dubin owns the adjoining property. That is why we had the service extended to the adjoining property. Mr. Rossi intended with his introductory paragraph to cover all of the necessary permits, approvals, and licenses.

Cynthia talks about the Planning Board making a recommendation to the Town Board, as long as Mr. Rossi prepares a revised summary list, which would be a response to the MDRA Memo, as well as the recommendations talked about tonight. The Board may then act on a Resolution tonight, and attach the list. Mr. Rossi will forward the revised list to both Cynthia and Roland. Mr. Rossi will work with Roland on the revised Conservation Easement to be provided to the Town Board.

Chairwoman motions that the Planning Board Recommend the Amendments to the Conservation Easement in Accordance With the Revised List to be Provided by Mr. Rossi for the Dubin Wetlands Permit Project. Charlotte seconds. All in favor. No opposed.

6. Comments from the Chair:

- Fuelco

Cynthia states that she has had a few phone regarding the Fuelco Project. Cynthia states it appears that the Zoning Board of Appeals (ZBA) has given a nod for all of the Variances that were requested. When it comes to the Use Variance and their right to consider the character of the community, the ZBA has strong feelings as to how the exterior of the building should be revised. Cynthia states that the ZBA has a certain right to impose changes to the exterior building. The Planning Board is going to be the Lead Agency under SEQR and we have certain design changes ourselves, and opinions that might not agree with the ZBA. The Architectural Review Board (ARB) is supposed to be the Board who weighs in on the exterior changes to the building. Cynthia states that it would be best to obtain consensus from all three Boards, so the Applicant will receive the same message. Mr. Rossi states that the ZBA would like to see an exterior similar to that of the North Salem Volunteer Ambulance Corps building. Mr. Rossi states that there are serious expenses involved. Cynthia does not want the Applicant to be bounced around.

Roland states that the ZBA is focused on making a condition so that the building will be renovated in accordance with the approval of the ARB guidelines. Cynthia had the impression that the ZBA wants to rule on the exterior. Mr. Rossi states that the additional cost for the changes to the exterior could run approximately \$100,000.00. Roland suggests Mr. Rossi come back with a Plan and try to get the ARB to accept it. Mr. Rossi talks about submitting architectural documents to both the Planning Board and the ARB. Mr. Rossi states that it would be helpful to obtain an agreement among the Boards.

Cynthia states that the Applicant could spend \$10,000.00 to prepare a new set of drawings based on what he understands the ZBA wants. She suggests we invite everyone to a Joint Meeting. Roland states that the ZBA has the right to make that type of request. The Planning Board does not have the authority to overrule the ZBA. Cynthia states that she called Jerry Reilly and understands he prepared a memo for Peter Kamenstein to sign. This was to have happened a few weeks ago. The original design of the building is discussed. An e-mail will go out to all three Boards with suggested dates for a Joint Meeting.

7. Financial Report:

- September, 2009

Chairwoman motions that the Planning Board Approve the September, 2009 Financial Report. Charlotte seconds. All in favor. No opposed.

8. Next Meetings:

- Work Session – October 21, 2009 – Chapter 107 & 189 amendment discussions
- Regular Meeting – November 4, 2009

9. Resolution:

Chairwoman motions to adjourn the Planning Board Meeting. Bernard Sweeney. All in favor. No opposed.