



Mr. Balter refers to Page 6, Item 2(a) and (b) regarding making petitions to various agencies and states that they will make the proper Applications. Mr. Balter is concerned about situations happening that are not within their control. Roland states that the Applicant should not only make Applications, but prosecute those Applications. Mr. Balter is fine with that. Mr. Balter is concerned that Boards may not grant the required Approvals.

Cynthia states that we are following State Law. These are standard procedures.

Mr. Balter states a concern about obtaining all of the Approvals within six months, as this is not a typical development.

Robert inquires about the number of extensions allowed. Roland states that there is no limit on the extensions.

Mr. Balter states that the Board has seen him here for years, and they know how long items may take.

Cynthia states that other Applicants have gone through Westchester County to obtain Approval for their access, as well as the Department of Environmental Protection. Cynthia states that these are conditions that are asked of our Applicants. Mr. Balter talks about making a formal application to the DEP. Cynthia states that Mr. Balter will have both SEQR and Conditional Preliminary Approval, and DEP will know the clock is running. Cynthia states that Mr. Balter may put a lot of pressure on them based on those two approvals. Roland asks if it is Mr. Balter's fear that if he came back for an extension, the Planning Board would deny it. Mr. Balter states no. Mr. Balter states that when he started this process there was a different Chairman. There have been three Supervisors' in the Town since this process began. Mr. Balter is concerned that things change, and even though an extension may be warranted, it is a judgment call. Mr. Balter is concerned about the conditions on Page 6 being out of his control. Mr. Balter states that this is only Preliminary Approval, not Final Approval.

Gary suggests that language be added on Page 6 so that one automatic extension would be granted if requested. Roland states that it does not make sense to him that the Board would grant an extension in advance. Gary states that we are not granting it. Roland states that is what the language suggests. Mr. Balter talks about them demonstrating that they have made Applications to six of the agencies listed on Page 6 in conjunction with being granted an extension if requested. Roland states that will only complicate how long it will take for the Applicant to get to Final. It is up to the Board. There will be more conditions in the Final if prior conditions have not been met. Mr. Balter states that all of the conditions in the Draft would be fine for Final Approval. Roland states to Mr. Balter that the Planning Board is trying to help you walk through the process quicker. What Mr. Balter is suggesting will make the process slow down.

Mr. Balter states that he is not going to slow anything down. Roland states that Mr. Balter is asking to have the necessity of the Approvals in the Final Approval. Roland states that the Board would like the Applicant to start now in order to get some of the Approvals out of the way. Mr. Balter states that he will go as fast as humanly possible, as he always had. He states that if he does his part, he doesn't want to have to come back and ask the Board for a discretionary Approval for an extension. Robert does not think Mr. Balter is making an unreasonable request. Cynthia states that it is critical for the Board to have feedback from the various agencies in order to know whether or not they will approve the current Plan. Cynthia refers to Peach Lake Commons, and states the DOT had already provided verbal approval, and then changed their mind about the entrance, which made the Applicant start all over again. Cynthia states that by the Applicant showing the agencies the conditions, the agencies will work faster.

Roland states that he does not see anything wrong with the way the Resolution is written. Cynthia states that she would be extremely shocked if the Board did not grant extensions if requested. Mr. Balter states a concern

about (d) (e) (f) and (g) on Page 6 of the Draft, as they are out of his control. Mr. Balter will do his part. Mr. Balter again states his concern that the Board may not grant his future request for extensions. Roland asks Mr. Balter on what basis does his concern come from. Roland states that future Board Members would look at the project record. Roland states that Mr. Balter has a degree of paranoia attached to his concerns.

Mr. Balter states that he does not want to sue, and he is not asking for anything that is not under his control.

Cynthia talks about the Board being consistent. Cynthia states that no other Applicants have had concerns with these conditions. These conditions are asked of every Applicant that comes before the Board. Robert states that he has been on the Board a long time, and does not believe the Board has turned any Applicants down when they have requested extensions.

Cynthia would like to recommend that the Board move the Draft Resolution as it is written, and asks if the Board would like to discuss this any further. Bernard states that Mr. Balter must perceive that he will run into problems. Mr. Balter states that DEP Regulations may change. He is trying not to be unreasonable. Mr. Balter states that what is out of his control is out of his control. Mr. Balter hopes that the Board will do the right thing and grant an extension if requested in the future. Cynthia states that the extension process gives the Board a chance to be updated on the status.

**Chairwoman motions that the Planning Board Approve the Draft Resolution as Written for Preliminary Subdivision Plat Approval (With Conditions) for Salem Hunt. Charlotte Harris seconds.**

Several of the Board Members are hesitant to vote on the Draft Resolution. Cynthia asks the Board what they want to do, and states that they have to be consistent in handling every Application that comes in front of them. We have not had problems in the past, and have granted extensions in the past. Cynthia refers to Salem Hills Healthcare Center and states that the Board granted them three 90-day extensions. Robert states that it is not unreasonable to allow one extension if it will make this particular Applicant feel more comfortable. Robert is not uncomfortable with it. Robert states this is the biggest Application that has come before Town during his time here. Robert understands Cynthia's position that if we make an exception in this case, what happens with other Applicants. Cynthia talks about starting an Application at Final, and at what point everything will come together. When the Application for Final comes in, the conditions will be the same. Is the Board going to Waive the Public Hearing? Cynthia states a concern with specific timeframes to be adhered to. Cynthia asks Roland if the Board may sit on a Final Application, or do they have to move to Grant when the conditions are being extended. There is discussion about the conditions being considered for Final.

Gary talks about finding a little bit of wiggle room in order to understand the Applicant's concerns. Cynthia states that we are not going to have Board Members that are going to be arbitrary. Gary agrees. He brings up the Applicant's concern with DEP possibly having new rules, which may extend the process a month. Gary believes four of the Board Members would like to find a little something to work with.

The Board discusses Mr. Balter making the necessary Applications listed on Page 6, in addition to coming back to request an extension if necessary. Mr. Balter states that he has not had any issues with this current Board.

Roland states that there is a motion on the floor, and a second. The Board continues with the motion.

**All in favor. No opposed.**

Cynthia states that an e-mail came in today from the CWCWC. Cynthia was going to make it a part of the

Public Hearing, but it is not part of the Wetlands or Site Plan. There were suggestions to the developer to have more pervious surface in the development, as well as trees planted near the buildings. Mr. Balter will provide a response.

**3. Salem Golf Club:** Hilary Perettine (owner – Salem Golf)  
**Site Development Plan** (location – Bloomer Road)

- Consider Rescinding January 6, 2010 Waiver of Site Development Plan Resolution; and Adopting a Revised Resolution.

Cynthia states that the Board may recall that there was going to be back-lighting of the trees on the back patio. There is a request to change the number of lights per tree. Mr. Zorn came in this afternoon and read the Draft Resolution. He also handed in a small diagram for the Board to look at tonight in order to see where three previously approved proposed lights were never installed, so they will be removed from the Site Plan. The Board looks at two trees on the diagram where the Applicant is proposing to install five lights under each. A condition has been added so that no modifications need to be made to the Site Plan at this time. If and when the Applicant comes back for any other reason, the Site Plan will be updated then. This adopted Resolution will be attached to the last set of Site Plan mylars.

**Robert motions that the Planning Board adopt the Draft Resolution of Site Development Plan Waiver for Salem Golf Club. Gary seconds. All in favor. No opposed.**

**4. Straus/Sullivan:** Don Knapp (owner – Roger Straus/Connie Sullivan)  
**Wetlands Permit** (location – 238 Hunt Lane)

- Review Report from MDRA

Cynthia states that she posted a marked up copy of the proposed Plan with suggested changes from Joe Bridges. An MDRA Review Memo outlining how the Plan should be modified was circulated this afternoon. Cynthia states that the original Plan was very difficult to read. Cynthia goes over the suggested Map changes with Mr. Knapp. He states that he has already made these changes. Cynthia asks Mr. Knapp if he submitted a different version. Sonja states that Joe did realize that this was a different submittal. Joe stated that it is difficult to see if the changes have occurred because the Plan is overcrowded with labels. The marked up Memo submitted by Mr. Knapp did not have information as to how the items have been addressed. Sonja states that Joe suggested possibly splitting up the Plan into two pages, so that the scale may be enlarged and the labels pulled out. The pond areas are discussed regarding the labels. Mr. Knapp states that he takes exception to some of these items. Mr. Knapp will revise the drawing. Mr. Knapp refers to the second bullet on Page 2 regarding there being no cement. Sonja states that would be the response. There is a discussion about the trees near the pond interfering with construction. Mr. Knapp states that a few are overhanging the pond and in poor shape. Mr. Knapp states that two other trees originally proposed to be taken down will now stay. Mr. Knapp suggests he adds in a larger x symbol. There is a discussion about the silt fencing shown on the Plan, as well as the two de-watering areas. The areas should be surrounded by silt fencing. The common revision date is discussed. Mr. Knapp understands what is being asked. There is discussion about labeling the machinery. The soil type should be included in the EAF. The type of seed is discussed per the October 2, 2009 DEP Memo.

Cynthia states that after the minor revisions are made the Applicant will be ready to move forward. The Board discusses the Public Hearing process in conjunction with waiving the Public Hearing. The possible

impacts to neighbors are discussed. Mr. Knapp does not believe there are a lot of neighbors. The Board decides they would like to have a Public Hearing.

Mr. Knapp has a concern with the line work notes that are being suggested and feels they are not appropriate. Sonja states that the Plan has to be readable. Sonja states that Joe is very experienced and knows what he needs to see. Mr. Knapp states he will clean up the Plan and blow it up to a larger scale. He will also explain how his comments were addressed.

**Chairwoman motions that the Planning Board set the Public Hearing for April 7, 2010 for the Straus/Sullivan Wetlands Permit Application. Robert seconds. All in favor. No opposed.**

After the motion, Cynthia asks Mr. Knapp to provide the Board with his revised submittal at least one week prior to the Public Hearing. Mr. Knapp will handle the notification to the neighbors. Cynthia will prepare the Public Hearing Notice for the two required newspapers. Mr. Knapp will call the Planning Board Office to confirm whether notification should be to neighbors within 200 feet or 500 feet. Sonja offers to scan the marked up Plan from Joe in order to e-mail it to Mr. Knapp. Dawn will e-mail the October 2, 2009 DEP Memo to Mr. Knapp.

**5. Sunset Ridge Water District:**

- Consider Waiver of Site Development Plan Approval

Cynthia states this item almost came over to the Board as a Wetland Referral. Cynthia spoke with Warren and MDRA and it was determined this was a minor Application without substance for our Board to look at. Cynthia did not prepare a Draft Resolution. She wanted to have a discussion with the Board about considering to Waive Site Development Approval. The Town Engineer has prepared the design for the Sunset Ridge Water District.

**Chairwoman motions that the Planning Board Waive the Requirement for Site Development Plan Approval for the Sunset Ridge Water District. Bernard Sweeney seconds. All in favor. No opposed.**

**6. Minutes:**

- January 6, 2010
- January 20, 2010
- February 3, 2010

**Chairwoman motions that the Planning Board Approve the Minutes for January 6, 2010, January 20, 2010, and February 3, 2010. Charlotte seconds. All in favor. No opposed.**

**7. Financial Report:**

- February, 2010

**Chairwoman motions that the Planning Board Approve the February, 2010 Financial Report. Gary Jacobi seconds. All in favor. No opposed.**

**8. Next Meetings:**

- Work Session – March 10, 2010

- Regular Meeting – April 7, 2010

**9. Comments from the Chair:**

Cynthia states that the Work Session will be held next Wednesday, March 10<sup>th</sup>. The Agenda items will be a discussion regarding the Draft Comprehensive Plan, as well as the revisions to the Wetlands Law. Charlotte will relay the Draft Comprehensive Plan comments to the Committee.

**10. Resolution:**

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