

Conditional Use Permit/Site Development Plan (location – 110 Hardscrabble Road)
Wetland Permit

- Open the Public Hearing Regarding Conditional Use and Site Development Plan Approval
- Open the Public Hearing Regarding Wetland Permit Approval

Cynthia states that the Public Hearing Notice was published in two newspapers. Cynthia has been handed the green card receipts. Cynthia states that she received one question from Mr. Colley who asked if the Application is the same as before. Cynthia explained to Mr. Colley that it was with the exception of changes to the wetlands, tree removal, and introduction of stormwater improvements. Mr. Colley had no further comments. Cynthia did not hear from anyone else and there were no written comments submitted. Cynthia asks if there are any members of the public who are here tonight wishing to speak. Cynthia confirms the Board Members do not have any questions or concerns. The Public Hearings are closed.

REGULAR MEETING:

3. **Dubin:** Jeri Barrett (owner – Dubin Properties)
Lane Exc., Filling & Tree Cutting Permit (location – 12 & 14 June Road)
Wetland Permit

- Discuss MDRA Review Memo
- Consider Draft Resolution of SEQR Negative Declaration, Chapter 107 Wetland Permit, Chapter 189 Land Excavation, Filling and Tree Removal Permit, and Stormwater Permit Recommendation

Cynthia refers to the MDRA Memo which lists minor items that would be needed to finalize the Plans. Cynthia asks Mr. Barrett if he has any questions about the MDRA Memo. Mr. Barrett notes that he has no problem with the MDRA Memo. The watercourse changes are discussed. Mr. Barrett talks about bringing their project team up to speed so they know to incorporate the proper revisions. Mr. Barrett will add in the signature block. Cynthia states that the Resolution instructs Mr. Barrett to submit paper copies prior to final mylars. Gary asks why the inspections are done two months apart. Mr. Barrett states that the concern will be what happens in the spring and the fall. Mr. Barrett talks about plantings.

Cynthia states that the Board has a Draft Resolution of Approval, with conditions to consider tonight. Cynthia asks if the Applicant and Board Members have had a chance to review the Draft. Mr. Rossi questions the phrase “Applicant qualified wetland biologist” and confirms that a certified wetland biologist will monitor the pond dredging and stream enhancement work, and be responsible for the relocation of larger aquatic species during the period of water level draw-down to other nearby water bodies. This is discussed at the bottom of Page 5. The Applicant will select the certified wetland biologist. Mr. Barrett states that Steve Coleman is their certified wetland biologist. Mr. Coleman will file a form which states he is designated as a qualified environmental monitor. Cynthia asks if the Board Members have any questions. They do not. Cynthia states the Board will entertain a motion with two minor corrections. The spelling of Mr. Dubin’s name, as well as changing the phrase “an applicant qualified wetland biologist” to “a qualified wetland biologist” throughout the Draft Resolution.

Gary motions that the Planning Board adopt the Draft Resolution of the Town of North Salem Planning Board Regarding SEQR Negative Declaration (non-coordinated SEQR unlisted action), Chapter 107 Wetland Permit, Chapter 189 Land Excavation, Filling and Tree Removal Permit, and Stormwater Permit Recommendation for the Dubin Properties. Charlotte seconds. All in favor. No opposed.

4. **Clearwater Excavating:** Michael Liguori, Esq. (owner – Gilbert Shott)
Conditional Use Permit/Site Development Plan (location – 110 Hardscrabble Road)

Wetland Permit

- Discuss Memo From Hahn Engineering

Cynthia states that we have a Memo from Hahn Engineering signing off on the Project. Cynthia states that a Draft Resolution has been prepared which the Board may act upon at the next Regular Meeting. Cynthia asks Mr. Liguori if he has any questions on the Draft Resolution. Mr. Liguori does not have any questions. Mr. Liguori will submit copies of documents from the Army Corp. of Engineers and the Health Department.

PRE-APPLICATIONS:

5. **MetroPCS New York, LLC:** Daniel Laub (owner – Heziha Sulcevski)
Con. Use Permit/Site Dev. Plan (location – 73 Crosby Road)

- Pre-Application Discussion Regarding Collocation.

Daniel Laub states that he is here tonight from Cuddy & Feder on behalf of MetroPCS. Mr. Laub states that MetroPCS is proposing to co-locate on the communications facility located at 73 Crosby Road. This application is for co-location on an existing tower. We are proposing to install antennas on the existing 155 foot tall tower at a centerline height of approximately 135 feet and install associated unmanned equipment at grade level. We have provided Preliminary Site Plan drawings as well as a Pre-Application. We are preparing all of the other technical information required in the Town Code. The tower will not look much different than it looks now.

Cynthia asks if the antennas are proposed to be similar than the antennas already there. Mr. Laub states yes, they will be very similar. Cynthia states it is very difficult to see what has been proposed on the drawings. Mr. Laub states that when they submit again, they will provide clear documentation. Cynthia asks how many antennas are being proposed. Mr. Laub states there will be six total. Cynthia asks if any of the other carriers have a similar arrangement. Mr. Laub believes AT&T does. Cynthia talks about the existing dimensions. Cynthia states that it appears from the submitted drawings that the proposal has more mass than some of the others that are there. Cynthia asks if there is any flexibility with the size and shape of the antennas. Gary asks how far away from the pole will the antennas be. Cynthia looks at the Plan and states they will be about six feet apart. Gary states it would be helpful for the antennas to be closer. Mr. Laub will ask their engineers about that. Cynthia states that having the antennas more compact is very important to the Board. Cynthia states it looks like the existing antennas are narrower. Sonja states it would be helpful to have a rendition of what the tower currently looks like and what is being proposed, so the Board may see the comparison. Cynthia talks about the equipment being proposed on the ground and asks if that is inline with what had been done in the past. Mr. Laub states that depending on the amount of equipment, a shelter may also be used. Mr. Laub talks about open platforms with cabinets to house equipment. Cynthia states that the owner of the property isn't concerned with the way the tower will look. Cynthia states there is potential for another residential structure to the left of the tower. Visual impacts for the homes to the North are discussed in regards to the equipment cabinets, as well as requesting additional landscaping.

Cynthia states the Board would like to see an overall plan for the Town. It would be wonderful to have a master plan that shows coverage for the existing towers. Cynthia states there are several existing towers in the area. Smaller towers versus larger towers are discussed. Mr. Laub states that most towns prefer co-location. Cynthia refers to the Comprehensive Plan Committee and states they are working on taking out the co-location requirement to leave it open for flexibility.

Cynthia asks Mr. Laub if he has any specific questions in regards of what is required.

Cynthia inquires about the number of users that would be able to go on the tower. Mr. Laub states that currently, there is Sprint, Nextel, AT&T, and then emergency utility services.

Cynthia asks if the Board has any other questions. Gary refers to the antennas that are coming off and asks what will happen to the service they provide. Mr. Laub is not sure. Mr. Laub states that there had been an old tower on the property.

REGULAR MEETING:

6. Comments from the Chair:

Cynthia refers to the May 19th Work Session and states that Croton Creek Steakhouse will be coming back before the Board regarding outside dining. The Town Board would like the Planning Board to work on zoning changes that would allow outdoor dining in the GB District by Special Use Permit of the Zoning Board of Appeals. An annual renewal has been suggested. Cynthia states that if restaurant uses are allowed in the NB District as well as the GB District, she suggests the Board look at all of the restaurants. Sonja will prepare a draft for the Board to review at the Work Session.

Cynthia states that Salem Hunt is wrapping up rather quickly. We all agreed to change the affordable housing section to allow the calculation for income. Cynthia talks with the Board and Roland about beginning to work on the changes to the Code. Roland talks about making it a condition of approval for Town Board consideration. Roland suggests the Planning Board hold off for now.

Cynthia refers back to the Croton Creek Steakhouse discussion and states they have filed an appeal to the Zoning Board of Appeals on the decision of the Building Inspector to require Site Plan Approval. Cynthia asks Roland if it is inappropriate for her to speak with the Zoning Board of Appeals Chairman to stress the Planning Board interest for having Site Plan Approval on all commercial sites, and leaving it up to the Planning Board to waive Site Plan Approval when it is appropriate. Roland heard the idea was to do something with the Zoning Board for this calendar season, thinking it would take longer for the Town Board to get something enacted. Cynthia states this is more complicated as the Site has never gone through Site Plan, other than when co-location occurred on the building. After that was approved, there was a complaint about the amount of heat the equipment in the basement would generate. After that, the equipment was moved outside without the benefit of Site Plan Approval. Roland states that going back to the restaurant; he believes the idea was to do something for this season.

Cynthia states the wetlands/stormwater documentation has been sent over to the Town Board.

7. Next Meetings:

- Work Session – May 19, 2010
- Regular Meeting – June 2, 2010

8. Resolution:

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

