

North Salem Planning Board Minutes

November 4, 2009

7:30 PM – Annex

PRESENT: **Cynthia Curtis, Chairwoman**
 Robert Tompkins, Board Member
 Bernard Sweeney, Board Member
 Gary Jacobi, Board Member
 Roland A. Baroni, Town Attorney
 Sonja Teichmann, Planning Consultant

ABSENT: **Charlotte Harris, Board Member**

ATTENDANTS: **Paul Properties:** **Rod Burgess**
 North Salem Properties, LLC: **Ken Siegel**
 Michele Savino
 Joseph Savino

Chairwoman Cynthia Curtis calls the November 4, 2009 North Salem Planning Board Meeting to order.

REGULAR MEETING:

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

Review of Completeness; if Complete, set Public Hearing & Circulate for Lead Agency.

Cynthia states that we will not be required to Circulate for Lead Agency. It has been confirmed that the Planning Board is the only Agency. Cynthia apologizes for the MDRA Memo coming out so late this afternoon, and confirms Mr. Burgess received a copy tonight. Cynthia asks the Board if they had a chance to read the Memo. The Board takes a few minutes to review it. Cynthia states that this Project is being reviewed as a Chapter 189 Permit. The Building Inspector has advised us that this is not considered a Farming Operation. It is a Type I action under SEQR. The Board may consider scheduling a Public Hearing subject to the submittal of revisions requested in this Memo. This is a Type I action because the alterations are proposed on more than 10 acres. Since there are no other involved agencies, the Planning Board may acknowledge and confirm themselves as Lead Agency under SEQR. Cynthia states since there are no other agencies identified; the Board may consider setting a Public Hearing. We will need Mr. Burgess to submit a few revisions in accordance with what is spelled out in the Memo. Cynthia asks Mr. Burgess if he has any questions with respect to the revisions.

Mr. Burgess refers to his topographic Map and confirms the plan revisions requested in the Memo. Mr. Burgess will add the entire text for Exhibit A on his mylar. There is a discussion about the addition of the signature blocks for the owner and Planning Board. Cynthia states that at the end of the process a mylar will be submitted. When Cynthia signs the mylar as approved, everything should be spelled out on the mylar so that anyone could pick it up and see all the required information. Mr. Burgess discusses the timeframe and how all of this will come together. Cynthia states that the Board would like the revisions at least a week before the Public Hearing. It is supposed to be available for the public to review prior to the Public Hearing. Cynthia states that she will prepare a Public Hearing Notice which Mr. Burgess will send to the adjacent property owners by Certified Mail. Mr. Burgess will come in to the Assessors Office for instructions on how to obtain the list of adjacent property owners. Once the Public Hearing is held, the Plan will be revised, as

well as the EAF. Mr. Burgess will submit four paper copies to be reviewed before the submission of two mylars.

Robert Tompkins motions that the Planning Board set the Public Hearing for the Paul Properties, Inc. Chapter 189 Tree Removal Permit Application for December 2, 2009. Bernard Sweeney seconds. All in favor. No opposed.

Chairwoman motions that the Planning Board Declare Themselves as Lead Agency under SEQR for the Paul Properties, Inc. Chapter 189 Tree Removal Permit Application. Bernard Sweeney seconds. All in favor. No opposed.

2. **Salem Hills Healthcare Center:** (owner – Mokray Acquisition, LLC)
Site Development Plan (location – 537 Route 22)

Consider Draft Resolution of Extension of Stormwater Permit Recommendation and Site Development Plan Approval (With Conditions), from November 30, 2009 to March 1, 2010, based on a request from Patrick Roberts, AIA.

Chairwoman motions that the Planning Board Approve the Draft Resolution Extension of Stormwater Permit Recommendation and site Plan Approval (With Conditions), From November 30, 2009, to March 1, 2010, for Salem Hills Healthcare Center. Robert Tompkins seconds. All in favor. No opposed.

After the motion, Roland states that he reviewed the Easement submitted by Patrick Roberts and it looks fine. Roland states that the original should be tracked down and recorded.

3. **North Salem Prop., LLC:** Ken Siegel (owner – Michele Savino)
Site Development Plan (location – Dingle Ridge Road/Route 121)

Project Overview and Review of Completeness.

Ken Siegel, Architect is here tonight to represent the Applicant. A copy of the Plan is put up on the bulletin board. Cynthia states this is a pre-existing site where almost everything has been there for a long time. Cynthia states that a few items are new, or improved. Cynthia states that most of the changes on the site are internal. Cynthia checked the Planning Board files, as well as Building Department files and determined that there never was an approved Site Plan. We are here to establish a Site Plan and confirm the Uses that are currently proposed. Cynthia states that the Site Plan was reviewed, and an MDRA Memo generated. Cynthia asks Mr. Siegel if he has any questions.

Mr. Siegel states that he is here tonight to respond to the pre-violation letter from the Town. We appreciate receiving the courtesy letter prior to any enforcement action. Mr. Siegel states that one of the items they are here to address would be on the Northeastern side of the property. That is where we have an intention of establishing the side yard line, and creating a planting buffer in front of the parking area. Mr. Siegel states the MDRA memo asked us to provide the exact name of the bushes or trees that we intend to plant, and we will provide that information. Mr. Siegel states the other item they are here to address in relation to this Project is that they were asked to provide a Site Plan because one had never been done before. We showed the existing conditions and the fact that we don't want a lot to change. This Site Plan also shows the restaurant property. We had a pre-meeting and there were discussions about showing the restaurant property. The Memo lists a lot of concerns about our showing the second property. Mr. Siegel states that it is not their intention to merge the two properties or merge anything having to do with their Site Plan approval. Mr. Siegel states that there are

two agreements going on between the two properties, one of which is a shared parking agreement. The restaurant gets busy at night. When the market closes, there isn't any reason not to utilize those parking spaces for over-flow situations. We are trying to minimize the on-the-street parking.

The other potential proposal is to share the waste refuse containment which is above the storage garage. There is an area where the topography juts up. We are keeping our containment there which is up to current standards for the recycling of plastics, cans, glass, food waste, and paper waste. There are a number of different dumpsters required. We are sharing pick-up with the restaurant at this time. This makes for one pick up area instead of two. The existing upper corner of the restaurant property is where the refuse storage was and will remain to be. It is enclosed with a fence. There will not be garbage waste stored in that area. We are going to keep it as empty as possible, and have all of the garbage collected in the other location. Mr. Siegel states that the agreement can change back to both properties being on their own should the ownerships change. At this point the ownership is the same. Cynthia asks Mr. Siegel how many bins are required. Mr. Siegel states that the amount of bins that are required are what is necessary for the weekly pick-up. We have three large bins to separate the waste into the remaining components. Cynthia asks if the amount of containers would be the same if the collection were to be together. Mr. Siegel states yes. Cynthia states that the Plan shows four containers. Mr. Siegel states that he drew four containers. When he went to the Site today there were only three. It is possible that one was picked up and taken away.

There is a discussion about the lots being separate, the owners are the same, and there are different LLC's. Roland states there should be a shared parking agreement as a Condition of Approval. Roland states it would be an encumbrance. The market property does not need overflow parking. Mr. Siegel asks if the sale of the property would be cause for him to come back before the Board regarding the parking agreement. Roland states that we would want a recorded document so that a potential buyer for the other lot would be on notice that there is a shared parking agreement. Mr. Siegel is not happy with creating an encumbrance. Roland states that is the only way to protect the Planning Board for allowing the other property to count towards parking. Mr. Siegel states that the market property does not require additional overflow parking. Roland asks why it has come up then. Cynthia states that there is a sign on the market property providing overflow parking for the restaurant. The Board talks about Primavera coming before them requesting overflow parking across the street when the office building closes. Mr. Siegel states that he was involved with that project and there were issues with parking across the street, so an agreement never took place. Mr. Siegel states that it was determined that the amount of spaces Primavera currently has were grandfathered in and there were in fact enough. Cynthia asks why people are parking on the lawn if there is adequate parking in the Primavera lot.

Cynthia refers to the market property and states that the sign for overflow is up all the time. The parking requirements are discussed. Sonja states a concern about having sufficient parking in conjunction with the additional retail being proposed, as well as sufficient parking for the market customers. Bernard states he believes there is ample parking at the market site. Cynthia suggests they put up a portable sign at night advising customers that overflow parking for the restaurant is available on the market property.

Mr. Siegel states that his client has ideas for new jobs that they would like to do to improve the site. We are proposing to phase in these improvements, one being the planting of bushes which may not occur before the winter sets in. We are proposing a blue stone surface in order to take off the unsightly concrete that is there now. We had an idea to install a bulletin board kiosk, which could also be called a community board. The new configuration would allow for a roof over a double-sided bulletin board. The area is currently an asphalted parking lot. Cynthia confirms that the tables and chairs will continue to stay there as seasonal items. Cynthia advises Mr. Siegel to add that into the Site Plan. Mr. Siegel states that the kiosk in the MDRA Memo is referred as a ground sign. Cynthia states that the Applicant will need a variance for a free-standing sign. Cynthia confirms the Board would be in favor of recommending the Applicant to the Zoning Board of

Appeals (ZBA) for the kiosk. Cynthia confirms with Mr. Siegel that the name of the market has been changed since the last sign permit. Mr. Siegel states that the last sign permit proposed the name on the sign to be North Salem Market. Mrs. Savino has decided to change the name to 121 Market Next Door. Mr. Siegel states that they have a variance for the top sign. Mr. Siegel states they never filed for the sign permit. Cynthia states that the Applicant should wait until the new sign is approved with the new name. Mr. Siegel states that the colors and size will remain, but the text may change. The Board talks about changing this requirement in the future so that applicants are not coming back before the Board for a full review again. Cynthia confirms the name will be 121 Market Next Door. Cynthia confirms the front sign received an approval, as well as variance from the ZBA, and the name will now be changed. Cynthia suggests the Applicant request that they be allowed to change the name in the future as long as the size stays the same without coming back before the Board.

There is a discussion about a building in the back that used to be a lawn mower repair shop, and it has been cleaned out. Mr. Siegel states his client would like to use it as retail space, and would like to refurbish the building so it meets current codes. Mr. Siegel states that the building meets all required calculations. Cynthia inquires about the current septic, as well as water. Mr. Siegel states that the building has no septic; there is a well pump which pumps into a stainless steel tank. The water cuts across and goes into the main building. There is a discussion about having a tenant in a building without water. Mr. Siegel states that it would be better if the tenant had water and septic. Mr. Siegel will need to discuss this with the Health Department. Mr. Siegel believes it could be tied into the main building and let it go through that building and the septic. Mr. Siegel talks about their daily water usage. Mr. Siegel states they have a meter log and their water use is well below the amount the County has determined it to be. Mr. Siegel states that the sewer line may be in by the time he gets this all straightened out. Mr. Siegel states that his client would like to put another lawn mower shop in. Cynthia suggests Mr. Siegel speak with the Board of Health first. Mr. Siegel states that he can't put in a new septic system. Cynthia states that the Applicant may be able to apply for a COO when the new sewer system goes in. Cynthia asks Mr. Siegel if he has spoken about this with Bruce. Mr. Siegel states that he has not.

Mr. Siegel states that in this Site Plan we talked about future items that were planned. Mr. Siegel states that in the MDRA Memo, we were asked to take out future items. He will remove items from the proposed Site Plan, such as tying into the sewer, abandoning the existing septic, and extending the parking.

There is a discussion about the stairway and railing. Mrs. Savino states that the stairs were there when they bought the property. They have made improvements to the stairs for safety, including the addition of the railing. Roland suggests an approval be obtained from the Highway Department. Cynthia talks about obtaining a License Agreement with the Town. Cynthia suggests Mr. Siegel speak with Drew. Robert states that it is an improvement. Cynthia suggests Drew send his recommendation to the Planning Board and the Planning Board will forward it to the Town Board.

Cynthia suggests the gazebo be added on the Site Plan. Mr. Siegel states it is a temporary structure.

There is a discussion about showing the handicapped parking, signage, as well as existing and proposed lighting on the Site Plan. Roland asks if there is a proposed lighting plan. Mr. Siegel will provide what they have now, and what they are proposing. New lighting for the top signs is discussed. The Board would like the lighting to be shielded downward and kept to a minimum. Mr. Siegel confirms there will be no lighting for the Kiosk.

Cynthia states that the new submittal will go back to MDRA for a review. Mr. Siegel may call her if he has further questions. Cynthia states that if everything is in order with the new submittal, the Applicant will be placed on an Agenda in order to set the Public Hearing.

The Board states that the work done already looks terrific. Mr. Siegel states that Mrs. Savino has unbelievable taste and vision.

Cynthia asks Sonja if she missed anything. Sonja states that it is most important for the Applicant to show what is existing and what is proposed.

4. Minutes:

- August 19, 2009
- September 2, 2009

Chairwoman motions that the Planning Board Approve the Minutes for August 19, 2009, and September 2, 2009. Gary Jacobi seconds. All in favor. No opposed.

5. Financial Report:

- October, 2009

Chairwoman motions that the Planning Board Approve the October, 2009 Financial Report. Robert Tompkins seconds. All in favor. No opposed.

6. Next Meetings:

- Work Session – November 18, 2009
- Regular Meeting – December 2, 2009

7. Comments from the Chair:

Cynthia states that when T-Mobile Northeast came before the Board they asked who we would be using as our Radio Frequency Analyst. Cynthia states that she obtained the name of the consultant the Board previously used in the past. In addition, MDRA has recommended Ron Graiff. He has done work for municipalities in CT, NY and NJ. She has also been given contact information for another source, Kreines & Kreines, out of California. Cynthia asks the Board if they would like her to continue to research this and make a recommendation to them. Cynthia asks the Board if they would like to join her with the research, or possibly one Board Member may volunteer to work with her. Gary asks if the firm from California has a local office. Cynthia is not sure, as she has not contacted them yet. The Board discusses obtaining price quotes. Cynthia states that the bills for the Analyst would be paid from the Applicant's escrow. Cynthia states that T-Mobile Northeast has not made another submittal. Cynthia will e-mail the names of all three proposed consultants to the Board.

Cynthia has a question for Roland, and refers to the Andy Benson Subdivision where two lots were merged. Back in the mid 90's the subdivision was approved as the Christine Marsh/Andy Benson piece. Later, Christine Marsh and Gerald Agranoff had done a Boundary Adjustment, called Marsh/Agranoff. There was a Planning Board Resolution to approve the Marsh/Agranoff Boundary Adjustment. The Plat was filed, but the Deed was never filed. Now Christine Marsh would like to undue the Approval. Cynthia confirms with Roland that a Boundary Adjustment would be needed in order to have a new Plat take the place of the old Plat. Cynthia will advise the Applicant that a Boundary Adjustment will need to be done between Agranoff/Marsh.

Cynthia talks about a garage/repair shop in Croton Falls. The new owner wants to put in the same Use. Roland states it would be the continuation of a Conditional Use Permit. Roland states that if the business has

been closed for more than a year, they would need to come before the Board. They will also need to come before the Board for their sign.

8. Resolution:

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