

North Salem Planning Board Minutes

August 10, 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
 William Agresta, AICP

ABSENT: **Roland A. Baroni, Town Attorney**

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| ATTENDANTS: | Salem Hunt: | Bill Balter Scott Blakely |
| | Lake Hawthorne: | Dean Martin Jeffrey Cohen |
| | North Salem Center: | Roger Nitkin |
| | Esposito: | David Sessions Gary Gianfrancesco |

Chairwoman Cynthia Curtis calls the August 10, 2011 North Salem Planning Board Meeting to order.

PUBLIC HEARINGS:

- 1. Salem Hunt:** Bill Balter (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 we will start with continued Public Hearings on the Salem Hunt Wetlands and Site Plan Applications. We do have the Applicant here tonight to provide the Board with an update. It appears we may be close to moving to the next step which would be the filing of the Final Application for Subdivision. Cynthia states she had a conversation with Mr. Balter who is here tonight to go over portions of the process. The question was raised about the legal documents. Cynthia states the short answer is yes, they do roll over to the Final Approval. Cynthia received an update from the Town Attorney. There are six documents listed under Section 5 of the Preliminary Approval. The Town Attorney stated to Cynthia that he has seen the Homeowners Association Declaration. The Town Attorney stated that the Water and Sewer Transportation Corporation Formation and Water and Sewer District Formation are in order. The Town Attorney has seen the Conservation and Bridle Trail Easements. The Town Attorney has not seen the Fire Department Access Easement. Cynthia states that in addition to the Town Attorney reviewing it, the Attorney for the Fire District should review as well. Cynthia states that all of the documents need to be approved by the Town Attorney as to the form and content prior to filing. During the Final Approval the Town Attorney reserves the right to review them all one more time for content. Cynthia asks Mr. Balter the status of the Fire Department Access Easement. Mr. Balter states he does not believe it has been done. Cynthia states that when that comes over we will forward it to the Town Attorney, and the Attorney for the Fire District. Cynthia believes Ralph Mackin is the Attorney for the Fire District. Cynthia states that Will Agresta from MDRA is here tonight to provide us with a procedural review of what will be anticipated next and how we go about checking off the status on the Preliminary Application, and whether they are ready to proceed to the next step. Will states the

next step for the Board to move on would be for the Applicant to submit a formal Final Subdivision Application. In that Application requirements would be addressed for Final Subdivision in the Code, which for the most part may have already been addressed. A package should be submitted which encompasses conditions one through nine in the Preliminary Resolution, as well as a copy of all the Approvals. It would be helpful to have a record of all of the Approvals so the conditions may be reviewed for consistency with the Preliminary Plat Approval Resolution. Will states that when the submission is made, if the Board agrees, the Wetlands and Site Plan Public Hearings could be reconvened, and if everything is in order the Board may close the Public Hearings and move on to a Resolution for all three Approvals. If there are issues, they may be worked through, and the Public Hearings would be adjourned. It may be necessary to have a Final Subdivision Public Hearing. Everything should be submitted in the context of a formal submission for Final which is a requirement.

Mr. Balter refers to their Approval Binder and asks whether they should submit nine copies of all the Approvals, or submit one copy, and an electronic copy. Cynthia states the Board would like an electronic copy. Cynthia is not sure whether it is necessary for Dawn to receive hard copies for the project file. Cynthia states that Dawn would only need a hard copy if it is something that we haven't yet received. Mr. Balter states that Chris from his office will give Dawn a call to go over the Approvals. Mr. Balter states that in their Formal Application they will go point by point to confirm everything has been done. Cynthia states the Board has not seen the legal documents as most of those went directly to Roland Baroni, so they should be sent electronically to the Board, especially the HOA. Cynthia does not believe it is necessary to have a hard copy of the HOA, an electronic copy is fine. Mr. Balter states a request for an extension as they will not have everything done by the time the last extension expires.

Cynthia states this is an open Public Hearing. She asks if there is anyone here from the public wishing to speak.

Anthony Mendola states he owns the property next to Salem Hunt on the Putnam County side. Mr. Mendola states that last year at some point there was an Application submitted to use part of the County property in order to extend the entrance to Salem Hunt. In the Application that was submitted, it was mentioned that this property was an occasional traveled way such as a dog path, bicycle path, or horse path. It just so happens to be the entrance to my driveway. Neither the owner of the property next door, Putnam County, or North Salem bothered to find out who owned the property or confirm what this traveled way was used for. It doesn't sit right with me. I have had several conversations over the years. Mr. Balter offered to buy the property from me for his entrance. Mr. Mendola states it didn't matter to him. Mr. Mendola states the third time Mr. Balter approached him, they had agreed on a price. Mr. Balter backed out on the agreement. Months later, an Application was submitted to Putnam County and they granted a Permit to change the County property. Mr. Mendola states he never received a letter or a call. Mr. Mendola states for the record tonight that he is not happy about this and he is trying to get the permit rescinded.

Robert asks Mr. Mendola if he is in the brick house. Mr. Mendola states yes. Cynthia states that this Board is very much aware of the situation next door. It is clearly marked on the Plans that were reviewed. The land that Mr. Mendola is talking about is land that belongs to the State or the County. Through the Public Hearing process Mr. Mendola received a Notice and had an opportunity to review the Plans. He was well aware of what was going on. Cynthia refers to the specific issue Mr. Mendola has spoken about tonight and states this Board does not control the way the Putnam County Department of Public Works does their business, and whether they notify people or not. Cynthia states that Putnam County had every right to do what they choose to do on their property. Mr. Mendola's issue is with Putnam County. Cynthia states that this Board has a document which states that Putnam County has granted the Permit for this Applicant to do work on their land in Putnam County. Cynthia urges Mr. Mendola to continue his conversations with Putnam. It is noted in our record. We do have a Permit from Putnam. We do have a letter from Putnam asking us not to allow

construction to begin, which is a step that is well down the road. Cynthia states we may hear back from Putnam, or we may not. Cynthia does not believe this Board has anything further to do at this point.

Mr. Mendola states he understands. Mr. Mendola states it is a u-shaped driveway. He purchased the property because of the driveway. Mr. Mendola states the purpose of a u-shaped driveway is so you may go either direction, coming or going. This proposal puts my driveway entrances in the same direction. Mr. Mendola does not understand why anyone would want that to happen if they own a u-shaped driveway.

Cynthia states the Public Hearings will be kept open. Cynthia confirms with Mr. Balter that they will submit the Final Application for either the September or October Meeting. Mr. Balter states the Map is basically the same.

Cynthia states she believes the last extension will run out on September 3, 2011. Cynthia states the Applicant has asked for an Extension of their Preliminary Approval. The new Law that has gone into effect states that an Applicant has to show good cause, and it is our decision whether or not to grant an extension. Cynthia states this Applicant has been moving forward diligently with this Application. Everything appears to be in order to grant the extension. The Board agrees to a 90 day extension versus a 45 day extension.

Chairwoman motions that the Planning Board Grant an Additional Ninety-day Extension of Preliminary Subdivision Approval from September 3, 2011 to December 2, 2011, per verbal request tonight from Bill Balter. Robert Tompkins seconds. All in favor. No opposed.

After the motion, Cynthia states that she has three original executed copies of the Consent of the Town Board to the Formation of the June Road Sewage-Works Corp. Cynthia provides a copy to Mr. Balter and will confirm with Roland whether he should receive the originals. Cynthia gives the three originals to Dawn and asks her to make a copy for our files and check with Roland tomorrow to confirm whether he is supposed to receive the originals.

REGULAR MEETING:

2. **Lake Hawthorne:** Dean Martin (owner – Lake Hawthorne Homeowners Assoc.)
Wetland Permit/189 Permit (location – Nash Road)

- Consider Completeness of Application
- Consider Setting a Public Hearing

Dean Martin is here tonight. Cynthia confirms he received a copy of the MDRA Memo today. Mr. Martin asks whether he should provide his responses now. Cynthia states that Mr. Martin may give the Board a brief response. He should also provide a formal response in writing. Mr. Martin refers to Item 1 on Page 2 of the MDRA Memo in regards to New York State Department of Environmental Conservation (NYSDEC) comments. Mr. Martin states that they did have a site walk with the biologist from the NYSDEC, as well as phone conversations. We did not receive a formal written comment letter from the NYSDEC. We do have a Notice of a Complete Application, which will be published. Mr. Martin states that revisions have been made on the Plans to show dewatering areas, pump locations, water outlet changes, as well as additional erosion controls.

Mr. Martin refers to Item 2 on Page 2 of the MDRA Memo in regards to the submersible access road. Mr. Martin states that was originally to remain in place for future use. Based on our site walk, the biologist requested we remove that upon completion of the dredging. That Plan notation will be changed. Cynthia states it probably wouldn't hold up and asks whether that was the reason for the concern. Robert asks how

often the periodic maintenance would take place. Mr. Martin states they would like to do it again within 10 years.

Mr. Martin refers to Item 3 on Page 2 of the MDRA Memo in regards to testing results of the sediment sample. Mr. Martin states they took one sediment sample. There were a couple of items above the testing limits for the NYSDEC. We may have to retest. We haven't received any comments back from the NYSDEC as of yet. Additional samples may be required to confirm or refute the findings. Cynthia states there is a concern due to the fact that the sediment will not be trucked away. It will be re-deposited on the site. Cynthia states she is not a scientist, but some of these materials may be volatile. It may dissipate as it is spread out. Mr. Martin states the testing was done through Yorktown Labs in Yorktown. They sent out the samples to an additional lab. Mr. Martin contacted Yorktown Labs. They didn't have specifics as of today as to the long-term effects. Mr. Martin will follow-up with them. Mr. Martin states there was a notation of nickel, lead and zinc. Mr. Martin states there is a drainage pipe that comes down from Fox Den Lane. This is a metal culvert that has deteriorated. Mr. Martin states the metal traces may be coming through the pipe. Cynthia asks whose pipe it is. Mr. Martin believes it is a Town pipe. It takes the drainage from Fox Den Lane and then goes down through an Easement into the pond. Mr. Martin states that when the biologist was at the Site he said he would contact Bruce Thompson. Mr. Martin states when he last spoke with the biologist he did not have a chance to contact Mr. Thompson. Cynthia states perhaps Ward Hanaburgh should be contacted. Cynthia states that the Board will be interested in finding out where these materials are coming from. The Board may also send it over to Mr. Hanaburgh. Mr. Martin refers to other samples which were above the limit and states he is not an expert on these materials. The materials seem to be used in paint thinners. It is possible that someone years ago washed the brushes after painting houses. Mr. Martin is not sure how long the materials stay in the soil. Mr. Martin states that the chemicals are not soluble in water. They may dissipate over time once dried out.

Cynthia states that once that next submission is made, it will be sent over to the Town Engineer so he may look at the items referred to in Item 4 on Page 2 of the MDRA Memo.

Cynthia states this process involves the conducting of Public Hearings under both the Wetlands and Chapter 189 which is a long process. Cynthia recommends that if the Board feels they have enough on hand to set the Public Hearing, they may consider doing that tonight. By the time the neighbors are notified, it will be another 30 days. That will give the Applicant time to come back with further information. The Board agrees.

Chairwoman motions that the Planning Board set the Public Hearing on the Wetland Permit and Chapter 189 Permit for the Lake Hawthorne Dredging Project for September 7, 2011. Charlotte seconds. All in favor. No opposed.

3. North Salem Center: Roger Nitkin (owner – Roger Nitkin)
Sign Permit (location – 60 June Road)

- Consider Draft Resolution of Approval

Cynthia states we have made great progress. We have a nice looking sign, with an alternative. Cynthia states she hopes the Board had a chance to go and see the two posts that were placed at the Site. Cynthia thanks Mr. Nitkin for doing that, as it is very helpful to see where the proposed location will be. Cynthia asks the Board whether they are happy with the original sign that was presented, or whether they are interested in entertaining the alternate sign. Cynthia states that the alternate sign will require a variance from the Zoning Board of Appeals (ZBA) due to the size. Charlotte states she likes the alternate better. Mr. Nitkin states that following the last Meeting, he digested the various comments that the Board had made. Mr. Nitkin states he also consulted with his sign designer. The designer came up with a small and simple version, which neither of

them liked. The designer thought the sign would be out of proportion. The designer came up with an alternate version which is slightly larger by four square feet. Mr. Nitkin states he hopes the Board could take into account the margin of error and consider a compromise. Mr. Nitkin states the alternate version looks more attractive. Cynthia states this Board is not allowed to take a pre-existing non-conforming sign, and agree to a larger replacement sign, without having the Applicant obtain a variance. Cynthia states that this is a case where a free-standing sign is not allowed in the Zone. Will states it is not allowed because there are no size standards except for the existing sign. Robert asks if a letter may be sent to the ZBA in support of the variance. Cynthia states yes. Cynthia confirms the consensus of the Board is for the alternate sign. Gary states it looks much better. There is a discussion about the address numbers. Mr. Nitkin states that the main part of the building where the deli is located is listed as 60 June Road. The M&T Bank building is listed as 62 June Road. The small newer building is listed as 58 June Road. Cynthia asks if those numbers are used. Mr. Nitkin states he believes so and if we want to be completely accurate for 911, all of the numbers should be listed. Cynthia states the tax roll has the property listed as 60 June Road.

Cynthia refers to the Draft Resolution and states she will acknowledge that the Board is interested in the alternate sign. The sign is going to be larger than the pre-existing non-conforming sign, therefore the Applicant will be referred to the ZBA. Cynthia states at the end of the Draft Resolution language will be added in stating that the Chairwoman will not be able to sign this Resolution until Mr. Nitkin brings a copy of the ZBA Approval to the Planning Board. Mr. Nitkin states he is not familiar with that procedure. He asks if it is fairly straight forward. Cynthia states the ZBA will obtain an unsigned copy of the Resolution. Will states that Mr. Nitkin should include a picture or diagram with the dimensions of the existing sign, so the ZBA has something to compare the new proposed sign to. Cynthia states that Mr. Nitkin should see Janice Will to obtain an Application. Cynthia states that if the Board is comfortable that she will make all of the adjustments that were just mentioned to the Resolution, we will vote on it as amended.

Gary Jacobi motions that the Planning Board Adopt the Resolution of Sign Plan Approval, as Amended, for North Salem Center. Charlotte seconds. All in favor. No opposed.

4. Esposito: David Sessions (owner – Jennifer & Michael Esposito)
Lot Line Adjustment (location – 31 Quaker Road)

- Discussion of Lot Line Change
- Consider Draft Resolution of Approval with Conditions

Cynthia states that Mr. Sessions and Mr. Gianfrancesco came into her office some time ago to provide her with an overview of this proposal. Cynthia states a conversation was also held with Roland Baroni. Cynthia states there are pre-existing issues that were never put to bed on the Quaker Ridge Subdivision. Basically the Applicant would like to undue the Quaker Ridge Subdivision. Cynthia states there are two outstanding items to wrap up.

Mr. Sessions shows the Board the location of the property on the Map in conjunction with June Road and Quaker Road. The property is approximately 15.7 acres in total. Back in the mid to late 1980's there was a subdivision. Mr. Sessions shows on the Map where the subdivided line is located. One lot was approximately 5.7 acres, and the other lot was approximately 9.9 acres. Mr. Sessions states the pink areas on the Map represent the wetlands, and the red line represents the 100 foot wetland setback. Mr. Sessions states the larger lot is undeveloped. The smaller lot consists of a house that was built, a driveway, small barn, and a pool in the back. Mr. Sessions shows on the Map where the septic, well and tennis court are located. Mr. Sessions states that a Conservation Easement was offered by the Applicant and approved by the Planning Board. It was placed on the Final Plat, but the Easement for some reason was never filed. In addition there was a road widening strip along Quaker Road that was approved and placed on the Final Plat again that was never filed.

Mr. Sessions talks about making the road widening strip part of this lot line merger. Mr. Sessions states he has had discussions with his clients about offering a Conversation Easement well in excess of the one that was originally approved by the Planning Board. Mr. Sessions states they are offering a Conservation Easement that encompasses the entire almost 10 acre lot in addition to the portion of the site that was within the original Easement. It will be approximately a little over 10 acres.

Cynthia states she would like the Board to get into the nature of the Conservation Easement. The original Conservation Easement was basically a no-build area which is not what is being proposed in the current Conservation Easement. Cynthia talks about the possibility of the area of the old Conservation Easement being a no-build area unless it is a Conservation Easement where there will be no homes. Mr. Sessions states there will be no structures, building, or homes. Cynthia questions whether there will be any structures at all. Cynthia states that farming items were discussed in relation to the grazing of animals. Mr. Sessions states the Applicants are contemplating horse paddocks in the back. Mr. Sessions states the Applicants are contemplating a very small barn. A portion of the barn may extend within the Conservation Easement. It would not be a large structure. Cynthia states she believes the grazing of horses was allowed under the previous Conservation Easement. Mr. Sessions does not believe it was. Mr. Sessions states structures were prohibited, as well as the grazing of animals. Mr. Sessions states that is why we have an issue with permitting the Easement on the whole Site. Mr. Sessions states they would prefer to not commit to prohibit the grazing of animals. Mr. Sessions states he does not believe it will ever be an issue. He states he has not spoken with his clients about it. Mr. Sessions will speak with his clients. Cynthia asks whether the Conservation Easement is going the North Salem Open Land Foundation (NSOLF). Mr. Sessions states they are not sure. It might be going to the Westchester Land Trust. Mr. Sessions states they have kicked around two or three options. Cynthia states that when a Conservation Easement is set up, there is the responsibility taken on for maintenance. Cynthia states the NSOLF is very good about going out every year and checking on the various parcels. This takes the burden off the Town, and offers the same amount of protection. Cynthia states she would be very happy if these organizations were to be taken on as the holder of the Conservation Easement. Robert talks about the idea of increasing the Easement to the whole 10 acre parcel and states that if they are going to put a barn on there, they will not want it close to the house. They will want the barn where the property angles down. Robert states that according to Bruce a fence is a structure. Cynthia states a Conservation Easement may allow certain structures like fences. It could be written that way. Cynthia states she drafted the Resolution stating what the Town will receive, versus what was offered before. Cynthia is comfortable with seeing a larger Conservation Easement. Cynthia states the original Conservation Easement area covered the wetlands and controlled areas. Mr. Sessions states his clients have not yet seen his drawings regarding the paddocks. Charlotte asks whether there will be a riding ring. Mr. Sessions states no. They are proposing a four stall horse barn. The fifth stall would be a wash stall. Robert states he knows the property. If we have a bad weather year, the property will flood. Robert states that most years a lot more of the space may be used than what is intended. Mr. Sessions states his clients have no need to do that. Mr. Sessions talks about drafting the Easement so it is noted there will be an equestrian use for the barn. Mr. Sessions states it seems very convenient to follow the old approved lot line.

Will obtains clarification of where the wetland limit is located. Mr. Sessions states they may require a Wetland Permit as they will be in the wetland proper and buffer. Mr. Sessions refers to an area and states it appears to be a swamp. It is actually a meadow. Mr. Sessions states it looks worse than it is. For 10 months out of the year it is bone dry.

Cynthia refers to Item 4 on Page 2 of the Draft Resolution. Cynthia confirms Mr. Sessions has a concern with the wording "and affords at a minimum the same protection to that area". Cynthia states she was referring only to the 1987 area. Mr. Sessions confirms that is what Cynthia meant. Cynthia states the wording may be made clearer. Cynthia states the 1987 area is afforded the same protection that the prior 1987 Easement had, not the additional area. Mr. Sessions states he will need to speak with his clients. Cynthia states this is a

Draft Resolution. Cynthia confirms the Board has no problem with the merger. Robert does not like to see usable space that could be used being prohibited because of a self-imposed restriction. There is a discussion about planting and mowing. Mr. Sessions states that Mrs. Esposito is an equestrian type person. They have no desire to build anything else out there. They want to preserve it. Robert states they may want a ring at some point in time which may be placed parallel to the road on the high side.

Cynthia asks the Board whether they have any other questions on the Draft Resolution. They do not. Cynthia states she will leave the Draft Resolution as it is for now. Cynthia requests Mr. Sessions speak with his clients regarding keeping the portion in the 1987 Easement the same. Mr. Sessions will speak with his client and prepare Draft Easement language, as well as the Plat for filing. Cynthia states it will look like the old Subdivision Plat. The line in between will be dotted and noted that it is to be removed. It is confirmed that a widening strip is not needed. Will states that it will be necessary to show both of the lines in order to have a two tiered Conservation Easement. Mr. Sessions confirms the two lines should be distinguished.

Mr. Sessions states he will speak with his clients. He confirms that once he comes back before the Board regarding the Conservation Easement, the Board may vote on the Draft Resolution. Mr. Sessions confirms that the next deadline date is August 17th for the September 7th Meeting. Cynthia states in this case, since the Board has had the materials, and it is just a matter of wrapping up the Conservation Easement, it is alright for the submittal to come in within a week or two of the September Meeting.

5. Discussion Regarding Chapter 189 Sand & Gravel/Tree Removal:

Cynthia states we are going to start going back into the tree portion of Chapter 189 in order to fix it so that it conforms with all of the other Chapters we have been working on. We spoke briefly many moons ago about changing the allowable number of trees that may be taken down before someone has to come in for a Permit. Cynthia states Will is here tonight. We should discuss in concept how we would like Will to prepare the first draft. We had talked about having depending on a per acreage basis. We had talked about a threshold for a lump sum depending on the amount of acreage. Cynthia talks about someone having 60 acres, being allowed to take down 5 trees per acre, not being allowed to have all the trees come down in the same area. Somehow there has to be a way to spread out the disturbance. Will states there should be four parameters that the Board should cover. The first would be the size of the trees. The second would be the number of trees to be cut. The third would be the area being proposed. The fourth would be to have a time period, so someone does not come in every month. Cynthia states the Stormwater Law has time periods for disturbance. We should pay attention to that Chapter and also take a look at the wording, because it could trigger a Stormwater Permit. Gary makes the suggestions of trees bigger than six inches, five feet per acre, 20 trees in one area, and a 30 day timeframe. Cynthia asks if that means that every 30 days someone may take down 20 trees. Gary states that every 30 days someone would have to come in for another permit. Cynthia states we are changing this so a permit is not needed. Cynthia states that right now, if someone takes down three or more trees, a Permit is required. If the trees are within a landscaping project within 100 feet of a home, there is a percentage of acreage to be abided by. Diseased or dead trees may always come down. Cynthia confirms the Board agrees to a size of trees 6" or larger, 5 trees per acre, and 20 or more trees being cut at one time will require a Permit, no matter the acreage. The timeframe is discussed. Robert talks about smaller lots and states that 20 trees on a one acre lot will have a larger impact on neighbors. Cynthia states that if someone only has one acre, they would be allowed 5 trees. Charlotte asks Robert if he thinks that would be too many trees on a small lot. Robert believes people should be able to do whatever they want on their land. Timeframes are discussed. Right now they are within a calendar year. Will suggests it be in a 12 month period. Will confirms that if someone wants to take down 5 or more trees on one acre they would need a Permit. If someone takes down 20 or more trees they would need a Permit. If someone takes down less than 5 trees per acre, and takes down 19 trees, they do not need a Permit. Charlotte asks how we keep someone from cutting down all 20 trees on one of the four acres. Cynthia states that only 5 per acre would be allowed to be cut. Will states the spread of

the trees to be taken down would need to be looked at. Will asks the Board if they would like to do anything relative to trees on slopes of a certain percent as far as a Permit requirement. The Board states no. Robert states keep it simple.

6. Comments from the Chair:

Cynthia refers to Peach Lake Commons and states they have a Resolution of Approval. Cynthia is not allowed to sign the mylars until all of the conditions have been met. They made a submission within days of their last expiration date. Generally everything is in order. They demonstrated having their Health Department Permit, and DOT Permit. They did submit a Traffic Monitoring Plan for review. They were asked to make modifications to their Plan regarding the signs. They made half of the revisions, but not all of them. Cynthia had mentioned to Will that we knew the expiration date was coming. By the time the revisions are reviewed the expiration date will be gone. We can't give them any more extensions. Since they technically submitted revisions on time, should Cynthia sign the mylars? Cynthia is getting concerned because this is getting dragged out. Cynthia states the Traffic Monitoring Plan was reviewed and comments went back to the Applicant. We haven't heard back from them yet. Cynthia asks the Board how long we let this go on. Cynthia states that this is a case where the Applicant's Representative, Tim Allen has stated to her that he has not been paid by his client. He wants to finish this up in order to be paid. Cynthia is advised from the Board not to sign the mylars. Cynthia states that on this piece of property, they have once again failed to meet their deadlines. They will have to start all over again. The Applicant has let this lapse for a second time. Charlotte confirms that Walter Hutchins received the original Approval that lapsed. The property was sold. Robert asks whether the new owner has asked for an extension. Cynthia states the Board has granted them extensions and cannot grant them any more. Cynthia states the taxes have not been paid. Cynthia will speak with Tim Allen. Will asks the status of the Sewage Treatment Plant. The response is that the Plant is being built. Will states that once that has been built, the Applicant may obtain an Amended Site Plan Approval as the Plan will have to be amended to take out the septic. Cynthia will speak with Roland to make sure he agrees. The Resolution of Approval was very specific. Cynthia will let Roland know that it is the consensus of the Board that the mylars not be signed at this time. Will asks if the Applicant has been provided the items that are not complete in writing. Cynthia states yes. She forwarded an e-mail from Sonja. Cynthia states there are minor items left. Gary states it sounds like something funny may be going on. Cynthia states at this point the DOT Permit has expired. The Board will need evidence that the Permit has been renewed.

The Board has a discussion about the August 24th Work Session and agrees not to have it. Cynthia states that depending on the items we have for the September 7th Meeting, we may add in a discussion on the first draft of the tree ordinance.

7. Financial Report:

- July, 2011

Chairwoman motions that the Planning Board Approve the Financial Report for July, 2011. Gary Jacobi seconds. All in favor. No opposed.

8. Minutes:

- July 6, 2011

Chairwoman motions that the Planning Board Approve the Minutes for July 6, 2011. Gary Jacobi

seconds. All in favor. No opposed.

9. Next Meetings:

- Work Session – August 24, 2011 - cancelled
- Regular Meeting – September 7, 2011

10. Resolution:

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