

North Salem Planning Board Minutes

July 7, 2010

7:30 PM – Annex

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

ATTENDANTS:	LP Partners:	Tim Allen
	Salem Golf Club:	Todd Zorn
	Horse Tales, Inc:	Robin Scovotti
	MetroPCS New York, LLC:	Anthony Gioffre
	Peach Lake Commons:	Tim Allen

Chairwoman Cynthia Curtis calls the July 7, 2010 North Salem Planning Board Meeting to order.

PUBLIC HEARINGS:

1. Salem Hunt: Tim Miller Assoc. (owner – June Road Properties, LLC)
Site Dev. Plan, Subdiv., Wetlands Permit (location – June Road & Starlea Road)

- Continue the Public Hearing Regarding Site Development Plan Approval
- Continue the Public Hearing Regarding Wetland Permit Approval

Cynthia states the Public Hearings will be continued until the Applicant provides the reminder of the information. The Applicant is here tonight to provide the Board with an update on the status of the Project, as well as request an extension.

Mr. Balter states that as he talked about on March 3, 2010, the Approval received that night is valid for six months. There are conditions in the Resolution to be satisfied which basically refer to all the outside agency approvals. The Resolution also required that we apply for written extensions before the six month expiration of September 3, 2010. Mr. Balter states that since this Project is on the Agenda tonight for a continuance, he thought he would bring the Board up to speed on the status, as well as hand in a letter requesting the extension. Mr. Balter states that they are on the cusp of obtaining approvals from the outside agencies, including Westchester County Department of Health and Department of Public Works, Putnam County Highway Department, New York State Department of Environmental Conservation (DEC), New York City Department of Protection (DEP), and the Federal Government (ACOE). Mr. Balter states that these approvals could take anywhere from one to four months to obtain. Mr. Balter states that they also were successful in having the Town Board create the water and sewer districts and consented to the formation of the required Water Works Company and Sewer Transportation Corporation. Mr. Balter states that the process has been smooth sailing. The required approvals take time. Mr. Balter states that he has made a request to the Board to grant a six-month extension from September 3, 2010 to March 3, 2010.

Cynthia asks Mr. Balter if the Board will see any surprises from the outside agencies regarding the modifications they have requested to be done. Mr. Balter states that they have not been asked to make any significant changes. The Westchester County Department of Health requested an update of our water testing

as the prior testing had been done three years ago, and the County will not accept results that are three years old.

Cynthia states that when the Board goes into the Regular Meeting they will take a vote on the extension request.

Cynthia asks the Board if they have any questions or concerns about making the extension in case Mr. Balter does not want to stay for the vote. They do not.

2. **LP Partners:** Tim Allen (owner – Peter Kamenstein)
Subdivision (location – Vail Lane/Chestnut Hill Road)

- Open the Public Hearing Regarding Two-Lot Subdivision.

Cynthia states the Plan for this Project is on the Board. This is a substantial piece of property being proposed for a two-lot subdivision, where the building envelope for the two lots are constrained by a Conservation Easement on the entire parcel. Cynthia opens the Public Hearing and confirms the Green Cards have been handed in and the Notice published in the Journal News. Cynthia asks if anyone is here tonight to speak on this matter, no one is. It is not necessary for another formal presentation. Cynthia confirms no comments have come in regarding this Project and asks the Board if they have any questions or comments, they do not. Cynthia closes the Public Hearing.

PRE-APPLICATIONS:

3. **Salem Golf Club:** Todd Zorn (owner – Salem Golf)
Waiver of Site Development Plan (location – Bloomer Road)

- Discussion of Waiver Request.

Cynthia states that Todd Zorn is here tonight. Cynthia states that an interesting discovery was made when talking about this area of Salem Golf Club where they are proposing to locate tanks that were once underground above ground. When Todd came in with a Plan from Raymond Keyes, Cynthia compared it to the approved Site Plan. She noticed that two buildings were missing from the Plan. The Applicant has since then corrected the proposal. Cynthia also went over to the Building Department to confirm that these two buildings didn't just appear without their knowledge. There are two garages not on the survey which formed the basis of the last two or three Site Plans that the Board has approved. The Board has been concentrating on the Main Building at the Club. Cynthia states she spoke with Maureen Eckman, Assistant Building Inspector, and in addition to the two buildings, there is a trailer that has been there for a long time. The trailer does not have any permits. Cynthia states the first question would be why the trailer is there and what is its purpose? Mr. Zorn states the trailer was there before he joined the Club. The trailer is used to store equipment. Mr. Zorn does not know how long it has been there. Cynthia states this is an issue with the Town because it is a structure that has to be approved by a Site Plan. Mr. Zorn states that in all fairness, the Building Department has seen it there for many years. Mr. Zorn does not understand why the Building Department has not questioned this sooner, and why it should come up tonight. Cynthia states that the issue has to be dealt with. Mr. Zorn states he is happy to deal with it, but does not understand why all of a sudden this is coming out of the blue. Cynthia asks how come two buildings came out of the blue without being on a survey. Mr. Zorn states again that the Building Department had known about this beforehand. Cynthia states that sometimes assumptions are made by the Building Department that when the Planning Board is doing a Site Plan, they are seeing everything. Cynthia states as diligent as the Planning Board is, who would have thought they would have to walk around the property to confirm the surveyor was providing an accurate survey.

Cynthia states the Board is trying to work towards getting something approvable here. The Applicant is in front of the Board because they are requesting a Waiver of Site Plan. Cynthia is bringing up all of these issues because they show we are getting further and further away from having one clean piece of paper that describes everything. Cynthia states that she believes what is being proposing would qualify for a Waiver. Cynthia asks the Board their opinion, and states it is an imposing structure approximately twenty feet long by ten feet high. Cynthia states that Mr. Zorn did come in and has shown plantings which have been added for screening from the road and the neighbors to the west. Mr. Zorn states that it is not visible from the road. Cynthia states the buildings are visible in the winter. Cynthia did not go into the driveway of the neighbor to view it. Cynthia asks what the Board thinks about this request and the situation. Cynthia asks Roland if he has any advice for the Board as to whether they should have the Applicant do an Amended Site Plan in order to have the buildings added. Roland asks Mr. Zorn if the trailer is storing fertilizer or lawn mowing equipment. Mr. Zorn states the trailer is storing lawn mowing equipment. Roland states that the trailer is taking the place of a structure that should be on the property. Mr. Zorn states that one stores equipment, and one stores miscellaneous lumber and so forth. Cynthia states that the buildings were there when viewing the 2000 aerials. Roland states that it seems to him that the Applicant should be willing to come in and show the Board a Site Plan that locates a structure on the property for this purpose in order to eliminate the trailer on the property. Mr. Zorn states that if Mr. Baroni is talking about eliminating the trailer and constructing a building, it would not happen over night if that is what the Board wants. Gary asks why the trailer would have to be eliminated. Roland asks Gary if the trailer is something he would consider approving as part of a Site Plan. Gary has not seen it, but his answer is yes, he would consider approving it. Robert states the trailer is right in the middle of the property. Roland states he has not seen it either. If it is a trailer it may have outlived its intended life for what it was intended to be. It may have intended to be temporary storage. Roland states that it may have intended to be a trailer to be moved by rail or by truck. Gary confirms with Mr. Zorn that there are no wheels on the trailer. Gary asks if it is on block. Mr. Zorn states it is a box that sits right on the pavement. Roland asks if it is a railway container. Mr. Zorn states yes. Gary states those containers have a long life. Mr. Zorn states that he has been at the Club for seven years. Cynthia confirms with Mr. Zorn there is pavement back in that area that is not on the Plan. Cynthia states the survey shows a driveway going into a courtyard with the buildings. Cynthia asks how someone would get all the way around behind to where the trailer is. Mr. Zorn states the driveway goes all the way through. Cynthia asks if there is anything else there that the Board should know about in terms of buildings or structures. Mr. Zorn states no. Cynthia would like to see one Map that shows exactly what is there. Mr. Zorn refers to the updated Map provided from Brady & Watson dated June 22, 2010. Cynthia states that the driveway just ends. Mr. Zorn states that you could also say that the golf carts from the golf course should be on there too.

Cynthia states that the Board could consider this request for a Waiver with a condition that the next time all of the buildings are properly mapped. Cynthia states that a problem is that all of the buildings have building permits. Maureen and Cynthia went through the files and did not find a permit for the trailer. Gary asks if it would require a building permit or COO. Cynthia states that these structures should all have building permits and COO's.

Gary asks Mr. Zorn why he is requesting Waiver of Site Plan. Mr. Zorn states that the County has asked us to locate the tanks above ground. Charlotte states she agrees with eventually having everything on one Map, and then getting a COO for the trailer. Cynthia states she is in favor of the Waiver, but not sure about the trailer.

The Board discusses obtaining the advice of the Building Inspector regarding the trailer. Roland does not know if the trailer meets Town Code, such as ventilation. The Board will obtain input from the Building Inspector. Gary agrees with the Waiver. Mr. Zorn hopes the Board would give him some time to take the trailer out if that is the decision of the Building Inspector. Cynthia asks if there is anything else the Board would like to see. Cynthia has requested additional screening. Mr. Zorn has proposed 14 to 16 foot Norway

Spruces to be planted. Cynthia confirms there will be no lighting. Cynthia confirms that there will be vents on the units. Mr. Zorn states the screening will be higher than the vents. Robert states that there are no neighbors within 2,000 feet in any direction.

Cynthia asks Mr. Zorn who the engineer is on this Project, as the current engineer is not showing the vents. The Board discusses requesting the vents as a condition in the Waiver, so they are added to the Plan. Mr. Zorn agrees. Mr. Zorn confirms the Norway Spruce Trees will start at a minimum height of 14 feet. Cynthia states that next time around, all of the pavement areas should be shown, especially how to get back to the trailer.

Cynthia confirms with Mr. Zorn that the Board is aware of all the structures.

Cynthia states she will prepare a memo to the Building Inspector asking for his input on the trailer. Cynthia states if the Building Inspector gets back to the Board before the Work Session, this proposal will be on that Agenda. Cynthia states that the Building Inspector is on vacation this week. Hopefully he will get back in time to provide a response. The Work Session is July 21st. The next Regular Meeting is August 4th.

Mr. Zorn states he may need assistance from the Town with the County as they want this project done and off their books.

REGULAR MEETING:

4. **LP Partners:** Tim Allen (owner – Peter Kamenstein)
Subdivision (location – Vail Lane/Chestnut Hill Road)

- Consider Negative Declaration under SEQRA.

Cynthia states that the Board understands that an Application has been made to the Zoning Board of Appeals. We have review memos from both Hahn and MDRA tonight. Cynthia asks Tim Allen if he has any questions. Mr. Allen states he does not. Mr. Allen will confirm the 50 foot Right-of-Way. Cynthia states that she should not have closed the Public Hearing earlier tonight until the Zoning Board of Appeals makes their determination. Cynthia asks Roland if she may re-open the Public Hearing. Roland asks why the Board would need to keep the Public Hearing open. Cynthia states it should be adjourned pending a determination of the Zoning Board of Appeals for the variances. Roland states it could go either way. The Public Hearing was closed tonight. It could be re-opened if need be.

Charlotte inquires if anything further came up with the bridle trails. Mr. Rossi states the Applicant is not interested in having Permanent Easements. Cynthia confirms with Mr. Rossi that the Stonewall Farms agreement has expired.

Cynthia asks the Board if they read the Draft Resolution and if they have any questions or comments. They do not have any questions or comments. Cynthia states that given the fact that there are no further concerns from the Board she will entertain a motion.

Chairwoman motions that the Planning Board Adopt the SEQR Negative Declaration as Drafted for the LP Partners Subdivision. Bernard Sweeney seconds. All in favor. No opposed.

After the motion, Cynthia confirms the Applicant will go back to the Zoning Board of Appeals. We will start working on the Resolution of Approval on the assumption the variances are obtained. Mr. Rossi states the only issue the ZBA had was a question about what the street address will be for the lot that has access off

Chestnut Hill Road. Mr. Rossi states that in the interim we have spoken with the Post Master in the Town and obtained a verbal confirmation that this will be considered a North Salem address and their Post Office will deliver. It has to do with distances and where the mail boxes are. The Post Office has the authority to authorize their carriers to go into Connecticut. Cynthia cautions the Applicant about this. Cynthia states that in Purdys, a private owner in Cotswold has just put a mailbox out on Mills Road which has their Cotswold Drive address on it. If an emergency vehicle is looking for someone on Mills Road and they see this mailbox, they may turn around and go the other way. Cynthia does not understand why the Post Office would allow someone to put a mailbox on Mills Road with a Cotswold Drive address on it. Cynthia states that recently someone in a delivery truck was going up and down Mills Road looking for a Cotswold Drive address. That could have been an ambulance. Cynthia suggests the owners obtain a P.O. Box in North Salem. Mr. Rossi states that the address will still be listed on the 911 system.

**5. Salem Hills Healthcare Center: (owner – Salem Acquisition I, LLC)
Site Development Plan (location – 539 Route 22)**

- Consider Extension of Deadline for Building Permit of 180 days (6 months) From December 3, 2010 to June 3, 2011 per Written Request.

Cynthia confirms that no one is here tonight for this Project. Cynthia states that this is an unusual request because it is so early. Cynthia did speak with Maureen Eckman, Assistant Building Inspector. Maureen did not believe it would be premature for the Board to act on the request to extend the Building Permit from December 3, 2010 to June 3, 2011. Cynthia states that this request is unusually early, but the Applicant may be making this request early due to all the preparation work that is involved in applying for a Building Permit. Roland states that there is no reason for the Board not to consider this early request.

Robert Tompkins motions that the Planning Board Grant the Extension for 180 days (6 months) From December 3, 2010 to June 3, 2011 for the Application for a Building Permit for the Salem Hills Healthcare Center. Charlotte Harris seconds. All in favor. No opposed.

**6. Horse Tales, Inc.: Michael Scovoti (owner – Annor, Inc.)
Sign Permit (location – 2 Keeler Lane)**

- Consider Draft Resolution of Sign Plan Approval.

Cynthia states that Horse Tales, Inc. is proposing a replacement sign at Union Hall. Cynthia prepared a Draft Resolution for the Board to consider tonight which is straight forward. It is a case where a sign of that size and shape has already been approved on a Site Plan. It needed variances from the Zoning Board of Appeals, which have been obtained. Cynthia confirms the Board does not have any questions.

Chairwoman motions that the Planning Board Adopt the Draft Resolution of Sign Permit for Horse Tales, Inc. Charlotte Harris seconds. All in favor. No opposed.

After the motion Cynthia states that there will be another sign permit application on the next Regular Meeting Agenda for the Union Hall building. Cynthia states that the Board should come up with an easier system for replacement signs.

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

- Discussion of Completeness Report.

Cynthia states we have a Review Memo from MDRA which is rather extensive. The Memo points out a few issues that we all have to deal with. Cynthia asks Mr. Gioffre if he has any questions about any of the concerns raised in the Memo.

Mr. Gioffre states he is a member of the law firm Cuddy & Feder, LLP. He is here tonight on behalf of MetroPCS. Mr. Gioffre states he had meetings out of the office most of the day and received this Memo very late. He would like to reserve the right to look at the Memo in more depth. Mr. Gioffre states he may need to speak with Roland or MDRA with any questions he may have. Cynthia advises Mr. Gioffre to speak with her. If it is necessary for Mr. Gioffre to speak with Roland, Cynthia will set something up. Cynthia states that we have found that when applicants and/or their representatives start talking with the Town's Consultants, extra bills are generated to the project escrow. Mr. Gioffre understands. Cynthia states that if there is a question she can't answer, she will bring in the Town's Consultants. Cynthia would obtain approval from the Board first. Mr. Gioffre states his colleague Daniel Laub appeared before the Board at the last Meeting. Mr. Gioffre states he would be happy to address any items the Board may have questions on. Mr. Gioffre states that his whole Team will be here during the Public Hearing process, including their radio frequency specialist and engineers to address any further questions the Board may have.

Cynthia states that aside from the technical issues about placement, and exceeding our Town Code Requirements, the issue of visual impacts may be lessened if we could bring the height of the tower down in order to stay in line with our Town Code Requirements for co-location on a tower. That might help. We often get involved with specifics of how the visual test is analyzed. We also make referrals to a radio frequency specialist ourselves. Cynthia asks the Board to what extent they would like to work on the two issues highlighted in the MDRA Review Memo.

Mr. Gioffre states he did review the brief provision discussed in the Memo regarding the height of the tower and he respectfully disagrees with that interpretation of the Code as it relates to the 120 foot requirement. Mr. Gioffre states he will address this more in writing. Mr. Gioffre states that with respect to going lower on the tower, even if that was feasible, if we did co-locate lower on the tower, it would degrade the radio frequency signal and the signal coverage would be lessened. That would drive the need for more future tower sites. We believe that this is in line as an available location on the tower that is available for co-location. Mr. Gioffre understands this tower was built prior to the Wireless Law being adopted, and there are certain concerns and issues.

Cynthia talks about balancing this issue and states the Board is interested in the future outlook on the Town and where else towers are considered to be proposed by the Applicant. Cynthia states that the materials provided by the Applicant have highlighted different areas. Mr. Gioffre states that MetroPCS is new to the market and has the last pick for co-location areas. Mr. Gioffre does not believe there is any future capability on the Delancey Road Tower for co-location. These will be issues that MetroPCS will have to deal with as they deploy further into this area. We have tried to identify existing sites for possible future co-location. We don't have a definitive answer at this time. With respect to the emissions, Mr. Gioffre states the Board has used wireless consultants in the past. If the Board decides to involve a wireless consultant, we ask that they do it now. Mr. Gioffre states that the cumulative emissions analysis that we did was only 2% of the threshold commanded by the FCC. We are very confident that even if we multiply that by ten we would be well within the FCC requirements. Cynthia states that the Board utilizes the assistance of a wireless consultant to look at how many towers are needed in the Town, whether it makes sense to allow an Applicant a variance to go higher, or to obtain advice for lower towers that would not be seen as opposed to one or two eyesores that everyone would see. Cynthia states the Board is trying to balance those issues and expect Applicants to come in with the same type of information. Mr. Gioffre agrees and states that balance is the perfect word. Mr. Gioffre talks about the line of sight technology and states that towers have to be above the tree line which will

be visible. Mr. Gioffre talks about the topography in the area, and states there are not a lot of tall commercial buildings that may be utilized. Cynthia talks about new technology and applicants coming in proposing apparatus on rooftops and telephone poles.

Mr. Gioffre points out a recent case of Clarkstown vs. Verizon, and states he will provide copies for the Board. It was determined that the distributed antenna system (DAS) technology is a field that is preempted by the FCC, and it is up to the carriers to determine whether they want to employ DAS technology, which would be an antenna system on the poles. Mr. Gioffre states that that type of technology would be a very difficult application to use in this area based on the topography. Not being able to employ 911 with that type of technology would have to be looked at. Courts have affirmed that whether using a DAS technology, a rooftop site, or a tower, the determination is preempted by the FCC, and not something a Town may direct a carrier to do.

Cynthia states that from the first Meeting the Board has stated they are not opposed to co-location they are trying to get the best balance of trying to keep the visual impacts down.

Mr. Gioffre requests this Application be scheduled for a Public Hearing next month if at all possible. Cynthia does not believe this Application is ready for a Public Hearing.

Sonja asks if the Board has decided to forward the information to a radio frequency specialist. Cynthia talks about forwarding the next submittal which would be in response to the MDRA Memo to a radio frequency specialist. The response may justify why the Applicant wants a taller tower rather than accommodating more sites in Town. Cynthia confirms the Board agrees to forward the next submittal to a Radio Frequency Specialist by the name of Ron Graiff. Mr. Graiff has reviewed this type of Application for the Board in the past. Cynthia states that Mr. Graiff was the Applicant on this Site approximately 35 years ago for the tower that has since come down and does not exist any more.

Cynthia asks the Board if they would like to visit the Site on their own. Cynthia asks Mr. Gioffre if it possible to put something on the tower so the Board may see where the 135 foot marking would be. Mr. Gioffre states that they did provide the photo assimilation which was taken from further away. Mr. Gioffre states that he went to the Site tonight and the tower was right in front of him, but he could not see it from the entrance of the driveway. Cynthia states that the tower is visible when coming into North Salem, and driving up I-684. It is also visible from various areas in Town.

There is a discussion about the panels and equipment for the various carriers on the tower. Mr. Gioffre will do his best to provide the Board with documentation regarding the size of the panel antennas and equipment for the various carriers. Sonja would also like to know the distance of the panel antennas. Mr. Gioffre states that the dimensions will be approximate.

Mr. Gioffre reiterates his request to schedule a Public Hearing in light of the FCC shop clock which came out in November of last year which indicates a co-location application must be acted on by municipalities within 90 days otherwise there is a presumption that an application is being unreasonably delayed. We are moving forward. Our Application was submitted in late May. We are in July already. The Board always has the option to keep the Public Hearing open. Cynthia asks Roland for his advice and states at this point we do not have what we consider a complete application. Roland states that is the whole issue with this ruling when there is not a complete application. A request may be made for it. Mr. Gioffre talks about the protocol of an applicant receiving a completeness memorandum with the first 30 days of filing an application, which is not the case here. Roland states that the Chairman has made certain requests of the Applicant. A radio frequency specialist is just coming on board now. Roland does not see how a Public Hearing should be opened without having a response from the Applicant which would be reviewed by a specialist. Mr. Gioffre believes there is

enough information to start the process rolling. Mr. Gioffre anticipates submitting documentation to address some of the requests we only received today. Mr. Gioffre states that if we did receive the completeness memorandum within the first 30 days of filing the Application, we would have had an opportunity to submit supplemental information. Mr. Gioffre states the shop clock specifically references that the tolling only applies if that memorandum is issued within 30 days of filing the Application. Roland states he believes the Board needs more information. Cynthia does also. Mr. Gioffre does not believe it harms the Board to open up the Public Hearing and if they are not satisfied by that time, keep the Public Hearing open until the following month. Cynthia is not inclined to set the Public Hearing. Gary states it does not matter either way. Cynthia prefers for the Board to stick to their own rules and have an Application that is complete which is consistent with the way we handle all of our applications. The Board agrees. A referral of the new submittal will be made to Ron Graiff.

Mr. Gioffre confirms his next submittal will come to the Planning Board Office and a copy will be forwarded to Mr. Graiff.

Mr. Gioffre asks if there are any further questions at this time. The Board states no.

Chairwoman motions that the Planning Board Refer the Next Submittal from MetroPCS New York, LLC to Ron Graiff, Radio Frequency Specialist for Review. Charlotte seconds. Gary Jacobi and Robert Tompkins vote no. Bernard Sweeney votes yes.

8. **Peach Lake Sewer District:** Ken Kohlbrenner (owner of property – Peach Lake Commons, LLC)
Cond. Use Permit/Site Dev. Plan (owner of facility – Peach Lake Sewer District)
(location – Route 121/Peach Lake Road)

- Discussion of Technical Reviews.

Cynthia states that no one is here tonight from Stearns & Wheler. While everything appears to be in order with their Site Plan as far as MDRA is concerned, Hahn Engineering has raised questions on the stormwater. Stearns & Wheler has made a statement that their stormwater has been approved by the State. The approval from the State was for the overall sewage district work. The Pump Station was not on a piece of paper as to where it is going. We are waiting for clarity from Sarah Cwikla at Stearns & Wheler. This will be held over for a couple of weeks. The Plans still show the canister size to be between 4 and 6 feet. Cynthia stated to Ms. Cwikla that Supervisor Lucas would like no front visual impact. Ms. Cwikla confirmed a 4 foot canister will be used, and advised Cynthia that it will just look a little wider.

9. **Peach Lake Commons:** Tim Allen (owner – Peach Lake Commons, LLC)
Site Development Plan (location – Route 121/Peach Lake Road)

- Discussion of Technical Reviews.

Cynthia states that Tim Allen is here tonight. We have review memos from both Hahn and MDRA. Cynthia confirms Mr. Allen has not been to the Zoning Board of Appeals (ZBA). Mr. Allen asks if he has received a copy of the referral to the ZBA. Cynthia states that the referral is drafted. Cynthia had advised Mr. Allen that as soon as he makes an Application to the ZBA, she will send the referral over to him. Cynthia checked recently with Janice Will and confirmed an Application had not been submitted. Cynthia states that Mr. Allen does not need the referral in order to submit an Application to the ZBA. Mr. Allen apologizes and states this is his fault. Mr. Allen would like the Board to provide their approval conditioned on the ZBA providing their approval. Roland states that the Planning Board has done this either way. Roland states that the Board had talked about Mr. Allen receiving the variance from the ZBA and then the Planning Board could consider the

Resolution at the Work Session so he would not have to wait until August. Roland does not see any problem with doing it as a condition. It is not the preferred way. Roland states that we need to stay ahead of the contractor for the Pump Station. Roland would not want to see it come down to the wire. Roland talks with the Board about accommodating the Applicant, as they are being rather generous in giving the Town an Easement for the Pump Station. Roland states it would be worth while.

Cynthia asks Mr. Allen if the opportunities have been exhausted to share a driveway with someone else. Mr. Allen states that we talked about sharing the driveway early on. Cynthia talks about the Applicant coming in between the stormwater and the septic. Mr. Allen states that Mr. Kamenstein had suggested it. Mr. Allen will look into it. It may not be feasible to look into at this stage in the process. We are basically at the finish line here. The extensive amount of grading is discussed and it may not work. Cynthia asks if it could be revisited is there are problems with the alignment of Bloomer Road, or accidents in the future. Mr. Allen is not sure how that would be written into a Resolution. There is a discussion about the driveway and the fact that no one wants to see a traffic light.

Cynthia states that she and Sonja have been working on Draft Resolution. If the Board wanted to consider it at the July 21st Work Session, it could be ready. Cynthia asks Mr. Allen if he could have his Application into the ZBA. Mr. Allen states he is out the rest of the week, but will call Janice Will tomorrow. Roland talks about the Board issuing their approval at the Work Session conditioned upon the Applicant securing the variances from the ZBA.

Cynthia asks if there are any other issues. Charlotte refers to the Lighting Plan and states that aesthetically the lights on the poles look too industrial. Charlotte talks about a building that was just renovated in Croton Falls that has antique lights. The Art Gallery is mentioned. Mr. Allen states that these lights are all made of wood to reflect the old style barn design of the building. Robert mentions a website for Mr. Allen to look at entitled barnlights.com. Mr. Allen states that the lights they are proposing are called Idaho Wood. Cynthia states the lights look too stark. Mr. Allen will try to come up with something else. Charlotte states that photographs would be helpful for the Board.

Cynthia states she asked the Architectural Review Board for their files. There is a discussion about the final design of the building. There is discussion about the size of the lettering for the signs. There is a discussion about a suggestion for a maximum size of the lettering. Cynthia would like more detail from Mr. Allen.

Charlotte asks Mr. Allen if he knows which establishments will be going into the spaces. Mr. Allen states they are looking into tenants. A few mom and pop shops have expressed an interest.

There is a discussion about the septic fields and the fact that the grass will be mowed. Cynthia asks what will happen if the septic is abandoned. Mr. Allen confirms the pipe will be cut and the area will stay as grass. Cynthia asks Mr. Allen if he will need that space. Mr. Allen does not think they will need it. There is a discussion about adding extra plantings in front. Mr. Allen states there is nothing in the Code that states that plantings may not be added in the future.

Cynthia states the Draft Resolution will be prepared the Friday before the July 21st Work Session.

Mr. Allen appreciates the Board working with him.

10. Financial Report:

- June, 2010

Chairwoman motions that the Planning Board Approve the Financial Report for June, 2010. Bernard Sweeney seconds. All in favor. No opposed.

11. Minutes:

- June 2, 2010
- June 16, 2010

Chairwoman motions that the Planning Board Approve the Minutes for June 2, 2010 and June 16, 2010. Bernard Sweeney seconds. All in favor except Robert Tompkins abstains. No opposed.

12. Next Meetings:

- Work Session – July 21, 2010
- Regular Meeting – August 4, 2010

13. Comments from the Chair:

Cynthia states the Agenda for the Town Board Meeting on July 13th will be a busy one. There will be discussions on the phosphorus requirement, Wetland Law Amendment, and Amendment to the Town's Zoning to allow for outside dining.

Cynthia refers to Fuelco and states the traffic portion has come in.

14. Resolution:

Robert Tompkins motions to adjourn the Planning Board Meeting. Chairwoman seconds. All in favor. No opposed.