

Today we received communication from the NYCDEP. Cynthia asks the Planning Board Secretary if we received telephone calls, e-mails, or letters from any other interested or involved agencies, or lawyers. She states no.

Cynthia asks Mr. Rossi to introduce the Project Team and for a brief overview of the Project. Cynthia requests that someone provide the Board with a thorough feel for what the activities are going to be like, the nature of the equipment that is going to be used, the types of trucks coming and going from the Site, the hours of operation, and the duration in time. Cynthia asks the Project Team to provide specifics about the activities for the tree cutting, tree planting, and stormwater activities. This will help the neighbors to understand the process. Cynthia states that when coming up to speak, individuals should bear in mind that we have a tape recorder in the front of the room. There are members of the public here tonight sitting on the left side of the room. The Project Team should speak loudly enough so everyone may hear them.

Mr. Rossi states that he is from Hogan and Rossi, serving as local Council for Mr. Speyer. Mr. Rossi states that Pat Shiels is our Project Manager. Rob Aiello, from John Meyer Consultants will be handling the engineering and stormwater aspect of the Project. Both Ed Hollander and Brian Fields are Landscape Architects. Anthony Schembri is from Hobbs, Incorporated. Robert Donnelly is here on behalf of the architectural firm for the Project. Mr. Rossi states the Project Site is 85 acres in area. There was a prior Permit issued by this Board for tree cutting activities back in 2001 and 2005. This Project currently increases the amount of tree cutting and tree forest restoration that was proposed and approved under the prior Permits to the extent of a total of 6.75 acres being subject to a required Replanting Plan which is then subject to the issuance of a Permit under Chapter 189 of the Town's Code. We have made Application to this Board. In connection with that Application we have submitted a Stormwater Pollution Prevention Plan (SWPPP) that is also being reviewed. The SWPPP is also under review by the New York City Department of Environmental Protection (NYCDEP) for which we will require their approval. We are proposing a single family residence with several outbuildings. Mr. Rossi points out on the Plan the proposed location of the family residence, guest house, art barn, and caretaker's residence. Mr. Rossi shows where a green house is being proposed to be located on an abandoned foundation downhill from the main house. Mr. Rossi shows on the Plan the areas that will be subject to the removal of non-native species, other trees, and additional planting. Mr. Rossi states the area at the top near the main house is essentially flat in grade.

Mr. Hollander states the basic theory of the planting scheme that they developed for the Site is to restore the ecological health of the forest area. There are selective native trees that are going to remain. Mr. Hollander states that they did an analysis of all the trees. There are a number of large native trees in good condition that will remain. They are proposing to add approximately 800 or 900 native trees varying from Oaks, Maples, and Dogwoods. In the long term this will be a very health, self sustaining, non-maintenance forest which will blend in with the existing healthy forest. We propose to continue the native planting up around the main residence. Mr. Hollander states that a lot of thought has gone into this, especially being in close proximity to a reservoir. We understand the success of this Project rests on preserving the native soils which are essential for the health of the new trees being planted. Instead of taking down and disposing of all the trees at the same time, we are proposing to work in small areas. We will be installing geo textile fabric over the existing soil to protect it. On top of that we will install wood chips. We will be using a track bobcat vehicle that does not have a lot of weight to it. We are proposing as little disturbance as possible. First we will flag all of the trees that are going to remain. The remaining trees will be protected so that no damage will occur when trees around them are cut. We will not remove the root systems from the trees that are cut. All of the tree stumps will be ground in place. The organic matter in the stumps will be recycled and reused in order to preserve the nutrients for the new native trees being planted. We will then come in to replant native trees back into the specific areas. We are proposing to have each area done in a three week period. Our goal is to have all the work done in about a twelve week period. In case storms come through, and in order to prevent erosion, we do not want to have areas of exposed soils for long periods of time. Mr. Hollander states they are proposing

ornamental evergreen plants for privacy between their clients and the neighbors. The area up around the green house has been designed as a wildflower butterfly meadow. We are proposing 10 to 14" caliper large native trees near the residence in order to reestablish the ridgeline that may be seen from Titicus Road. When the project is done and the trees are grown in, the end result will be a long ecological benefit to both the Speyer's and the surrounding area. With the team that we are working with we have developed a way to do this so the soils are protected from erosion. We understand there is a management component here so when the trees are planted and the soil is stabilized there will be more shade. We will need to protect the trees from deer during the initial growing period.

Cynthia would like to revisit the proposed activities and refers to equipment being used such as chain saws and wood chippers. Cynthia states Mr. Hollander mentioned the fact that wood chips would be spread, as well as the use of log haulers. Cynthia would like the Board and the public to have an idea of the activities and noise that may be anticipated on a daily basis, as well as the proposed amount of work days to be used during the week.

Mr. Hollander states that it is safe to say that we will not be able to cut down trees without making noise. Cynthia states they know that. Mr. Hollander assumes this will be a five day a week operation. We will follow the Town regulations. Mr. Hollander states that the Speyer's want to be good neighbors. To do that they are sensitive to the fact that they will be causing a fair amount of disturbance as would be the case if a new home were to be built in the area. Mr. Hollander states this Project will not be dragged out so there is a year of disturbance. Our goal is to have every tree removed, and every tree replanted, if the timing works out, between September 1st and December 1st. Mr. Hollander states that the first thing they will do will be to install all of the Site protection such as tracking pads, geo textile fabric, and hay bales for safety. When we start to remove the trees there will be a fair amount of noise generated. Machines will be brought in to cut the trees, as well as machines to load them onto trucks so they may be taken off the property. There will be chain saws utilized also for cutting trees. There will be stump grinders utilized. The idea is to get this done as quickly as we can, and within a time frame that creates as little disturbance to both the forest, and the neighbors in the Town.

Cynthia confirms with Mr. Hollander that they are proposing a five day a week operation, with no weekend activities. Mr. Hollander states that there may be watering done which will not require machinery, or minor clean up work on weekends. Cynthia confirms the major operation of the tree cutting and planting will be done during the week and states that is good to hear.

Mr. Schembri passes out a packet of information to the Board which shows the equipment they intend to use and states the vehicles are all track vehicles which are very small. The Project will be broken down into small sectors, which will be treated as small yards. Mr. Schembri states it is their intention to have an on site nursery so that once the removal is complete, they are immediately replanting. Mr. Schembri states it is their intent to plant by hand and not by machines. Mr. Hollander states the track bob cat machine will be used most frequently. It is light weight and does very well on steep slopes. We want to be sensitive to the amount of weight we are putting down on the soil. Mr. Hollander states that before they start to cut trees, they will add the new trees that are going in on the Site. We want to have everything set up so that once the operation starts, it moves smoothly through completion in each area. Mr. Hollander states they will work uphill before downhill. Mr. Hollander states they are going to work near the adjacent neighbors first, planting large evergreen trees closer to the property lines to mitigate any noise. Cynthia refers to the trees proposed to be removed close to the property line and asks whether those trees will have an impact on the neighbor's trees that may also be close to the property line. Will a buffer be kept in consideration of the neighbors? Mr. Hollander states they are not taking out every tree along the buffer line. Cynthia asks if consideration has been given to the neighbor's trees. Mr. Hollander states they are not going to cut the neighbors trees. Cynthia understands that. Cynthia talks about trees on the Speyer's property that may be growing into their neighbor's

trees. Mr. Hollander states they will not touch the neighbor's trees. Cynthia asks if trees have been identified that, if taken down, may have an impact on the neighbors. Mr. Hollander states that they didn't see any trees that when taken out will leave a big hole in a neighbor's yard. The large trees will remain. Mr. Hollander refers to sapling trees without branches that are approximately 50 feet tall as trees to be taken out. The only larger trees to be removed will be those that are broken, diseased, or falling down. Mr. Hollander talks about the Norway Spruce trees to be taken out and states there will be a lot more light once they are removed.

Cynthia asks if a presentation will be given on the stormwater aspect of this Project and whether both the stormwater and tree removal/planting will be going on at the same time. Mr. Hollander states that Mr. Aiello will talk about the stormwater improvements. Cynthia would like to know when the stormwater activities will take place because some of the plantings are going into areas where there will be stormwater improvements. Mr. Hollander states that the stormwater improvements need to be done before planting.

Cynthia confirms with Bruce the permitted hours of operation are from 8:00 a.m. to sundown. Mr. Hollander states they have to take weather conditions into consideration.

Rob Aiello states he is an Engineer with John Meyer Consultants. His firm has been involved with this property since approximately 2001 when various stages of improvements occurred. The stormwater improvements that are in place will, in most cases, remain in the same location. Mr. Aiello states the driveway has been installed and paved. Mr. Aiello states that clearing has taken place at the top of the Site where the caretaker's residence, art barn, and tennis courts are proposed to be located. The septic systems and fields have already been installed near the main area for the residence and guest house for which clearing has also taken place. As a result of that, we have stormwater practices through the Site in existing conditions as part of the 2001 and 2004 improvements. Mr. Aiello shows the stormwater practices along the driveway. Mr. Aiello states that since activities on the Site stopped in 2004 there have been a number of regulatory changes that occurred that we are now incorporating into what we call the 2011 Construction Improvements. Mr. Aiello states they will be upgrading the stormwater facilities located near the driveway. Mr. Aiello refers to the two ponds and states they will be enlarging the lower pond. Mr. Aiello states that they currently have swales that are lined with gravel. Mr. Aiello states that the paved area and swales will remain. Mr. Aiello talks about the sub-surface infiltration system sized for the future improvements that are occurring. Mr. Aiello states that as a result of the new improvements which include the view shed areas, and portions of top of the Site, we are taking those facilities that exist and refining them, mostly from a water quality standpoint, to make sure the water is cleansed and has an opportunity to be processed through various treatments prior to being discharged into the Reservoir. Mr. Aiello talks about the water quantity stormwater practices. Mr. Aiello shows on the Map where they are proposing bio filters to provide water quality enhancements. Mr. Aiello refers to the Phasing Plan and states that they have a lot of flexibility on the Site. We are currently developing our Phasing Plan which will be reviewed by Hahn Engineering and also by the DEP. There will be either a combination of existing facilities that are currently in place, or perhaps constructing these improvements before the majority of the activities occur throughout the Site. Our Planting Plan will have more details. We will be wrapping up our Plan to be submitted to the DEP next Wednesday. Mr. Aiello states he has met with the Town Engineer and obtained comments regarding their Plan and the new regulations. We also had a meeting with John Drake at the DEP. We will be taking those comments and incorporating them into our new Plan. The new regulations require that more water is treated in terms of water quality, as well as the handling of more water in terms of stormwater. Mr. Rossi asks Mr. Aiello to point out the wetland area to the left side on the Plan. Mr. Aiello states there is a small open area that will not be used for any of the requirements. It does not meet the current regulations. Water does process through it. We are not proposing any other improvements within the buffer. This area does not have a use in our revised Stormwater Plans.

Cynthia refers to the plantings proposed in the northern area along the Brahmst property line and would like to know from a phasing standpoint, whether those plantings go in first or last. Mr. Hollander states this may be

the first area to be done. Mr. Hollander states that the neighbors in this area may be the most severely impacted by the work, so the thought is to get these plantings in right away. Cynthia states there are major stormwater areas involved where plantings are proposed to go in along the Brahmst and Lawrence property lines. Cynthia states that considering work has to be done in that area by the engineering team, what is the proposed vision for accomplishing that work. Mr. Hollander states that assuming we are able to plant in September, depending on when the Permits come through, we will start work that day. Mr. Hollander does not believe there is a reason not to begin in this area right away. Mr. Hollander states the stormwater work has to be done first, and then we will plant. Mr. Aiello states the grade in this area will change significantly, and be much lower.

Cynthia refers to the materials that will be coming and going from the Site such as plants coming in, and mulching being done, and confirms that for the most part everything that is cut will leave the property. Cynthia asks if there will be large quantities of other material leaving the property when the stormwater work is done, or will all of that stay on the property. Cynthia is trying to get a sense of what the trucking operation will be. Mr. Hollander states that they will fit approximately 30 or 40 trees on a tractor trailer, and will probably have approximately 15 to 20 tractor trailer loads come in for storing in our onsite nursery. Cynthia asks if all of the trees will come in at once. Mr. Hollander states he wants all of the trees on the Site. He does not want to be caught not having a tree to go into a specific area.

Robert refers to the detention pond proposed off Route 116 and asks where the screening will start on the left hand side. Mr. Hollander shows on the Map the density of the Planting Plan, and states if there are openings where we need to add additional evergreens, we will. Mr. Hollander states we will have a fair amount of pines going in at an approximate height of 18 to 20 feet. Robert confirms the trees will be along the west side of the driveway. Mr. Hollander states they are proposing to plant Evergreen American Holly trees at an approximate height of 8 to 10 feet, and Native White Pine trees at an approximate height of 18 to 20 feet. We should have a density of evergreen plantings from ground level to about 20 feet high. Sonja asks where the trees will be stored prior to planting. Mr. Hollander shows on the Plan a flat open area that has already been cleared to be used for storing trees. Sonja asks whether there is water nearby. Mr. Hollander states that before they start this operation they have to make sure there are wells and water available. Cynthia asks if the wells are already drilled. Mr. Aiello states the wells have not been drilled yet. He met with someone from the Westchester County Board of Health to discuss the wells, in addition to the need for an irrigation well. Cynthia asks if one well will be in place to be utilized for watering the trees prior to planting. Mr. Aiello states yes.

Cynthia refers to the installation of fabric and mulch being proposed and would like to know whether these materials will be removed after the plants go in. Mr. Hollander states yes. Once all of the trees have been removed, we will remove the geo textile fabric and mulch as we start to put the new trees in. As soon as all of the new trees are in we will hydroseed the entire area with a native seed mix so germination takes place as fast as possible to prevent soil erosion. Cynthia states that we did receive comments today from the NYCDEP. On Page 2, No. 2 of their letter, they state that "After the proposed tree removal, this project will require the hill slope to be scraped to bare soil to provide a viable surface for pneumatically applied seed to germinate and take root." Cynthia asks Mr. Hollander if the hill slope will be scraped. Mr. Hollander states no. They will not disturb the native soil. Cynthia states that should be clarified. Mr. Rossi states that the geo textile fabric will be removed in each phase. Mr. Hollander states the geo textile fabric allows water and oxygen to come through which plants need to live. This fabric will only be down for two or three weeks. There is very little ground vegetation in the area because of the deer. Sonja confirms the fabric will only be down for two or three weeks in one area. Cynthia asks what is being proposed as deer protection in terms of guaranteeing the survival of the new young trees. Mr. Hollander states the damage is caused when the bucks rub up against the trunk bark. We may install snow fencing or ADS pipes around the trunks of the trees. We may take entire areas and install fencing approximately 6 feet high. We have not decided what makes more sense. Mr. Hollander states he has a commitment to the Town and his client for the survival of the trees.

Robert asks if the timeframe for hydroseeding is proposed to take place from September to December. Mr. Hollander states they will hydroseed as soon as possible. Mr. Hollander states there will be a native grass seed, as well, as an annual rye which germinates quickly. Mr. Hollander states that some of the native grass seed may take approximately six months to germinate, whereas the annual rye will pop up in four or five days.

Cynthia states at some point there will be more activity at the top of the Site near the building areas and would like to know when that work is being proposed. Mr. Hollander can't imagine the structures will begin in September. Mr. Shiels states that the building schedule is still being worked on. Optimistically they would like to begin foundation work in the fall. Mr. Hollander states the planting progress will be ahead of the construction operation. Mr. Hollander states that planting will also be done when the residential construction is completed.

Cynthia states there was a concern discussed at the last Meeting about the lighting. It was stated that there would be very little lighting. Mr. Hollander states there will be low residential lighting up at the house. They are not anticipating any lights along the driveway. Cynthia would like to see that in writing and states a Lighting Plan was supposed to be submitted. Mr. Hollander states there will be lights at the entrance to the driveway. Mr. Hollander states there are no plans for landscape lighting along the driveway.

Mr. Rossi refers to the aggressive Plan that has been proposed and states that he foresees a problem committing to a five day work week. Typically Saturday is a work day in connection with this type of Project. Mr. Rossi states that work needs to be done on Saturdays. Cynthia asks if working on Saturdays may only be done under extreme conditions or if it is really necessary. Cynthia would like this to be thought about more and states she liked the idea of the five day work week. Mr. Hollander states that the weather may be a factor. If we have a great fall, we may not need to work every Saturday. We can't get caught with naked soil. Mr. Rossi talks about policing the Project from the Town's point of view. Cynthia talks about the wording being done in such a way to state that the work will primarily be done during the week, so the window for working on Saturdays is left open. Sonja asks if all of the planting will be able to be done by hand considering the fact that roots will be left in the ground. Mr. Schembri states it is his intention to have all the trees planted by hand. They will not be bringing in spades. There will be no major destruction to the soil. Mr. Schembri will provide photographs of large trees they have planted by hand. Mr. Schembri states that most of the contractors he uses like to shape the hole by hand. Cynthia states that the North Salem Christmas tree hole was dug by hand. Mr. Schembri states that the Town Christmas tree was planted by Don's Landscaping. Mr. Schembri states he would like Don's Landscaping to handle the planting for the Speyer Project. Cynthia appreciates the honesty and would appreciate it if the wording in the construction drawings be made in such a way that there is a goal for the window regarding work on Saturdays to be left open. Mr. Hollander states that if it gets to the point where they need to get a lot of trees in the ground, they will use a bob cat if they need to. Whatever equipment is used will be small.

Cynthia refers to the disturbance of soils along the south side of the driveway along the Brahmst property and would like to know how their property will be protected from any erosion after the plants go in. Mr. Hollander states that the first thing they will do is install hay bales and silt fencing along the jagged line shown on the Plan. Mr. Hollander states that they are not removing a lot of trees in that area.

Cynthia reads the letter into the record received from Amy and Elliot Lawrence and after that would like to open the floor up for questions from members of the public that are here tonight wishing to speak. A highlighted Map attached to the letter is available for review in the Planning Board Office. The letter recorded into the Minutes below was received on April 6, 2011 from Mr. & Mrs. Lawrence of 172 Titicus Road:

We have seen the plans for the development of the Speyer property just to the west of ours on Titicus Road and wanted to mention a few areas of concern.

1. As part of the work that took place to make a drainage system in the early/mid 2000s, a mountainous pile of dirt (detention basin) was created near both the entrance to the Speyer property and our own. We have been looking at the pile for over 5 years. We understand that further work will be needed in that area (below section 13 as indicated on sheet 1-4.10). We request that highlighted canopy and understory trees on the attached copy of the plans be planted now (they have been promised since 2005). These trees start below our pool and travel north between our property line and the Speyer driveway. This will shield us from site work and lessen our anxiety about this enormous project.
2. It is our understanding that there are few or no evergreens in the mix of intended plantings in sections 5 and 13 and we would like some to be added, so that in winter the two properties will be shielded from each other.
3. We want to be sure that this is a genuine long-term commitment on the part of the Speyers and suggest that they be held to a minimum survival percentage of 80 percent for all the plantings. The performance bond should protect all plantings for at least 2 years—ideally it would be 3 to 5 years—from the initial planting. The same terms would hold for any replacement planting.
4. We also encourage the board to include prohibitive consequences for damage to the “protected trees.” These trees need to be clearly differentiated (perhaps fenced). They must not be harmed by falling trees, and the machinery must be kept away from them and their roots.
5. We hope and trust that loud work such as tree cutting and earthworks will not be done on weekends.

Thank you for your attention to this matter.

Signed Elliot Lawrence and Amy Lawrence

Cynthia states that the Board has heard some of the discussion about this, and in the course of the response from the Applicant’s Representatives, we would like the issues raised in the letter to be addressed. Mr. Rossi refers to No. 1 regarding the dirt pile and states that there were requirements in the Permit for the stock piling of materials due to the installation of the detention basin. Mr. Rossi states that this Project is intended to clean up the entire entrance way so that it will look beautiful. Cynthia talks about the peculiarities about this particular area, and the need to wait and see at what stage the engineering occurs. Mr. Hollander states a commitment to planting in this specific area on day one as soon as the engineering is done. Mr. Rossi states that this area will be part of the first Phasing Plan.

Mr. Hollander refers to No. 2 and states the reason they do not have native evergreens proposed in this area is because there are no native evergreens that are part of the woodland mix. Mr. Hollander states that native White Pines are very thin and would provide very little protection. Mr. Hollander talks about planting Native Cedars in this area as a starting point. They will become shaded out over time. Cynthia suggests the American Holly. Mr. Hollander states the American Holly will do well. They will not be large, at 6 to 7 feet and are not normally part of a woodland mix. Mr. Hollander states they will plant American Holly trees if that is the desire of the neighbors. Mr. Rossi talks about taking a look at the area in the field to see what is required in terms of screening. Cynthia is not sure what type of shielding Mr. and Mrs. Lawrence are looking to achieve, as far as a low level or high level.

Cynthia states that a representative for Mr. & Mrs. Lawrence by the name of Peter Brouard is here with us

tonight. Maybe Mr. Brouard would be able to speak about the screening. Mr. Brouard refers to Section 5 and states that there are White Pines there already. He does not see any reason why, if trees were taken out, more White Pines could not go in. Mr. Brouard states the White Pines should survive there just fine. Mr. Hollander will take a look at that. Mr. Hollander asks Mr. Brouard what the view is that Mr. & Mrs. Lawrence are trying to screen. Mr. Brouard states that it is not so much the need for screening, as it is the need for a buffer. Mr. Hollander states the views will be all woods again. Mr. Hollander talks about planting the trees in the proper spot if he is made aware of the areas Mr. & Mrs. Lawrence are trying to screen. Mr. Brouard states it is difficult to anticipate how this will all go. Mr. Brouard shows on the Plan where he believes there will be open views. Mr. Hollander suggests doing the initial plantings, and then meet with the neighbors to see if there are open views that need to be addressed. Mr. Brouard requests evergreens be planted close to the Lawrence property and states it may not be necessary, it is a suggestion. He states there is a preference not to plant Cedars because of the apple trees on the Lawrence property.

Mr. Hollander refers to No. 3 and states there is already a two year requirement in place regarding the survival of the plants.

Mr. Hollander refers to No. 4 and states they will protect the large trees.

Mr. Hollander refers to No. 5 and states they will get the loud work done as soon as possible and apologize in advance for the noise.

Mr. Brouard asks the Board if they received the copy of the highlighted Map he dropped off today and asks if drainage work is anticipated to occur in the highlighted areas. Mr. Aiello states that the drainage improvements are on the west side of the driveway. There are no drainage improvements being proposed on the east side. Mr. Hollander talks about their first order of business to bring in the White Pines.

A resident by the name of Oliver Brahmst states he has had a number of cordial and constructive conversations with Mr. Speyer. Mr. Brahmst did not see the need to submit a letter. Mr. Brahmst refers to the White Pines to be planted in the northern section of the property. Mr. Brahmst states that Mr. Speyer was not sure how long this whole process will take. Mr. Brahmst states that Mr. Speyer gave him a time frame of approximately 18 months, but was not certain. Cynthia states that we have to break this down as there will be different operations going on. Cynthia states that the 18 months may be for all of the operations, including the construction of the home. Mr. Brahmst states he spoke with Mr. Speyer about work being done on Saturdays. Mr. Speyer told him that work would not be done on Saturdays because of the cost. Mr. Brahmst asks if there is something that may be done so that there will be a five day work week. Referring to the operation, Mr. Shiels talks about working with the neighbors to respect the fact that they are there on the weekends. Mr. Shiels states that there will be activities, but it doesn't necessarily have to be loud. Mr. Shiels refers to the possibility of inclement weather and states having a limited planting window before the season ends may make it necessary to work Saturdays. Mr. Aiello states they have to work out the details with the contractor. Mr. Shiels talks about the construction of the house and states the goal would be to get the foundation in before the winter, so the inside work may continue. Mr. Brahmst again requests a five day work week schedule.

Cynthia states that during the Regular part of the Meeting the Planning Board will be firming up the EAF Part 2 which identifies potential impacts to the neighbors. The Applicant has to come back with an EAF Part 3 in response to the EAF Part 2. One area that has been identified is the noise issue. When the Applicant prepares their EAF Part 3 they will start memorializing the comments received tonight. We will also see Mr. Rossi's point of view, versus what Mr. Hollander originally stated in regards to the work week. At the end of this process the Board has to decide whether the impacts have been properly addressed. Questions have been

raised tonight which the Applicant has to answer. The Applicant knows what the Board is looking for to get the impacts down to as minimal as possible.

Mr. Brahmst states for the record that this is a very well thought Project.

Cynthia states that the Public Hearing will stay open. We are in the 30 day period for lead agency comments and also need more information from the Applicant. The Public Hearing will continue until the first Meeting in May.

REGULAR MEETING:

3. **Speyer:** Don Rossi, Esq. (owner – Jerry Speyer)
Chapter 189 Tree Cutting/Stormwater (location – 168 Titicus Road)

- Report from MDRA

Cynthia states that the Applicant has received the MDRA Memo and EAF Part 2 and asks Mr. Rossi if he has any questions about how to respond. Mr. Rossi states he received it, and circulated both documents to the Project Team. Mr. Rossi does not believe there are any items of major significance. Mr. Rossi refers to the lighting and states he heard for the first time tonight that there would not be landscape lighting up the driveway. Mr. Rossi states it might be appropriate somewhere along the driveway to have footlights. Mr. Rossi states that one of the comments that jumped out for him is the 30 to 50 foot buffer along the east side. Cynthia states that the Applicants should continue to respond. Cynthia states suggestions have been made tonight as how to deal with protecting the neighbor's property, whether it be a buffer where no trees will be removed, or additional plantings going in. Please understand the sensitivity to that. Please take a closer look so that some of the trees proposed to be removed will not leave a hole or footprint near the neighbors. Cynthia does not know if the Board will require the Applicant to stay 15 to 20 feet away from the property line. Cynthia asks the Applicant to prepare a response and we will discuss it further. Mr. Rossi states he knows the Code requires buffer areas for commercial projects, but this is not that type of situation.

Mr. Hollander refers to Page 3, Item 1(a) regarding the planting schedules. Sonja states she did not see this information on the Plans. Mr. Field takes a look at the Plans and understands where the revisions should take place. Mr. Hollander refers to Page 3, Item 2 and states that *Cornus florida* is the single most valuable under story tree in the northeast corridor. *Cornus florida* Cherokee Princess is a naturally occurring variety of *Cornus florida* which is dramatically more resistant to anthraxnos and borer than the standard *Cornus florida*. *Cornus florida* Cherokee Princess is not a hybrid of any sort. The native *Cornus florida* Princess gets a very severe fungus. The Cherokee Princess is a selection of that native tree that has dramatically more resistant to both the anthraxnos and borer. Mr. Hollander states they can't take *Cornus florida* out of the native woodlands. Sonja states that was a comment from Joe. Cynthia states a response should be prepared as discussed tonight. Gary asks why we would want an alternative native species. Sonja states it was a suggestion from Joe. The Applicant will submit their response. Cynthia states it is not necessary for a response to be given to the EAF Part 2 tonight. It is important to ask whether any portions require clarification. Mr. Hollander refers to Page 3, Item 4 regarding tree planting details and states he is not going to hire someone to put a million dollars worth of trees in the ground who has to look at a detail on a drawing as how to do it. Mr. Hollander states that if the Board wants them to do that, they will. He knows it is a standard engineering element. Sonja requests notes be added regarding the planting to be done by hand. Mr. Rossi states that may be handled in the EAF Part 3.

Cynthia refers to the Draft EAF Part 2 which is her expectations of what should be addressed in the EAF Part 3. If the Board is satisfied with it, we will make it our official Part 2 and hand it over to the Applicant.

Cynthia asks if there are any comments or questions.

Mr. Rossi refers to the last bullet on Page 1, Item 1 under the Impact on Land where it talks about “Clear cutting affecting a disturbance area of 6.75 acres within a total proposed 17.69 acre disturbance area”. This is listed as yes for a potential large impact. Mr. Rossi states that a significant part of the 6.75 acres has already been cut. Cynthia states that should be made part of their response. Mr. Rossi refers to the fifth bullet on Page 2, Item 5 under the Impact on Water where it talks about “Construction or operation causing any contamination of a water supply system, New York City Titicus Reservoir”. This is listed as a yes for a potential large impact. Cynthia states she asked Sonja to add the New York City water supply as a clarification as we are concerned about what might end up in the Titicus Reservoir if there is a failure. Mr. Rossi talks about their response being that they have a combination of erosion sedimentation control plans, as well as the addition of possible Plan notes. Mr. Rossi refers to the first bullet on Page 3, Item 9 under Impact on Plants and Animals where it talks about “Will proposed action substantially affect non-threatened or non-endangered species”? This is listed as a no. Mr. Rossi looks at this in terms of the overall project and states they are restoring a native woodland area, and removing non-native species. It would seem to him that there would be a small to moderate impact if any. There is a discussion whether any of these trees are 100 years or older. Mr. Rossi does not think the proposed Project presents a threat to non-threatened or non-endangered species. Sonja states that is not checked. The question is whether you are going to remove any trees that are 100 years of age. You had checked that off in the EAF Part 1. Mr. Rossi states that they are not removing more than 10 acres of natural forest that is over 100 years of age. Cynthia states the response will be that there are no trees, or a few that are over 100 years old. Sonja discusses making a revision to the EAF Part 2 as long as the Applicant makes the statement that there are no trees or few that are over 100 years old. Mr. Rossi refers to Item 11 under Impact on Aesthetic Resources and states that the Plan Boards they brought with them speak for themselves. Mr. Rossi does not anticipate large impacts. Mr. Rossi looks at it as what their Plans propose. Mr. Rossi states that he should not have to submit an EAF Part 3 talking about how we are going to mitigate something when our Plans and Presentation already show that there will be no adverse impact to views. With regard to Item 11 Mr. Rossi does not feel that what they are doing is in sharp contrast or different than what has been done in surrounding properties. This will be the best sheltered sites on the ridge north of the Titicus Reservoir. Cynthia states that the removal of a substantial forested area does have a potential impact. The response should be that you will be immediately replanting the area. Mr. Rossi does not think the Project as proposed is going to have an adverse impact that is potentially large. The project as proposed is going to be in keeping with the surrounding land use character. Sonja talks about the response addressing the negative impacts that will affect the site until the forest has been replanted and reached their full quality. Mr. Rossi understands and states that there is nothing here we can’t answer. He wants to limit how many items they have to answer. Mr. Rossi states that they are not going to eliminate or significantly reduce aesthetic qualities, they are going to enhance them. It is a question for the Board to decide whether that is something we have to respond to, or do the Project Plans as currently proposed answer that question. Cynthia states that the survival rate issue still has to be answered. The Board is demonstrating the potential for large impacts.

Cynthia states that we will be back in a month to continue the Public Hearing. Cynthia hopes the Applicant will have a submittal three weeks before that so the Board may continue to review the stormwater issues. Mr. Rossi asks if it is possible to go on a Work Session if issues arise regarding the stormwater. Mr. Rossi states that Mr. Aiello is sorting through the new regulations in order to balance out the comments from DEP and Hahn. Cynthia asks if these issues are more for the Board’s attention, or issues with Hahn. Cynthia asks if the Applicant would like to meet again with Hahn. Mr. Rossi states that may be needed. The Board agrees. Cynthia states that Frank at Hahn had a major issue regarding the green practices in terms of what is listed in the Manual. Mr. Aiello states that one of the green practices identified in the Manual has to do with the planting of trees. We are cutting down trees to establish a view, as well as replanting trees. One of the green practice impacts listed in the Manual is the planting of trees. Mr. Aiello states that a large part of their disturbance area doesn’t require a green practice because the proposal itself is a green practice. Mr. Aiello

states that in going through the regulations and meeting with the DEP, he believes they hit on something that they feel is right in tune with the regulations. Cynthia confirms with Mr. Aiello that this concept has come from discussions held with DEP, as well as his prior meeting with Frank. Cynthia asks if the DEP has provided a response regarding the green practices issues. Mr. Aiello states that DEP is considering the idea as far as whether it makes sense. Mr. Aiello states that they are still proposing bio filters. Mr. Aiello refers to the one area where there are issues with runoff. Cynthia confirms Mr. Aiello will have a better idea of what the DEP is looking for prior to meeting again with Frank.

4. Monomoy Farm: Jeri Barrett (owner – Steven Rattner)
Wetland Permit (location – 806 Peach Lake Road – Route 121)

- Discussion of Construction Sequence Change

Cynthia states that Monomoy now is required to obtain an Army Corps. of Engineer Permit (ACOE). It will take a considerable amount of time to get through the permit process. Cynthia states that Jeri Barrett called her and stated that not all of the work they are doing would fall within the perimeters of the ACOE Permit. Mr. Barrett asked Cynthia if he could move ahead with the work outside of the Permit. Cynthia states it sounds like a reasonable request, but wondered how we would obtain confirmation that what Mr. Barrett considers to be outside the perimeter of an ACOE Permit is in fact the case. Cynthia refers to a letter Mr. Barrett submitted stating he considers this work to be outside the perimeter. Cynthia Bruce to be with us tonight to speak with the Board about whether he is comfortable that the items identified by Mr. Barrett are outside the ACOE review and therefore some, not all of the work may begin. Bruce states he met with Mr. Barrett out in the field where this work is being proposed, and also met with Declan Orphen. Bruce states there are three main areas of work. The southern most area is at 706 Titicus Road, where the Rattner residence is located. Bruce points out where the ACOE Permit work would be taking place. Bruce states that the ACOE's jurisdiction ends at a wetlands. If someone is outside of the wetlands, that would not be part of the ACOE review. Bruce shows the middle section on the Plan where the two areas of wetland disturbance are located. Bruce states in the middle section the ACOE is reviewing two areas of wetlands. In the northern section there is an area of wetlands that the ACOE is also reviewing. Mr. Barrett states that the DEC noticed two sediment sumps when they were in the field. We were asked if we could scoop those out so the water would not drain into the wetlands. Mr. Barrett states they agreed. In order to do that, they would have to take five yards of soil out of each one, which would leave a wetland impact. Mr. Barrett refers to the State wetlands which is 40 feet higher. They catch the water in small sediment sumps, put it in a basin, and let it continue to go. Mr. Barrett shows the Board a small area of green on the Plan where there is an ACOE impact. Bruce states that in working with Mr. Barrett and Mr. Orphen, the proposal is such that they may capitalize on this season to begin their work. Bruce shows the southern most portion on the Plan, the bridge crossing, as well as an area in the northern portion. Bruce states he is very comfortable with the work beginning in these specific areas, while waiting for the ACOE to complete their review. At that time, the Applicant would be able to go ahead and finish the balance of the Project. Bruce states he called Frank today to make sure he was not missing anything on the SWPPP. Frank did not see a reason why this could not happen as proposed. Bruce passes out a draft memo that he prepared for the Board that may be used for a Conditional Approval. Cynthia asks Mr. Barrett if he submitted a document which slightly changes the sequence from what is stated in the signed Mylars. Mr. Barrett states yes. Cynthia states that Mylars were signed which show the sequence in a certain order. Cynthia states there is a change in the sequence listed on the Mylars. Bruce states that he provided wording which states that anything that doesn't require ACOE approval could go forward. Cynthia talks about making a change to No. 2 in the Memo provided by Bruce. Roland suggests that in No. 2, after the words "All work", add in "except as modified herein". Cynthia asks the Board if they agree. Robert, Bernard and Charlotte agree. Gary states he does not like to approve anything that is a revision of the rules. Cynthia states it is not a revision of the rules. There was a sequence of operations that required the ACOE Permit to be in place. We have clear distinction now of work that is

outside of the ACOE Permit process. Mr. Barrett is asking to commence the fully approved work exactly as was approved in those areas that are outside the scope of review of the ACOE. Gary asks if we are relying on Bruce's interpretation. Cynthia states that Bruce has verified he agrees with the documentation provided by Mr. Barrett, that the proposed work areas are outside the ACOE jurisdiction. Bernard asks why we are here then. Cynthia states to agree or disagree with it. Cynthia states that if Mr. Barrett came only to the Planning Board, she would not recommend an approval. Cynthia wanted someone to verify that what is being said in accordance with what we understand as a Town would not fall under the ACOE's jurisdiction. Cynthia states Bruce signs off on our Wetlands Applications. Bruce states that he would not agree to anything that is not doable. Cynthia does not want the Board to do anything they are not comfortable with. Cynthia does not see a problem with this. It involves building a road in a section that does not require an ACOE Permit, as well as building a bridge that does not require an ACOE Permit. Cynthia states that all of the other Permits are in place. Frank has signed the SWPPP. Cynthia states the Easements are all signed and in place. Cynthia states she would not have signed the Mylars unless all of these items were in place.

Chairwoman entertains a Resolution that will allow a change in the sequence of construction in accordance with a letter and attachments received April 4, 2011 from J.D. Barrett & Associates, and in accordance with a Memo prepared by Bruce Thompson for which today's date will be added. Bernard reminds the Board about the suggested language from Roland regarding all work to be modified herein. Roland states the word "Draft" should come out. Cynthia states that her Resolution acknowledges the full set of sequence changes, as well as the Memo from Bruce Thompson. Cynthia states that we have a second from Charlotte. Cynthia polls the Board. All in favor, except Gary Jacobi votes no.

5. Release of Escrow:

- North Salem Properties, LLC - \$257.67
- Fogler Subdivision - \$632.80
- Titicus Farm Subdivision - \$4,458.68

Chairwoman motions that the Planning Board Approve the Above-Mentioned Release of Escrows per Written Request. Robert Tompkins seconds. All in favor. No opposed.

6. Financial Report:

- March, 2011

Chairwoman motions that the Planning Board Approve the Financial Report for March, 2011. Robert Tompkins seconds. All in favor. No opposed.

7. Next Meetings:

- Work Session – April 20, 2011
- Regular Meeting – May 4, 2011

8. Resolution:

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