

North Salem Planning Board Minutes

January 4, 2012

7:30 PM – Annex

PRESENT: **Cynthia Curtis, Chairwoman**
Charlotte Harris, Board Member
Robert Tompkins, Board Member
William Agresta, AICP
Roland A. Baroni, Town Attorney

ABSENT: **Bernard Sweeney, Board Member**
Gary Jacobi, Board Member

ATTENDANTS:	Salem Hunt:	Bill Balter
		Scott Blakely
	Westchester Exceptional Children’s School:	John Caralyus
		Chris Caralyus
	Edmonds:	David Sessions
	NYSEG Peach Lake Substation:	Debra Drake
		Lewis Fitzgerald

Chairwoman Cynthia Curtis calls the January 4, 2012 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)

- Carryover of Public Hearing Regarding Site Development Plan Approval
- Carryover of Public Hearing Regarding Wetland Permit Approval

Cynthia states the Applicant is in the middle of Public Hearings for both Site Development Plan Approval and Wetland Permit Approval. Mr. Balter is here tonight for an informal discussion regarding the Project.

Mr. Balter states that they have decided to change the Project to be all affordable units. Mr. Balter shows a new Site Plan which has been overlaid on the old Site Plan. They are proposing to use the same entry road. There will be changes to the amount of parking being proposed. There will be less parking on the street. They are proposing to leave the physical infrastructure the same, with septic, sewage treatment plant, wells, and water tank. They are proposing fewer buildings, with two stories each with the exception of the building the caretaker will be in. Mr. Balter states they will make a submittal which will show a comparison of the currently proposed development as opposed to what they already have approval for.

Cynthia states this Project started out as a Site Plan, and then went to a Subdivision. There is a discussion about the Applicant abandoning or withdrawing the Subdivision, and making a submittal for Site Plan. Mr. Balter states the taxes will be substantially less than the fee simple development previously approved. Mr. Balter states they will work off the scoping document, and prepare amended findings.

Robert asks for a breakdown in regards to the units. Mr. Balter states they are proposing 20 one bedroom units, 40 two bedroom units, and 5 three bedroom units.

Mr. Balter states there will be a recreation building instead of a pool, as well as a small field.

Cynthia asks Roland whether the Board should continue to keep the Public Hearings open or request a withdrawal tonight. Roland states it may be done either way. There is a discussion in regards to sending out another Public Hearing Notice so the members of the public will know when the Hearings will reconvene, as well as printing a Notice in the newspaper due to the changes that are being proposed for the Project. There is a discussion about keeping the Public Hearings open for now. The Applicant will make an amended submittal. Mr. Balter states he understands the Board may not grant two approvals. At some point he will have to make a withdrawal.

PRE-APPLICATIONS:

2. Westchester Exceptional Children's School (WEC): Chris Caralyus (owner - WEC) Site Development Plan (location – 520 Rt. 22)

- Discussion of Proposed Pre-Application Regarding Site Plan and Chapter 189 – Fill

Cynthia states that Westchester Exceptional Children's School (WEC) is a pre-existing school that was taken over by a 501(c) (3). They have received ZBA approvals in the past. There is no Site Plan on file with the Town. They are now dealing with an area where fill had been placed on a steep slope over the course of approximately five years. A Fill Permit had been given by the Building Inspection. The Applicant did not receive a Chapter 189 Permit from the Planning Board.

Both John Caralyus and his son Chris Caralyus are with us tonight to represent WEC. Chris Caralyus states that the majority of the Site Plan prepared has come from the existing school. Chris Caralyus states they are proposing the addition of nine gravel parking spaces, a 24 x 48 foot greenhouse, and a backup electric generator along with an associated propane tank, and chain link fence for screening. Chris Caralyus states the fill has already been placed on the site. There is a discussion about the proposed final slope. Cynthia confirms the proposed position of the greenhouse, generator, and tank will require a variance. Chris Caralyus states there are several sheds on the property. They are in the process of adding the sheds to the Site Plan so everything will be up to date.

Roland inquires about the transaction that took place with the Town. John Caralyus states that Recreation asked if they could use some of the property, and a lease was signed. The Town Board had a discussion about canceling the lease as they are not interested in it any more. Cynthia believes Warren will get in touch with Roland about this. There is a discussion about the lease the school has in regards to the ball field and the possibility of it involving the other property.

John Caralyus states they are requesting this approval because they have started an agricultural program. They have a wonderful teacher, the granddaughter of Betty Fagan. John Caralyus states they have children attending the school from as far away as the Bronx and Brooklyn. The children are looking forward to growing their own vegetables such as tomatoes. John Caralyus states they will apply for a license to have a Farmers Market.

Cynthia refers to the photographs that were submitted of a greenhouse and asks whether this is definitely the unit being proposed. John Caralyus states yes. He states it will stay up all year round. John Caralyus states the approximate price for the green house is \$21,000. He states they are proposing a chain link fence around it.

Will asks how the location was decided. The playground area is discussed, as well as the visual impact from
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Route 22. The short end of the greenhouse is discussed.

Cynthia states she also went out and took pictures that were circulated to the Board. There is a 70% slope. The Code is 15%. Chris Caralyus brought a chart with him that shows the location of the school in relation to the slope. There is a discussion about a retaining wall. Chris Caralyus states that in order to bring the slope down, trees would have to be taken out. Robert states that the slope was steep before the fill. John Caralyus states the fill had been brought in between 2004 and 2009. The possibility of terracing is discussed. Chris Caralyus states that a wild flower seed mix had been used in the past. Chris Caralyus states the fill has been there since 2009. There is a discussion about the expense of terracing and retention walls. Robert states there is a lot of rock in that area. The material is not suitable for planting. Finishing the slope two on one or three on one is discussed so that it will not be necessary to take down any trees. Chris Caralyus states one of the main reasons they are here tonight is to discuss the slope. There is a discussion about it being a lot of work to mow. Will refers to the two on one slope and would like to know whether there will be gravel on it. Chris Caralyus talks about a manufactured product. Cynthia states the maximum space at the top is 10 or 15 feet before the slope.

Robert states he does not have a problem with the proposal. There is discussion about the Applicant coming back with a three on one proposal. Cynthia states we will have to see what the Town Engineer has to say. Roland asks whether this Board has the authority for an approval. Cynthia states the Planning Board has the right to waive. The Applicant will file Applications for Site Plan and Chapter 189. The Applicant will be sent over to the ZBA after SEQR is complete. The Applicant will make a submittal which will be circulated for lead agency, and be referred to the ZBA. Chris Caralyus states that they had requested a Waiver of the Public Hearing in their Pre-Application letter.

REGULAR MEETING:

- 3. Edmonds:** Dave Sessions (owner – Matt Edmonds)
Lot Line (location – 107 & 141 Baxter Road)
- Consider Draft Resolution

Cynthia states the Board should be familiar with this property as they had a Pre-Application discussion about it.

Mr. Sessions states that Lot 7, consists of approximately 25.49 acres located at 107 Baxter Road. Lot 10 consists of approximately 26.30 acres located at 141 Baxter Road. The proposal is for Lot 7 to increase from 25.89 to 37.19 acres, and Lot 10 to decrease from 26.30 to 15.00 acres. Both lots would continue to be accessed via the existing private drives from Baxter Road and would be served by the existing individual subsurface sewage treatment systems and wells. Mr. Sessions states that a pool has been removed. There is a discussion about the Conservation Easement that exists with the North Salem Open Land Foundation on both parcels. Cynthia states the Easement has specific building envelopes. Cynthia states that what is shown on the Plan is not creating a situation that does not meet today's zoning. The Board talks about this proposal being straight forward. Mr. Sessions refers to the Conservation Easement and states it follows the property line. Will has a suggestion for a Note to be put on the Plat in regards to the Conservation Easement, as well as the liber and page information. Cynthia will make a modification to the Draft Resolution to add in language regarding the addition of the Note. Mr. Sessions states they submitted a Lot Line Plan, not a Plat. There is a discussion about Condition 3 in the Draft Resolution. Mr. Sessions states that if the lots were created before 1938 the Health Department had no jurisdiction. The Lot Line that had been done when Jonathan Rose owned the property is discussed. Cynthia will revise Condition 3.

Cynthia confirms the Board has no further questions. Mr. Sessions has no further questions.

Robert Tompkins motions that the Planning Board Adopt the Draft Resolution Regarding Acceptance of Boundary Adjustment for Property Located on Baxter Road for Baxter Road and Baxter Road II, LLC as Modified. Charlotte Harris seconds. All in favor. No opposed.

**4. NYSEG Peach Lake Substation: Debra Drake (owner – NYSEG)
Site Development Plan (location – 823 Peach Lake Road)**

- Completeness of Application, Overview of Process of Both Site Plan and Special Permit, Including Setting of Public Hearings, and Report to the Town Board

Cynthia states the Town Board did acknowledge receipt of the Special Use Permit Petition at their Meeting last night and made a referral to the Planning Board and Planning Consultant. Cynthia states the Town Board is in favor of having a Common Public Hearing.

Debra Drake is here tonight to represent the Applicant. She passes out a Site Plan for the Board to see, and states she may accompany this update to the original Plan that had been submitted. There is a discussion about the SEQR process. Roland confirms with Will that this will be a Type 2 action. The Board talks about the process being straight forward. There is a discussion about the review memo from MDRA dated January 3rd. There is a discussion in regards to the scale size. It is determined that 40 will be fine. Cynthia states it will be helpful to have a location map on the Site Plan. The 100 foot buffer is discussed. Will shows Ms. Drake the buffer area he is referring to. There is discussion about the buffer area being labeled as approximate. Cynthia states that spot elevations will be required for the construction drawings. Ms. Drake states that no as-builts were required in 1961 when the substation was built. It is their opinion that they are enhancing the substation. There is a discussion about the Common Public Hearing. Ms. Drake plans to meet the February 15th deadline date in order to make a submittal for the March 7th Meeting. She confirms she will submit additional text, as well as a revised Site Plan. Cynthia talks about also including details in regards to screening.

5. Financial Report:

- December, 2011

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

6. Next Meetings:

- Work Session – January 18, 2012
- Regular Meeting – February 1, 2012

7. Appointments:

- Planning Board Deputy Chairman – Robert Tompkins
- Planning Board Secretary – Dawn Onufrik
- Planning Board Consultants – Matthew D. Rudikoff Associates, Inc.
- Planning Board Consulting Engineer – Hahn Engineering

Chairwoman motions that the Planning Board Re-appoint Robert Tompkins as Planning Board Deputy

Chairman for a Period of one Year. Charlotte Harris seconds. All in favor. No opposed.

Chairwoman motions that the Planning Board Re-appoint Dawn Onufrik as Planning Board Secretary for a Period of one Year. Charlotte Harris seconds. All in favor. No opposed.

Chairwoman motions that the Planning Board Re-appoint Matthew D. Rudikoff Associates, Inc. as Planning Consultant for a Period of one Year. Charlotte Harris seconds. All in favor. No opposed.

Chairwoman motions that the Planning Board Re-appoint Hahn Engineering as Engineering Consultant for a Period of one Year. Charlotte Harris seconds. All in favor. No opposed.

8. Comments from the Chair:

Cynthia states she had an inquiry from someone wanting to subdivide on less than eight acres. The individual thought that they would be able to go to the Zoning Board of Appeals (ZBA) in order to apply for a variance. Roland confirms that the individual would be able to apply for a variance.

Cynthia states that a package was submitted just before Christmas from Tim Allen in regards to the Peach Lake Commons Site Plan Project. Cynthia states that their Permit from the Department of Transportation (DOT) expired, and they also owe fees. Cynthia states that Mr. Allen never asked for Site Plan extensions. There is discussion about them starting over. Cynthia states they had two minor items outstanding from their Resolution of Approval. There is discussion about the Applicant filing a new Application, to incorporate all prior proceedings. The Peach Lake Pump House is on the Peach Lake Commons property. There is discussion about requesting Mr. Allen to take off the septic from the Site Plan and show a connection to the sewer plant. Will thought that Mr. Allen may have already shown a connection on the Plans.

There is a discussion about the possibility of canceling the January 18th Work Session.

9. Resolution:

Chairwoman motions to adjourn the Planning Board Meeting. Charlotte Harris seconds. All in favor. No opposed.