

North Salem Planning Board Minutes

May 4, 2011

7:30 PM – Annex

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

ATTENDANTS:

Speyer:	Don Rossi, Esq.
	Edmund Hollander
	Robert Aiello
	Patrick Shiels
	Brian Field
Auburn/Edens:	David Sessions
New York City DEP:	Vinnie Giorgio

Chairwoman Cynthia Curtis calls the May 4, 2011 North Salem Planning Board Meeting to order and amends the Agenda to add in Crown Atlantic, LLC as No. 4.

PUBLIC HEARINGS:

- 1. Salem Hunt:** (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 that there will be no official Public Hearing tonight. Cynthia states for the record that we continue to receive communications from a neighbor to the north in Putnam County by the name of Anthony Mendola. Mr. Mendola has a concern about his driveway being moved to accommodate the proposed road. The latest communication was an e-mail advising that we should be receiving a letter from an attorney representing the County stating that they are putting the Permit on hold.

- 2. Speyer:** Don Rossi, Esq. (owner – Jerry Speyer)
Chapter 189 Tree Cutting/Stormwater (location – 168 Titicus Road)
 - Continue the Public Hearing Regarding Chapter 189 Tree Cutting/Stormwater Pollution Prevention Plan Approval

Cynthia states that since the last Meeting we received a letter from the Westchester County Department of Planning, as well as Mr. & Mrs. Lawrence. Cynthia confirms the Applicant has received copies of both letters. Mr. Rossi states they also received a Report from MDRA. Cynthia states that she met with Mr. & Mrs. Lawrence's Son, as well as Peter Brouard to ask a few more questions regarding this Application. Mr. Brouard is here with us tonight. Cynthia points to Titicus Road, and the Lawrence property on the Plan and states the question was whether trees are proposed to be removed in that area. Cynthia states her response was no, but she would like to clarify it for the record. Mr. Hollander states that there is no plan to remove any

healthy trees in that area. If trees have fallen, they may be removed.

Cynthia states that in addition to the Report already received from MDRA, we will be receiving a Report from the Town Engineer who is reviewing the Stormwater Pollution Prevention Plan (SWPPP). Cynthia received a call from the Town Engineer stating he has serious concerns with what is still being proposed in the SWPPP. Specifically, he has concerns regarding the steep slopes, and the fact that the Applicant is still not complying with the stormwater regulations. The Town Engineer is not inclined to do the signoff at this point and then the Applicant may have to obtain an individual Permit. This detailed Report should be circulated either this Friday, or before next Wednesday. Cynthia states these issues about the stormwater portion are important to work out. Cynthia states it would not surprise her if the Applicant's asked for another meeting with the Town Engineer. The Board would have to approve another meeting. Cynthia states we may ask the Town Engineer to attend our next Regular Meeting. Mr. Rossi requests another meeting. The Board agrees. Mr. Rossi suggests meeting either Monday or Tuesday of next week if the Report is received this Friday. Cynthia states she will be called out of Town next week, and confirms Robert will be available to sit in. Mr. Aiello states he is out of town next Wednesday and Thursday. Charlotte will also sit in.

Cynthia states there are outstanding issues, and she would like to obtain feedback from the Board in order to provide the Applicant with direction. Cynthia states that we sent out the first set of Plans to the County, which prompted their response letter. The County did not have the benefit of subsequent submittals or the EAF Part 3 response. Cynthia would like to go over the response from the County, as their comments directly relate to how the Board is looking at this project. Cynthia states that when the Board takes their position under SEQR, they should make sure all of the issues that were raised have been addressed. Cynthia states the first item the County mentioned was the viewshed. The Board has been dealing with the viewshed from the distance across the Reservoir. Cynthia states that what the County has proposed is still in line with what was identified by the Open Space Committee as an important viewshed. Cynthia states from her personal perspective she does not want to see the area carved out on the hillside. Cynthia asks if the Board has comments regarding the viewshed, and whether they agree or disagree with what is mentioned in this letter from Westchester County. The Board does not comment. Cynthia refers to the impacts on the tree removal in relation to the utilization of small track machinery. Cynthia would like to go through the whole process of the tree removal. Cynthia refers to the use of the filter fabric, as well as the current undergrowth and asks what type of plants are there now. Cynthia asks if there is a lot of Barberry and invasive shrubs that will be destroyed. Mr. Hollander states there is almost no native ground cover due to the deer browsing. Cynthia asks how the ground cover would be removed. Mr. Hollander states it is recommended that Barberry be dug out with a shovel. If Barberry is cut at the base it will grow right back.

Mr. Rossi goes back to the viewshed issue raised in the County letter and states these issues have been echoed in the Report from MDRA. Mr. Rossi states that all of this relates to our EAF Part 3 and whether or not we will have to supplement it. Mr. Rossi asks if we are okay with the renditions that have been submitted. Cynthia states we will finalize that when we discuss the Report from MDRA. The Board would like to discuss the letter from the County first.

Mr. Hollander states that they are aware of the steep slopes, and a major concern about erosion. Mr. Hollander states they are doing another project in Westchester County where they are utilizing a mesh netting product. This product is all natural and 100% biodegradable. It is an erosion control blanket. Mr. Hollander passes out literature to the Board and states they are considering using this product rather than using the geo textile fabric with the wood chips on top as they had originally proposed. They are considering starting with the biodegradable erosion control blanket so there will be no exposed soil. We will then install the filter fabric on top. Cynthia asks whether ground cover will be removed before the blanket goes down. Mr. Hollander states that any invasive species will be removed. Cynthia states there will be a little more soil disturbance. Mr. Hollander states the more effective process is to dig out the ground cover. Then we will put down the

erosion control blanket over the entire area that will be disturbed. The geo textile fabric will go over the blanket, which will be stapled down into the slopes. This way there will be no exposed soils. Cynthia states that was a question the County had. Mr. Hollander will supply the Board with concrete examples of where this product has been used successfully to prevent erosion in restoration projects. Cynthia asks if this product has been used on these types of slopes. Mr. Hollander states that this product is being used on a project where there is a two to one slope. Mr. Hollander talks about this product having a proven track record. We would like to address the concerns as they come up. Mr. Aiello states a similar product was used when the grading was done for the driveway.

Cynthia states that Brian Bartsch, Chairman of the Conservation Advisory Council is here with us tonight. Mr. Bartsch refers to the project Mr. Hollander had done in another Town, and asks how big of an area was done for that project. Mr. Hollander states it was several hundred feet long. Mr. Hollander states they will cover the whole section. It will be a costly expense for Mr. Speyer. We want to cover any steep slopes where there may be a possibility for soil erosion, so there is no exposed soil subject to erosion. Cynthia talks about the whole site being covered and asks whether a half acre will be done at a time as originally proposed. Mr. Hollander states they will always work in the proposed quadrant. He is not certain whether the erosion control blanket will go down for the entire project at the same time as a first step. Mr. Hollander will speak with Mr. Aiello about this. Cynthia states that the original proposal was to start with a one half acre block to remove the undergrowth, put down the protection, cut down the trees, and plant new trees, prior to moving to the next one half acre. Mr. Hollander states they may still do that. Mr. Hollander states they will present to the Board to make the most effective way to do this process. Mr. Hollander states the work will still take place quadrant by quadrant by quadrant. Cynthia is not quite sure she understands this will be the most effective way. If the whole site is done at once, everything will be dug up and exposed on all five plus acres. Cynthia states she is looking for clarification. She is not directing the Applicant one way or the other. Mr. Hollander does not have a definitive answer at this moment. Sonja states she has never heard about this proposed product and reads the product information. Mr. Hollander states there are different ways to use the product. We are using the product similarly the way it was used on the property in the past. We will show examples of other applications where the product has been used in similar situations. Mr. Aiello states that inside each of the work areas we will have a series of horizontal controls. Mr. Aiello states that with the steep slopes one of the major issues is the runoff. Mr. Aiello states there is a natural break where the water comes through. It is pitched back into the hillside with an existing swale. We will block those off temporarily in order to keep the runoff from coming through. Mr. Aiello states the runoff is a product of water that flows directly through the work area. We will isolate the work area as much as we can. In addition to the micro-type improvements that are critical, we have also incorporated into the phasing plan a macro planting guide to minimize erosion. Mr. Aiello states this is all outlined in our phasing plan that we will make with our next submission. Mr. Rossi states that there will be work going on in more than one quadrant at the same time. Mr. Hollander states that assuming they have about a 12 week period to complete our work, there may be several quadrants being worked on at the same time. Cynthia asks if ideally Mr. Hollander would like to begin in the fall. Mr. Hollander states he would like to start around September 1st beginning with the replacement of trees along the property line to protect the neighbors. Mr. Hollander would like to have a stockpile of replacement trees on-site. We are hoping to have a time period of September 1st to December 1st to complete the work. Mr. Rossi states they are gearing up to have discussions with Frank at Hahn Engineering, as well as the DEP regarding the erosion measures. Mr. Rossi shows the Board a comparison graph prepared by Mr. Aiello which shows the steep slopes. Mr. Rossi refers to a 50% slope, two on one, and states it was not anywhere near as steep as he envisioned it. Mr. Rossi states that the slopes on the Site vary. Mr. Rossi states that a three on one slope is easily mowed. Cynthia states that slopes are not meant to be mowed. Mr. Aiello states that they are not belittling the potential impacts. Cynthia confirms the Site has slopes that are between the 25 and 30 percent range. Mr. Hollander states they are concerned for their clients, as well as the Town. This Site will be better when it is done than when we started.

Mr. Rossi states the other aspect is the DEC Regulations coming under scrutiny in this review. Mr. Rossi states they have not spoken about the on-site monitoring that will go on during the construction process which is incorporated in the DEC Regulations. Cynthia states that there still is a grave concern about what could happen, especially with all of the work being done in a very short period of time. Cynthia states that if the plantings do not take, and then the spring rains come, the land may start to move. Mr. Hollander states the system with the silt fence and straw bales are above and beyond what would normally be required. They are also proposing the addition of the erosion control blanket on all the exposed soils. Therefore, there will be no exposed soil to move. The product is natural and biodegradable. Grass will grow right up through it. Mr. Hollander states there are different levels of the product depending on the steepness of the slopes. Mr. Hollander talks about protecting the erosion control blanket by installing the geo textile fabric on top of it. The track vehicles will not be impacted by the soils below or the erosion control blanket. Cynthia asks why not do the opposite? Mr. Hollander talks about what could happen if there were to be thunderstorms. Mr. Hollander states that the only water on the Site will be actual rain drops. Our soils will also be protected if the temperature goes down.

Mr. Aiello refers to the latest phasing plan where there is a spoil pile to be removed. A basin will be made bigger. Mr. Aiello refers to the installation of a sediment trap as an additional measure down stream to all the improvements. Mr. Aiello states that swales and berms will be installed across the driveway so there are two means to go into the pond. Mr. Aiello states the most important component of erosion control is to make sure it stays where it is. Mr. Bartsch asks for a copy of the literature showing the erosion control blanket product. Mr. Hollander is not positive this will be the product they are going to use. Mr. Bartsch refers to the trees coming down and asks whether the erosion control blanket will be damaged. Mr. Hollander states that is why they are proposing the geo textile fabric to go on top. The vehicles will be able to drive on top without causing any damage. Robert asks if skid steers will be used. Mr. Hollander states yes, in addition to track vehicles. A sample of the machines to be used had been passed out to the Board at the last Meeting. Robert states this is an extremely ambitious effort, and he is skeptical about the process from a practical standpoint. Robert states he is here to be educated. Mr. Hollander states they may want to schedule regular visits to the Site once the work begins. Cynthia states there definitely will be monitoring.

Cynthia refers to Page 2 of the letter from the County where there is reference to the new canopy to be planted as young, and there may be a poor survival rate of the understory. Mr. Hollander states that all of the trees that will be planted on this Site have been growing in nurseries with full sun conditions. Mr. Hollander states that as the canopy trees grow, each year there will be slightly more shade than there was before which all of these native understory trees are adapted to. Since they have been grown in a full sun condition when they go in the ground on the Site they will be in a similar condition. Mr. Hollander states there will be no horticultural or environmental problem with any of the trees. Mr. Hollander states the Town will demand a bond for survivability, and Mr. Speyer will guarantee the trees for two years. Roland asks if there will be an irrigation system. Mr. Hollander states yes. They are trying to determine the most effective way to provide water both to the newly planted trees and seeded areas. Mr. Hollander states that wells will be installed. Mr. Aiello states he has had conversations with Anthony Kunny about the irrigation and the wells. Cynthia asks if there will be a drip system. Mr. Hollander states they have not finalized a plan yet. Mr. Hollander states that by planting in the fall we will have two moist growing seasons. There will be adequate moisture. Mr. Hollander states that the trees absorb all of their moisture through the very fine root hairs at the end. We would like to get those root hairs reestablished. Mr. Hollander states they probably will not have a drip irrigation system, as there will be miles of drip all over the place. Because we are using smaller trees that will establish rapidly after two seasons of normal rain and root growth, we will not need water dripping on the trees themselves. We will want about one inch of water a week over the growing area.

Cynthia refers to the stormwater runoff and states she believes the Plan has now changed. Mr. Aiello states there will be a variety of rain gardens, bio filters, and infiltration practices throughout the Site in addition to

the ponds. Mr. Bartsch asks if the rain gardens will be easily accessible for maintenance. Mr. Hollander states yes.

Cynthia refers to the County concerns and asks Sonja whether there were any other items to discuss. Sonja states no, and would like to review the MDRA Memo. Cynthia asks if any of the Board Members have questions regarding the comments from the County. They do not.

Cynthia asks Mr. Rossi if he has any questions in regards to the MDRA Memo. Mr. Rossi refers to Page 2, Item 3 in regards to providing details demonstrating how the restoration planting trees are to be planted in between the roots of trees proposed to be felled and among the stumps to be ground. Mr. Rossi states that Mr. Hollander will speak about this. Cynthia talks about a lot of the roots being cut, and the placement of the new trees in between the old roots. Mr. Hollander states that if there is a tree root, they will place the new tree between the roots of the old tree. There may be instances when they have to dig out the old roots. We will not plant new trees on top of old stumps. Sonja suggests the submittal of a detailed sheet which will provide every step that will be performed on each work section, beginning with the existing conditions, clearing of the undergrowth, installation of the erosion blanket, and installation of the geo textile fabric, prior to the planting of the trees. Sonja states it would be helpful for all of us to have an illustration showing each layer of work.

Mr. Rossi refers to Page 3, Item 10(a) in regards to supplementing the EAF Part 3. Mr. Rossi states that in regards to the Board's duty under SEQR, it is our belief that we have submitted enough information regarding the viewsheds. We should not have to supplement the EAF Part 3 with a viewshed analysis. Mr. Rossi states that the poster boards they have submitted so far, as well as the similarity of the Site with other estate-type properties along Titicus Road, the efforts that have been made to design all improvements below the trees at the ridgeline, and the over planting plan which will restore the Site, makes it obvious that a viewshed analysis should not be required. Cynthia asks Sonja if she is looking for something more progressive. Sonja states that all of the viewshed analysis and images have been from across the Reservoir. Sonja talks about concerns regarding the scenic corridor along Titicus Road. Mr. Rossi states that the Site is not visible from where Sonja is speaking. Sonja states the illustrations that were prepared in the past should become part of the EAF Part 3. Mr. Rossi refers to one of the poster boards submitted which shows the area near the Titicus Dam this gives a little perspective. Cynthia states the poster board shows the Site after ten years of growth. Mr. Hollander states it is after five years or so of growth. Mr. Rossi states there is no problem with supplementing the EAF Part 3 by referencing the renderings submitted by Diller, Scofidio & Renfro. Cynthia states for the record that in the April 13th letter from Mr. Rossi, the location of the tennis court and guest cottage will be shifted. Cynthia confirms there will still be the backdrop of trees as originally proposed.

Mr. Hollander refers to Page 2 regarding the lighting detail and states they are proposing two fixtures at the driveway entrance. Mr. Hollander confirms the Board would like to see an illustration showing a sample of the fixture. Cynthia states it should be capped. Mr. Hollander states the fixtures will be mounted on the ground with a 25 watt low voltage bulb. Robert confirms there will be no lights going up the driveway.

Mr. Rossi refers to Page 3, Item 10(b) regarding Noise and Odor Impacts and states he does not believe there is a need to provide a supplemental analysis. Cynthia refers to the logging trucks going in and out of the Site, as well as the actual logging operation with the utilization of chainsaws. Cynthia talks about the duration of time and requests the Applicant to be more specific. Mr. Hollander states that everything has to be done, including the replanting between September 1st and December 1st. We will have all of our removal completed by approximately the end of October. Mr. Hollander states that we will have trucks bringing trees in, as well as taking logs out. That should be an eight week period. Cynthia states that when we first asked the question about the work days, Mr. Schembri had stated work would be done Monday through Friday. Mr. Rossi has stated that there may be work done on Saturdays. Cynthia asks that the wording be done in such a way that it is intent to have all the operations conducted between Monday through Friday, and Saturday work would only

be in the event there is inclement weather. Mr. Hollander talks about work being done on Saturdays that will not provide noise. Cynthia talks about Saturday work being done in case of emergencies. Mr. Rossi states there are two immediately effected neighbors whose interest would be best served by having this job done as quickly as possible. Mr. Rossi states there may be four to six Saturdays over the course of the project. Mr. Rossi states that if it rains Monday and Tuesday, work will be pushed back. Mr. Rossi agrees that we are in a sensitive area as far as residences. Cynthia asks the Board how they feel. Robert would rather see the work getting done as fast as possible. Robert states that Mr. Bramst had stated a concern about work being done on Saturdays. Robert is not sure how Mr. Lawrence feels. Robert states that the Bramst property will be adjacently affected. Bernard agrees with Robert. Mr. Rossi states they will provide a Supplemental EAF Part 3 referencing the periods that we anticipate to work, and deal with the intensity of the noise. Mr. Rossi talks about comparing the noise in relation to decipal levels. Mr. Rossi refers to the equipment that will be used and would hope the Board would make a determination that there will be no significant impact on noise. Sonja states this was more of a general request, taking into effect the surrounding neighbors, as well as the wildlife. Mr. Hollander states that during the actual work period the animals in the immediate vicinity will move to the other portion of the property. Robert states that it will be noisy. There is no way to do this project quietly. Cynthia reread the response in the EAF Part 3 and suggests language be added stating that the Applicant would like to get the job done as quickly as possible to minimize the noise. Don agrees.

Cynthia states the next big item is the stormwater review Memo from Hahn which should be circulated within the next week. Cynthia asks the Board if they have comments or concerns at this stage. Cynthia asks if the Board agrees with the direction we are headed in viewing this as a massive project being done all at the same time. Gary states yes. Bernard states he agrees, as long as the property will not be left as it has for the last several years. Bernard states that the faster we get this done, the better, as this has been carried too long. Bernard refers to the letter from Mr. & Mrs. Lawrence in relation to the dirt pile at the end of the road, and states it is disgraceful. Cynthia understands the plants will be going in near both neighbors first. Mr. Hollander states their first order of business is to plant the evergreens adjacent to both of the neighbors. Mr. Rossi states they would like to begin cutting in August if they could. Mr. Rossi states this is a state of the art project with a state of the art design plan as far as erosion control, and use of rain gardens. Mr. Hollander states that if all the Permits are in place, we will start as soon as we can.

Sonja states that considering the size of the area, the Board may want to consider the number of years that they would require healthy vegetation to be guaranteed for. Mr. Rossi states there will also be a Bond. Mr. Rossi talks about limits of time, such as having to come back before the Board if the Project is not complete within a certain amount of time.

Cynthia states that the Town Engineer does have major concerns. That will be the next item to deal with.

Mr. Brouard refers to the work being done on Saturdays and states Mr. and Mrs. Lawrence would be very disappointed if work were to take place during the summer on the weekends.

Sonja asks Mr. Hollander to provide an example of current projects he has done utilizing the erosion control material discussed tonight.

Cynthia states the Public Hearing will be continued.

REGULAR MEETING:

3. **Auburn/Edens:** David Sessions (owner – The Auburn Group, LLC)
Wetland Permit (location – 301 Hardscrabble Road)

- Consider Completeness of Application

Cynthia states that issues are being addressed from the last time this Project was here before the Board a couple of years ago. The Applicant has been working with the New York State Department of Environmental Conservation (NYSDEC). Cynthia states that before the soil and erosion issues are wrapped up, the Applicant should address all of the comments in the MDRA Memo. Mr. Sessions asks if it would make sense for him to provide the Board with a little history of where we were and where we are now. The Board confirms that is not necessary. Cynthia states the Applicant has demonstrated very nicely the need for an alternate driveway to get to the house in the front. Cynthia states she has difficulties with the crossing of the wetlands to get to the barn in the back because there is a viable way to get there on another lot. Cynthia states that the bridge crossing seems to be a good design with the least amount of disturbance. Cynthia is concerned with the stormwater system being in the controlled area. Cynthia states there is a lot of fill coming in to create the berm. Cynthia questions whether the stormwater system may be taken out of the controlled area, and states that there is a lot of land available. Mr. Sessions states they cannot. Mr. Sessions shows the wetlands buffer and states the majority of the stormwater system is outside the 100 foot buffer area. The only areas that are within the buffer is the forebay, and some of the grading associated with the downhill side. Mr. Sessions states it is strictly a function of gravity. Mr. Sessions shows the low point of the Site on a Plan where everything slopes down to the stream. Mr. Sessions states the driveway starts at Hardscrabble Road and it is downhill all the way. They have collected the stormwater at the low point of the driveway. At that point, they have to gravity the stormwater to a basin through some sort of best management practice. Cynthia asks what if you were to get the bulk of it there sooner and then there would be a small section of road to deal with. Mr. Sessions states that the last set of Plans that were submitted did not have what we are now proposing, which are three bio retention areas. This was a function of the last comment Memo from Hahn Engineering. Instead of taking all of the stormwater down and discharging it in one area to treat, we are incorporating some of the new green technology whereby we are taking a portion of the driveway, and storing the water quality into a bio retention area. This will take the water quality volume out of the picture. From there we will have another section of driveway into another bio retention area. The final will go into another bio retention area. All of these will be conveyed through grass swales which will also have infiltration capabilities. This new Plan represents a Draft of where we are going to be. The bio retention areas have been graded out. Mr. Sessions shows on the Plan where an area will become smaller. Mr. Sessions states they have not finished addressing all of the Hahn comments. We are showing the previous basin without the benefit of the three bio retention areas, so the area will become smaller, as well as the forebay because we are taking the water quality volume out of the driveway. The basin will be re-graded and diminished in size in order to reduce the disturbance within the buffer. We will probably reduce it within 10 to 20 percent. Cynthia states the ordinance clearly states that if there is an alternate way to get there, they shouldn't be crossing a wetland. We know you have an alternate way to get there. You have made very good arguments in regards to moving the beginning of the driveway for safety. Cynthia states that the bridge does not seem to represent that much of a disturbance. Cynthia states that if she didn't see the detention there, she would be very comfortable. Cynthia asks Sonja if this is the right direction to go in. Sonja states yes. Sonja states that Joe Bridges reviewed the Plans and felt that the water coming off the driveway was being directed to a basin in the buffer areas. Sonja states that this presentation tonight seems to show the Project in a different light, which seems to make sense. Sonja states that calculations will need to be done. Mr. Sessions states that they met at the Site a couple of years ago with Heather Gierloff from the NYSDEC, as well as this Board. Mr. Sessions refers to an area which is all meadow and pasture, and states that when this is constructed and built, there will be a combination of grasses, plants, native plants, and a water quality feature. The imperviousness and runoff characteristics at the end of the day with this basin will be better. Worst case, it will be the same as what is happening now in the meadow and pasture. It will be an area that is planted and 100% vegetated. The stormwater currently flows off into the wetlands, it will now be directed into a water quality basin. We are not proposing to cut down an acre or two of trees in order to do this. The runoff curve number will be the same as it is today. Cynthia asks if Mr. Sessions will be able to show the Board a phosphorous reduction. Mr. Sessions states yes that is exactly what they will be doing with the bio retention areas that are part of the green

practices requested by Hahn Engineering. Cynthia confirms Mr. Sessions will provide the Board with a phosphorous reduction number. Mr. Sessions states they will do everything they can in order to get as far away out of the buffer as possible. With the existing condition being a meadow, Mr. Sessions does not see it as a detriment, he sees it as being a positive.

Mr. Sessions states that during a Site Visit with Heather Gierloff, she crawled through the multiflora rose to flag the wetlands. Mr. Sessions refers to the MDRA Memo where it states that although multiflora rose is an invasive, it does provide for soil stabilization. MDRA recommends nothing be removed within ten feet of the stream which we will abide by. Mr. Sessions states that beyond the ten feet, the seed mix they are proposing is in keeping with the equestrian type characteristic, which will be a benefit from a water quality standpoint and aesthetic standpoint. Mr. Sessions points out an area where they are proposing to remove approximately 4,000

square feet of the existing driveway. The no mow zones are discussed. Charlotte asks whether paddocks are proposed in that area. Mr. Sessions states no, not in this area, paddocks are located in another area and shows them on the Plan. They will be outside the no mow zone. Mr. Sessions states they have not received their NYSDEC Wetland Permit. They do have a complete application from NYSDEC. Mr. Sessions states that Rebecca Crist from NYSDEC has told us we are good to go, and may go ahead and apply for our SWPPP approval by the Town, as well as getting the MS4 Acceptance Form signed by the Stormwater Management Officer, and then the NYSDEC will issue their Permit. Sonja asks if NYSDEC has any further concerns. Mr. Sessions states no. Mr. Sessions states they have a letter from NYCDEP, as they reviewed the Application as far as the wetlands are concerned. They had minimal comments and modifications to the Plans which we have done. Mr. Sessions understands the concerns about getting the basin out of the low point, and states that NYSDEC had the same question. Mr. Sessions shows where the discharge is in conjunction to the 100 foot wetland setback, and states the discharge is currently outside the buffer. Cynthia confirms the height of the berm will stay the same. Mr. Sessions states they will not be importing materials or creating fill for the basin. They will be utilizing materials on the Site. Cynthia refers to the notes which state that there will be 140 cubic yards of fill, plus or minus. Mr. Sessions states that is just a calculation of the disturbance, and how much of it will be cut and how much is fill. Cynthia states there will be a low depression and then a berm. Mr. Sessions states that a comment from Hahn Engineering was whether we could make the low point more meandering to the pond as opposed to a basin. Mr. Sessions talks about the State Regulations, as well as the design concept. Cynthia states it may help the Board get over the hurdle of having an alternative, but not really needing it by emphasizing the fact that there will be improvements achieved here with the phosphorous reduction and improved condition of the wetland area. Robert confirms there will be three retention ponds. Robert refers to the total stormwater and would like to know the result and effect downstream each pond will have. Mr. Sessions states there will be a 10 to 20 percent reduction in the overall volume. Cynthia states it is more than a cleansing instead of a holding. There is a discussion about the forebay which is required to capture sediment. Mr. Sessions states the forebay may be eliminated, or narrowed. The final design has not been completed.

Cynthia asks when the Board will see a submittal. Mr. Sessions states he was hoping the Board would set a Public Hearing date for the Meeting in June. We would like to make a submittal two weeks in advance. Within two weeks time we should have everything worked out. Cynthia states that if the Applicant can make a timely submission, the Board may consider setting the Public Hearing. Cynthia is not sure whether Hahn Engineering would be able to turn around a review in two weeks, as we usually ask for three. The Public Hearing may have to be kept open. Mr. Sessions states that Hahn Engineering has submitted two Memos. Cynthia states the Board has only seen one. Cynthia states there is not supposed to be any direct submissions to Hahn Engineering, everything should come through the Board. Cynthia states that February 3rd is the only Memo the Board has. Mr. Sessions believes it would have been before February 3rd. Mr. Sessions confirms that is the only Memo. Cynthia states the next submission will go to the Board and Consultants at the same time. Mr. Sessions states that the bulk if not all of the Hahn Engineering comments revolve around the new

State Regulations. Mr. Sessions states that these are the last comments regarding modifying the basin. Cynthia confirms Mr. Sessions will respond to the MDRA Memo as well. Cynthia asks Mr. Sessions if he has any questions. He does not.

Chairwoman motions that the Planning Board set a Public Hearing for June 1, 2011 Conditioned Upon the Receipt of the Engineering Responses and MDRA Responses two Weeks Prior to the Meeting for the Auburn/Edens Wetland Permit Application, Gary seconds. All in favor. No opposed.

After the motion Sonja states that Mr. Sessions mentioned that the NYCDEC did not have any further concerns. Sonja is not sure whether the Board has a copy of the letter from the NYCDEC. Cynthia states the only letter is dated February 26th. Mr. Sessions confirms there has been nothing in writing since then. Mr. Sessions states they have a lot of applications with the NYCDEC, and they would not have issued a complete application had they not been satisfied.

4. Crown Atlantic Co., LLC: (owner – Croton Falls Fire District)
Conditional Use Permit/Site Dev. Plan (location – Sun Valley Drive)

- Consider Draft Resolution Referral to the Town Board Regarding Proposed Removal Bond

Cynthia states we have a Draft Resolution to consider tonight. The Applicant is offering to supplement their Removal Bond.

Cynthia motions that the Planning Board makes a recommendation to the Town Board for a Removal Bond to be established for the Crown Atlantic Company, LLC Telecommunications Tower located on the Croton Falls Fire Department Property off Sun Valley Drive in the amount of \$68,500. The Town holds a removal bond in the amount of \$20,000 and will accept a supplemental removal bond in the amount of \$48,500 for a total of \$68,500. Charlotte Harris seconds. All in favor. No opposed.

5. Financial Report:

- April, 2011

Gary Jacobi motions that the Planning Board Approve the Financial Report for April, 2011. Bernard Sweeney. All in favor. No opposed.

6. Minutes:

- March 16, 2011
- April 6, 2011
- April 20, 2011

Gary Jacobi motions that the Planning Board Approve the Minutes for March 16, 2011. Bernard Sweeney seconds. All in favor. No opposed.

Gary Jacobi motions that the Planning Board Approve the Minutes for April 6, 2011. Bernard Sweeney seconds. All in favor. No opposed.

Gary Jacobi motions that the Planning Board Approve the Minutes for April 20, 2011. Bernard Sweeney seconds. All in favor. No opposed.

7. Next Meetings:

Planning Board Minutes – 05/04/11

- Work Session – May 18, 2011
- Regular Meeting – June 1, 2011

8. Comments from the Chair:

Cynthia states the next Meeting is the May 18th Work Session. Both Robert and Bernard will not be at the Meeting. Cynthia states she would like to wrap up the Chapter 189 discussions that night. Cynthia spoke with Bruce and asked him to try and have his comments in by next Friday so that the Board Members will have time to look at them. Cynthia would like to move this Chapter over to the Town Board in order to receive their feedback. Cynthia talks about getting this done in May so there will be no Work Session in June, as she will be away. Cynthia states there will also be a discussion on two Code changes, regarding wording on extensions for final plat approval and preliminary plat approval, as well as the continuation of discussions regarding signs. We will not vote on the Code changes at the Work Session.

9. Resolution:

Chairwoman motions to adjourn the Planning Board Meeting. Gary Jacobi seconds. All in favor. No opposed.