

definition for “household” and changed the use of the word “family”. Will states a lot of the information highlighted in olive green are not changes, but have been included for context. Will refers to the current Code and states that throughout the Draft the words “moderate-income housing” are being changed to “affordable fair housing”. Will refers to Page 12 and states the majority of the revisions will begin with the Affordable Fair Housing Regulations starting on this page. Will states there are some existing units that came under this ordinance that were regulated under the Housing Board. We are not going to require them to meet this revised Code. Will states a discussion with Roland needs to take place to determine how those units would be grandfathered in. Cynthia states we are talking about the five homeownership units. The rental units will convert as they come up for renewal. Cynthia states the rental units follow the income level of the County, not Town, so there will not be a drastic change for them.

Cynthia states that one of the goals tonight would be for us to develop a list of questions for Roland. Cynthia states this process will take two or three Meetings to get through. We will go through the Draft tonight, and get our questions together for Roland, who will be at our next Meeting. We may also have questions for the County.

Will states the first section under the regulations talks about the Town Housing Board and their responsibilities. We had to amend those a little bit to fit in with the revisions that the Town Board had asked for. That all had to do with the fact that the preferences were taken out, and the units will be marketed under the affirmative marketing plan. We edited the responsibilities and that is why there are so many deletions because the preferences and lottery system will no longer be part of the process. Will states again that editing has been done to change moderate income to affordable fair housing. Will states that in addition to the items the Town Board has directed the Planning Board to look at, the areas we should also talk about are in regards to the slight differences in floor areas, the number of bedrooms, and the occupancy of those bedroom units in the existing Code versus the County Code. The Planning Board should consider whether or not they want to suggest any changes. Will refers to Pages 14 and 15 and states the Town Code lists one, two and three bedroom units. The County Code also provides for efficiency units, as well as four bedroom units. With regards to their sizes, the County has a different way of calculating the size. The Town Code has a straight minimum floor width calculation. Will refers to the maximum persons in the unit, and states the minimums are the same, but one more person is allowed in the County Code versus the Town Code.

Will refers to the income eligibility section on Page 15 and states he will fill in that language which will reference area median income (AMI) and (HUD) calculations.

Will refers to the affirmative marketing section on Page 16 and talks about making a separation for the ownership units versus rental units and states the entity that will hold them will be different over the course of their life. It talks about a 10 lot subdivision which would be an ownership situation for a single-family, as opposed to a multi-family situation which may differ from a fee-simple versus affordable housing, such as what we are seeing with Salem Hunt which is now proposed to be rental units. Will states that if there is a developer, at the initial stage, the developer would be responsible for the bulk of the work on the affirmative marketing program, not the Housing Board. The Housing Board would have more of an oversight roll to make sure the developer is doing what is needed and following the rules. There will be checks and balances at the end because the Town has to make sure the rules are being followed. Will states that at some point the developer will be out of the picture, and there may be a Homeowners Association Agreement (HOA). It would fall on the individual owner or Housing Board if there is no developer or HOA. Will states the rentals will be handled in a similar way, beginning with the developer at the initial stage, and then going to the primary owner of the overall development. Will states that in the case of Salem Hunt/Bridleside, the process Bill Balter has talked about with the Board is that his Company would own and maintain it. They would maintain the process and be responsible for the affirmative marketing for the affordable units that come up for the rentals. Will states the Housing Board would be checking to make sure everything is done right, and will

have the final say on what the rent will be based on the calculations in the Code. Cynthia states that one of the reasons we didn't rush to complete this section has to do with the whole idea of shifting some the marketing responsibilities to the HOA's. Cynthia states the Board should speak with Roland about this section and see what other towns do. Cynthia states this will be on our list of the questions for Roland.

Will states the preference and lottery sections were in the existing Code. All of that will have to come out and the sections will be re-numbered. Will talks about renewals and confirming eligibility, listed on Page 18.

Will states his overview is complete and asks Cynthia whether he should go over the Draft section by section. Cynthia states yes. The Board goes back to Page 1 and discusses the definitions. Gary asks what period of time the income is determined over. Cynthia states the list is published every year. Gary asks if the information comes from the County standards. Cynthia states the County does the publishing, but they wait for HUD to put the numbers out. Gary asks if it should be specified in the Draft that this is in accordance with the County. Cynthia states we listed HUD in case the County doesn't publish one year. Gary asks if there is a wealth test. He asks if someone may be a millionaire and be eligible. Cynthia states it all falls under the definition HUD has for determining income. It is the same as our definition. Gary would like to know if there is a test for wealth. Cynthia will put it on her list of questions for the County. Gary refers to a single person occupying a unit who gets married, and is then above the income limit when the spouses income is added in, and asks whether they would have to move out. Will states that in a rental situation, it would come up during renewal. They would have to include the extra income. If the combined income no longer made them eligible, the way we have drafted the document so far, the longest they would be able to stay past their term would be four months. Gary states he did not see this language in the Draft. Will states it is listed on Page 18, (B) and (C).

Gary would like to know what the definition of a family is and states we may want to include it in the Draft. Cynthia brought it with her tonight and states when we put it in the Code it was the Town Attorney who researched and wrote the definition. She is not sure whether it needs to be revisited, and has it on her list for Roland. Cynthia states the definition is "Any number of individuals living together and doing their cooking as a single housekeeping unit on the premises as distinguished from a group occupying a boarding room, boarding house, hotel or motel". Gary states it could be four single guys. Cynthia states yes, it can be, if they are sharing one kitchen. Gary states the definition seems awfully loose. Cynthia states that a lot of case law was thrown at us when we were writing it the first time back in 1987. Maybe Roland could revisit it. There is a discussion in reference to family as being related, as well as people cooking together. Will states the individuals would have to live together and it would still be considered a single housekeeping center with one kitchen. It would be no different than college students renting a house. Cynthia states people who occupy a group home are considered a family.

Cynthia states the Engineer has arrived for the Seven Springs Farm Pre-Application discussion and asks whether the Board would like to pause on this discussion for now and let the Engineer give his presentation. The Board agrees.

PRE-APPLICATIONS:

- 2. Seven Springs Farm: Jeffrey Contelmo** (owner – Seven Springs Farm I, LLC)
Site Development Plan (location – 537 Route 22)

- Discussion of Proposed Pre-Application

Cynthia states that this is a Pre-Application on a Project by the name of Seven Springs Farm. Cynthia states that Jeffrey Contelmo is here tonight from Insite Engineering. Cynthia states that Ken Kearney from Kearney Realty Group is also here tonight. Cynthia asks for the project team to be introduced.

Mr. Kearney states he is the President and Founder of the Kearney Realty Group, his son Sean is here with him, as well as Jeff Contelmo, Project Engineer, and Tom McGraff who is part of the project team as well. Mr. Kearney states he has been developing affordable housing throughout the Hudson Valley for the last 20 years. Mr. Kearney states he lives in Putnam County. Mr. Kearney states he has done two large projects in Northern Westchester. Ten years ago we completed an 80-unit project in Yorktown, NY over near Shrub Oak. The project was very well received. About three months ago we recently completed a project in Somers, NY, over at Baldwin Place. There is a Stop & Shop in the shopping center. In Somers there are 72 units, plus an additional unit for an onsite superintendent. They are all one-bedroom units for seniors. We completed that recently, and it was built with the assistance of Westchester County funding.

Mr. Kearney states they are here tonight to talk about their proposal on the Seven Springs Farm property. Mr. Kearney refers to the Project as intergenerational. We are proposing 84 one-bedroom senior apartments. Mr. Kearney refers to the Site Plan and states all the senior units are located towards the top of the Map. In addition, we are proposing 18 town homes, comprised of 12 two-bedroom units and 6 three-bedroom units. The one-bedroom units are almost the exact same units as we built in Somers. They are very similar to the units we built ten years ago in Yorktown. We built 100 units in Red Hook, and 50 in Poughkeepsie. We are closing on a deal to build another 72 units in Poughkeepsie. Mr. Kearney states the one-bedroom units are always evolving and we tend to get a little better with each project. Mr. Kearney states they have received input from a lot of boards, and boards have done site visits at our properties where they have requested changes which we have incorporated. Mr. Kearney states all of the senior units are equipped with a nurses call cord. There is a central monitoring station that monitors both the bathrooms and the bedrooms. Mr. Kearney states that God forbid if there is an accident, a resident would pull the cord, and emergency responders would come. Mr. Kearney states that they develop and own the complex. Mr. Kearney states the Kearney Group is in it for the long-term. We now have a second generation in the business and hopefully there will be a third generation. We construct it ourselves. We have our own construction company. We develop and we manage.

Mr. Kearney refers to rental situations and states their primary funding is through tax credits. In this case there would be a combination of tax credits and bonds. Mr. Kearney states that every year they have to recertify people. Mr. Kearney talks about income levels going up as long as they do not go above 130% of their median income. In the case where there are two seniors with a median income of approximately \$54,000, it could probably go up to about \$115,000 to \$120,000 before they would have to leave, as long as the increase doesn't happen in the first year. Mr. Kearney states the residents have to be income eligible for the first year they occupy the unit. Mr. Kearney states that they do not want to discourage people who have an increase in their income, but if it goes above 130% it becomes an issue. Gary asks if that means it isn't an issue anymore after the second year. Mr. Kearney states it continues to be an issue, and we recertify each year. Mr. Kearney states they will be using a 15-year tax credit program. We receive tax credits for the first 10 years. From the years 10 to 15 there is another 5-year compliance period. We are finishing up year 10 in Yorktown and there will be another 5-year compliance period. Mr. Kearney used County funds in Yorktown for that project to remain affordable for 50 years. Gary would like to know the source of the credits and asks if it is Federal money. Mr. Kearney states yes, it is. Mr. Kearney states in Somers they have formed a limited partnership with TD Bank. We can't sell the tax credits. The tax credits flow to TD Bank and the depreciation goes to them by virtue of a limited partnership. We are responsible and put up the guarantees for the construction, project completion, and the fact that it is going to be run and managed properly. We are inspected by three or four different agencies on an annual basis. We have a great reputation throughout the Hudson Valley. Mr. Kearney invites the Board to call any places where they have and continue to work. We have built our business by word of mouth and recognition. We are very proud of our work and what we do.

Referring to the Seven Springs Project, Mr. Kearney states the site is very unique. It has the availability for

municipal water and there is an onsite sewage treatment plant which has the capacity for this Project. Mr. Kearney turns the floor over to Jeff Contelmo so he may go over the specifics of the engineering.

Mr. Contelmo states the Board may be somewhat familiar with this property, as discussions have taken place over the years. There is a little over 35 acres of land located on Route 22 adjacent to the Waterview Nursing Home Facility, which is on two separate parcels. Mr. Contelmo states their 35 acres encompasses a higher area that is primarily vacant adjacent to the wastewater treatment plant. There is also a house and office complex in this area. Mr. Contelmo refers to their Plan and states they have established wetland corridors going through the central portion of the larger parcel as well as control zones. We have identified steep slopes greater than 20% highlighted on the Plan in grey. Mr. Contelmo states the proposal is for 102 units of affordable housing. Our proposal is to gain access off an existing driveway which leads to the nursing home. That access will provide us with the best grade alignment. Mr. Contelmo states the existing driveway is just too steep and would require significant work. Mr. Contelmo states that once we come into the property we are proposing to develop in four different pads. The seniors will be located at the top where we have a plateau area. Along the way back down we have two areas to develop for the family units. One will have 12 town homes, and the other will have 6 town homes. There is an area down lower where there is an existing house. We are proposing to add onto the house and it will be utilized as a superintendents unit, as well as a senior center which would also be used by the Town. We had early discussions with the Town and were told that the need exists. Mr. Contelmo states that there will be 18 town homes, in addition to 84 apartment style units which will be located in three buildings.

Mr. Contelmo states that they have developed a roadway that will maximize the grade on the driveway at 10%. We looked at early studies that were done where the grade had been pushed up towards 15%. We took a lot of time to study the road and make it a 10% grade.

Mr. Contelmo states they are adjacent to municipal water lines which feed down into the nursing home area. We will take our water services off of that. We will be included in the sewage treatment system that already exists.

Mr. Contelmo states that in addition to the Site Development Plan approval that is required, there are some other approvals that will be needed. We are in some wetland buffers, primarily with our entrance into the property. Mr. Contelmo states they will need a Wetlands Permit for several activities. Mr. Contelmo states that, as they interpret the Code, they will also need a Special Use Permit. It is our interpretation in the Code that the senior units are permitted as of right, and that the family units will require a Special Use Permit from the Town Board. We are also seeking Subdivision Approval. Mr. Kearney has a proposal to acquire approximately 27 acres of the 35 or 30 plus acres. Approximately half of an acre will be carved out for the sewage treatment plant. About 10 acres in the rear will be reserved to be used by the current owner of the property.

Mr. Contelmo states that one of the planning points they had considered was to have emergency access for both our facility and the nursing home facility. We had reviewed minutes from a few of the previous proposals for this property and have taken into consideration the concerns of the Board. Mr. Contelmo states there is a driveway or traveled way that extends all the way up into the property where an old tank and well are located. We are proposing to connect to that as a possible driveway so that both facilities may be accessed from the other side if necessary for emergencies. Cynthia states that will require a lot of disturbance, and there is a long way to go. Mr. Contelmo shows on the Plan where there would be a little disturbance and states the other roadway already exists. Cynthia asks Mr. Contelmo what already exists. Mr. Contelmo states there is an overgrown driveway. Mr. Contelmo states that improvements will have to be made. Cynthia asks to see the Map showing the steep slopes. Cynthia states that slopes will have to be cut through over 25%. Cynthia asks Mr. Contelmo if he believes the cut is already there. Mr. Contelmo states yes, if you look

closely at the map, there is a passable travel way.

Cynthia would like to know why the sewage treatment plant was only given a half acre and asks what would happen if something else were required in the future. Cynthia states that seems like a small amount of land for a large plant. Mr. Contelmo shows the zone line on the Map which shows where the current property comes around the parcel. Mr. Contelmo states that there is not a lot of usable land. Mr. Contelmo points out the wetlands, steep slopes and parking lot on the Plan. Cynthia asks where the access will be for service vehicles. Mr. Contelmo states there are two ways to get to the sewage treatment plant; one way would be through a parking lot, and the second would be through the existing driveway. Cynthia asks how the Applicant is proposing access in the future. Mr. Contelmo states they are proposing to leave the existing access through the parking lot and provide a very small connection off of our road to get to the plant.

Cynthia states that the 10 acres up at the top used to be part of the nursing home facility. There had been a boundary adjustment that shifted it. A situation was created and now the Applicant is proposing to cut it off and make it an island unto itself with no frontage to speak of and no access. Cynthia does not understand why this is being proposed. Cynthia states the Board has to look at the potential development of that area and how it would be accessed as part of this Application. Cynthia states that under SEQR the Board would have to go through all of that study. Cynthia states why not make it open space, or recreation for all of the families that are going to be there. Cynthia states that having one little recreation hall does not provide a lot of recreation for the proposed 102 families. Mr. Contelmo states that the recreation center will be open to the Town for public use. Mr. Contelmo states there will be existing recreation for seniors in the buildings. Cynthia states she is referring to recreation outside and asks whether there is a proposal for anything outside. Mr. Contelmo states they have not developed any type of program outside. Mr. Contelmo refers to his past experience on projects with Mr. Kearney and states they have provided benches and gazebos for the seniors which is the extent of what they want outside. Mr. Contelmo states that they have provided for outdoor basketball with projects that are primarily proposed for families. The project we are proposing tonight does not have that family density. Cynthia states that the first objective under subdivision, when it comes to recreation, is to look for suitable land, and take the land as recreation. Cynthia states the Board will look closely at that.

Cynthia states that she does not understand the reasoning behind the subdivision and is nervous about the proposed access and states the Board would have to go out for a site visit.

Cynthia would like the Board to see visuals and states this site is very visible for people driving up I-684 and Route 22. Cynthia states that the Applicant has proposed to keep the number of buildings down, but she does not have a sense of the height, or the potential visual impacts. Cynthia would like to know what the building in the back will look like and asks whether they are one story, two story, or three story. Mr. Kearney states they are two story buildings. Mr. Contelmo shows the Plan where two buildings will be built into a hill, such that when walking in from the parking lot, there will be the option to go down a level or up a level. We call it a 2 ½ story building. Mr. Contelmo states the town homes are two story flats. Mr. Kearney states the senior buildings are similar with 2 ½ stories in the rear. The space into the hill will be used for our onsite management office. We are proposing at least one if not two large community rooms. We will also have television rooms where the seniors may congregate. Every apartment will have a deck with a patio door and ornamental railings. Cynthia asks whether the decks would be overlooking I-684 or into the central court yard. Mr. Kearney states there will be decks on both sides. Cynthia refers to the rendition and asks if this is what the upper level would look like, and whether the lower level would be seen one more level down. Mr. Kearney states this rendition shows the front of all three of the buildings. Cynthia confirms it will look like three stories. Robert states that on the topographical map the elevation is different from the top senior building that we are talking about now, and the roadway, and asks what the differential is. Mr. Contelmo states that I-684 is at an approximate elevation of 270, and the first floor of the units are at an approximate elevation of 440. Cynthia states we are going to be looking at a lot of buildings and would like to know how

they may be screened and softened. Mr. Contelmo states they will look at the natural screening. Mr. Contelmo states they had done a grading study to understand the grades and make sure they will work. We also looked at the stormwater. We have shown the contours and limited disturbance. Mr. Contelmo refers to the upper pad and talks about the substantial vegetation that will not be touched. Mr. Contelmo states there is a natural swath. Mr. Contelmo states the reality is that people will have to look way up to see it. Mr. Contelmo states that the natural tendency for drivers is to look out at a level line, plus or minus.

Cynthia refers to outside lighting and states it is important for the lighting to be kept at a minimum. Mr. Contelmo states there will be a balance of lighting. They currently use dark sky initiatives which direct the light where they want it to be. Mr. Contelmo states there is a very important safety aspect to lighting which is the other side of the coin. We don't want to under light it, and we don't want to over light it. Mr. Contelmo states there will be common parking lots. It is their opinion that those lots should be lit to the industry standards. Cynthia states she does not want to hear industry standards. Cynthia states that the Board may consider visiting some of the other projects that the Applicant has completed. Mr. Kearney agrees. Mr. Contelmo states they understand the concerns of the Board. Mr. Contelmo talks about another project his firm is working on where the Plans showed dark spots in the parking lot that created a problem in regards to security and safety. In that instance, he advised his firm to revise the Plans. Cynthia talks about low bollards. Mr. Contelmo states that low bollards work in certain applications. Mr. Contelmo talks about using a mix of the right products and states they do not necessarily have to be high and bright.

Will refers to the surface parking creating more of a problem in regards to lighting. Mr. Contelmo talks about surface parking, as opposed to parking inside, and states that parking inside cannot be done on an affordable project.

Cynthia asks the Board whether they have any general comments on the layout and approach. Cynthia states that some members of the Board have seen two or three proposals during the last decade for this property. Bernard would like to know what is being proposed for parking. Mr. Contelmo states they are proposing outdoor parking for each building, and the recreation center building will have approximately 20 parking spaces. In front of each group of six town homes there will be approximately 10 to 12 parking spaces. Up at the top, we are proposing to have approximately 100 parking spaces for the senior units. Mr. Contelmo refers to the Code requirements and states they did ask for relief with respect to parking. Mr. Kearney has had experience with similar projects for seniors and has determined that he will not need the amount of spaces that the Code would like to see. Mr. Contelmo states that from their perspective, they do not want to create the disturbance for additional impervious surface that will also need to be lit, if it will be vacant. Cynthia asks if the Plan distinguishes between resident parking and visitor parking. Mr. Kearney states he tries to stay away from assigned parking. Seniors sometimes have a lot of time on their hands, and assigned parking has caused issues. Instead, they work on having everyone get along. Mr. Kearney refers to the development in Yorktown and states they have 80 units, with 80 parking spots. They have never reached 80 cars. Now that it is ten years later, the seniors are aging, and the children have taken the keys away from Mom or Dad. Cynthia asks whether the development in Yorktown has public transportation. Mr. Kearney states that the development in Yorktown does have a bus. He is not sure how much they use it. Cynthia asks whether Mr. Kearney is providing any bus service for these residents. Mr. Kearney states no. They envision using the senior services that the Town of North Salem has with the Town of Somers. Mr. Kearney states that in Yorktown we see more people getting Meals on Wheels during the day as opposed to taking public transportation. Cynthia is not sure whether the senior bus is still running.

Mr. Kearney states that there was a preliminary discussion with the Town about an onsite senior center. Mr. Kearney states they can build a 2,000 or 2,500 square foot building for the Town. Mr. Kearney talks about not having the wage requirements that the Town does. Mr. Kearney talks about donating the building to the Town, or give them a 99 year lease. In addition to the onsite senior center, if the seniors choose to not mingle

with all the other seniors they will have use of a community room in their building. Mr. Kearney talks about the Board visiting the development in Somers to see what they have done there. Mr. Kearney states the tax credit law requires the community room to have a certain amount of square footage, and they go above that. A building qualifies as having a community room when there is a kitchenette and two bathrooms. In another building we have a room that we called a reading room. Mr. Kearney states that a lot of the seniors were taking their chairs and sitting outside the elevator so they could see who is coming. We now have a television room for the seniors to utilize. Mr. Kearney states he is looking forward to incorporating the Town's senior needs into his Plan. He hopes that some of the questions and concerns the Board may have will be answered as the concept evolves.

Cynthia states she is trying to relate the parking in terms of the experience in other communities, and whether they may have more public transportation available. Mr. Kearney refers to the development in Red Hook and states they have 98 units, and 72 parking spaces. Mr. Kearney states it was a little tight for the first couple of years. Will asks where the development is in Red Hook. Mr. Kearney states they are in the Village.

Cynthia would like a description of the interior for the senior housing. Mr. Kearney shows on the Plan where the front entrance is located. Mr. Kearney states there is an elevator and open staircase to the second floor. The television room may be situated towards the back of the building. We build the one-bedroom units in quads. We will have 12 units on the first floor and 12 units on the second floor. When walking into the building there will be 6 units to the left, and 6 units to the right. There will be an elevator for transportation to the upstairs. Every one of our complexes has an onsite superintendent. Referring to the development in Yorktown, we have an onsite manager who is also there Monday through Friday. Mr. Kearney talks about the developments in Somers and Yorktown and states they are very proud of them. He states that in Yorktown they used vinyl siding. The development in Somers has Hardiplank siding, and beautiful porcelain tile. Mr. Kearney states his son does all the buying. The Somers development has an oak staircase. People have said it looks like a hotel and it does. If you didn't know that these were affordable rentals, you wouldn't know by walking inside. Cynthia asks whether the development in Somers is all seniors. Mr. Kearney states yes Somers is all seniors. Another 120 or 140 town homes are proposed to go in there and 15 to 20% are earmarked to be affordable. Cynthia is interested in knowing the amount of parking spaces for the senior one-bedroom development. Mr. Kearney believes they did one and one. Mr. Contelmo refers to a development in Poughkeepsie which is intergenerational and states that would be a good comparison. Mr. Kearney states the development in Poughkeepsie has a one three-story building. Twenty four of the forty eight units are town house style. Mr. Kearney states they wouldn't anticipate using vinyl siding for the proposal they are discussing tonight. We have incorporated some stone at other developments, but are not proposing stone here at this time. Mr. Kearney states that what he has found in this business of developing affordable housing is that there are a lot of questions and a lot of unknowns. It is similar to buying a used car. Mr. Kearney invites the Board to visit their developments. They stand on their reputation. It is not an easy business. In this business there are funding sources, and timing windows. With this project we anticipate using some Westchester County money. We have had preliminary discussions with them to see what level of participation they would have. Under the current agreement that the County is working under there are a limited number of senior units that can be built, and there are timeframes for when those senior units would have to be built. We are trying to work within that timing window so that these senior units would count towards Westchester's affordable housing goals. Cynthia asks whether the non-senior units will count. Mr. Kearney states yes, the non-senior units will count. Mr. Kearney states he believes the settlement called for 750 units, and 187 senior units.

Cynthia refers to the Site Plan in regards to the roads and states this is a private road, with an easement over the neighbor's driveway coming in. Cynthia asks what the finished width of the neighbor's driveway is. Mr. Contelmo states the road width varies from 20 to 35 feet, and the entrance goes out onto a State Highway. Cynthia asks what the grade would be for someone coming downhill from one of the nursing homes to the

point where this development would be in order to come out and make a left hand turn. Mr. Contelmo states the grade through the initial run of what would be the common portion of the driveway would be 10 to 12%. Our road would be a maximum of 10%. Cynthia refers to the bend and states she is concerned because people will be coming down trying to make a left hand turn. Mr. Contelmo states that they are going to have their traffic consultant look at it. Mr. Contelmo talks about having the appropriate stopping controls in place. Cynthia asks if the people coming down from the nursing home will be stopped. Mr. Contelmo states we could stop them coming down, and stop us coming down. Mr. Contelmo states this Project will be a low traffic generator. Mr. Contelmo recognizes a traffic engineering study should be done.

Cynthia states that at some point the Board will go out and do a field trip and asks if it is obvious where the road/driveway is. Mr. Contelmo states yes and shows where a parking lot exists. Mr. Contelmo states they would like to walk the property with the Board. Cynthia asks Mr. Contelmo what the size of the rest of their road will be. Mr. Contelmo states it is 24 foot wide. Cynthia asks if that includes the shoulders. Mr. Contelmo states there will be two twelve foot travel lanes. Cynthia asks about the access to the ten acres. Mr. Contelmo states there will be a 12 foot wide gravel connection for emergency access. Cynthia states they are trying to do a subdivision, so what are they going to show on that property. Mr. Contelmo states they are proposing not to show anything. Cynthia states that in order to do a subdivision something has to be shown. Mr. Contelmo states they will show the Board what they want to see. Cynthia states a park. Mr. Contelmo states he needs to have a conversation with the owner. Cynthia does not believe the Board may let the Applicant draw the line unless they have a full understanding of how that piece might be used and whether it could even be serviced with a driveway. There is discussion about not having more than a couple lots. If someone thinks they may be able to get more than two or three lots there, the Board would have to see a road now in order to see the potential impacts. It can't just be shown as an emergency access and expect it to become a subdivision. Cynthia states that because it is landlocked, she would think that under SEQR the Board would want to see the full development potential to that, or an alternative to it. Mr. Contelmo states that they do not have a problem providing the SEQR information.

Mr. Contelmo refers to the process in regards to their involvement with this Board. Mr. Contelmo confirms they would need to go before the Town Board for the Special Use Permit. Cynthia states the Applications will run concurrently. Cynthia asks Will to provide an explanation of how a Site Plan, Special Permit, and Subdivision would all run concurrently. Will states they may run concurrently and the SEQR will be handled in the beginning. Will states this Projects looks right for coordination. Will states that the SEQR aspects will take the lead. Will states that as far as the overall process for the Special Permit, they may run concurrently, but the Special Permit would have to be issued before the Planning Board may finish their approval process. Will states that will be based on the SEQR. Mr. Contelmo states his experience has been to get the Plan to a point with the Planning Board in order to receive a referral. Mr. Contelmo asks whether the Planning Board typically acts as Lead Agency under SEQR. Cynthia states, in her opinion, the Planning Board would declare themselves Lead Agency for this proposal.

Cynthia asks Will whether he has any other questions. He does not.

Bernard would like to know the definition for a senior. Mr. Kearney states 55 and older. Bernard states that means there could be a good number of automobiles. Bernard states there is a lot of traffic already on Route 22. Will asks whether the 55 and older age restriction would pertain to everyone. Mr. Kearney states no, not for the town homes. There is a discussion about people having grandchildren that live with them. Mr. Kearney refers to Somers and states it was set up as 62 and older. It could also be set up where 85% of the project is 55 and older. This can be set up as 55 and older where 100% of it would be 55 and older. Will asks whether having the town homes on the same property could cause a problem. Mr. Kearney states they have done two intergenerational projects in the past. The criteria is to have separate community rooms and separate management offices. Mr. Kearney states in this case there is more of a physical separation than had been done

with the other two projects.

Robert refers to the engineering for the road and states he has seen a number of these projects in the past. Robert states the grading on this Plan is the best he has seen so far. It is a tough piece of land.

Mr. Contelmo refers to the 10% grade and states they just finished a project in Carmel behind Shoprite on Route 52. The Board may be interested in visiting that site if they want to get a feel for what that grade is like.

Will refers to the length of the road, and stormwater required and asks whether that will chew up quite a bit of the budget. Mr. Kearney states yes. There is a significant amount of infrastructure. Mr. Contelmo states that one of the advantages of this parcel is the availability to central water and sewer. Without that availability there would be a lot more money spent to establish new systems on the site. The road may cost more, but having the utilities available are an advantage. Mr. Kearney states that for the development in Red Hook he had to have a sewage treatment plant built. Mr. Kearney states that the sewage treatment plant in Red Hook was his first one and his last one. Mr. Kearney states they are blessed that the owner worked with NYCDEP and upgraded the current plant, as it is state of the art. Cynthia mentioned before that the water aspects will be an interesting item to study. We do not know what the full capacity is for both quantity and quality of water. Cynthia states she has information in her office for Mr. Contelmo to look at, the records go up through 2005. Cynthia mentions VRI is the name of the Company that works for the Town, or we may check with the Supervisor to inquire whether additional improvements or work have been done.

Will refers to fire protection and asks what would be proposed. Mr. Kearney states the senior buildings will each have a sprinkler system. The town homes fall under the single family building code. Cynthia asks whether there is usually a separate tank, or whether it is run right off the well. Mr. Contelmo states that assuming the municipal system has the volume and pumping capacity, we would not introduce additional pumping or storage. Mr. Contelmo states that is a study we will get into. Cynthia states that at some point when a meeting is held with the Fire Commissioners, they may ask for onsite storage. Will talks about hydrants being installed. Mr. Contelmo talks about an old concrete tank that is on the site and states maybe that could be utilized. Mr. Contelmo states their proposal would be to have hydrants.

Cynthia states that before the Applicant starts spending money pulling together the Application and Plans, the Board may be interested in doing a Site Walk. Cynthia talks about the Board walking the centerline of the road to get a sense of where the property is located. Cynthia states she knows this property was chosen because the lay of the land. Cynthia states the Board may come up with ideas and considerations after walking the property. Cynthia states this should happen before the Applicant is well into the process. Cynthia asks whether it would be possible to have the centerline marked, or have someone available to walk through the property with the Board. Mr. Contelmo confirms yes. He states it is a little overgrown. There is a discussion about the overgrown trail. Cynthia states the Board will not need to walk the whole road. They would like to get a sense of what is there. The Board and Applicant decide to meet at the site on Saturday, February 18th at 9:00 a.m. They will go up the main driveway to the first parking lot on the left and meet there.

Mr. Kearney states they appreciate the time the Board has taken with them tonight.

Continuation of Discussion on Chapter 250 Regarding Affordable Housing Criteria:

Cynthia asks the Board if there are any sections they would like to concentrate on, or would they like to continue reviewing the Draft section by section. Cynthia states she would like to develop a list of questions for Roland.

Robert refers to the definitions for family and household in regards to the case law that created the change and states he would like the Board to obtain an opinion from Roland. Cynthia states she didn't check to see whether the County has a definition of a household. Will asks Cynthia to read the definition of family again, as it may not be much different than the definition of household. We are not eliminating the definition of family. Cynthia reads the definition of family as "Any number of individuals living together and doing their cooking as a single housekeeping unit on the premises as distinguished from a group occupying a boarding room, boarding house, hotel, or motel". Will states the definition of household is really the same. Will reads the definition of household as "A person or group of people occupying a single dwelling unit, comprising a family". They really are exactly the same. It is helpful to have the language. Robert states it is the word "comprising" that makes him feel uncomfortable.

Will refers to Bridleside and states we may want to speak with Roland in regards to the all affordable development. Will states that the moderate income housing rents that have a rewrite for affordable housing with the County, didn't envision all affordable developments, they envisioned 20%. Robert refers to the number and asks what our responsibility is. Cynthia states there is no number. Warren has told her several times that there is no longer a number. Cynthia states she was disturbed to see that, for whatever reason, the Rutgers' Report is still there on the County website. Cynthia states that every time she has spoken with Ed Burroughs, it has been her understanding that they are not giving us a number. They are avoiding the question. The only item they are focused on is getting the 750 done. Cynthia states that at the end of the 750 delivery, there may be another study. She doesn't think it is going to go away, and it maybe reassessed. Will thought there was a figure of 750 and a figure of 187. Cynthia confirms that of the 750 only a certain percentage may be affordable. Charlotte states there is also a time limit. Will states the amount is half of what the County is looking for. Cynthia states it might mean is that there will not be as much funding from the County. Charlotte asks whether the County definition is 55 and over as opposed to 62. Cynthia believes so. Cynthia states that is our definition under the zoning districts. Robert states he thought that children of a younger spouse could not be prohibited, and refers to Heritage Hills. Cynthia states that is different. There are different levels of seniors. Cynthia talks about having a true senior development for ages 62, or 55 and over, as having one set of rules. Cynthia believes that for 55 and over, children under 19 may be prohibited. The difference is it has not been tested yet. There is no case law. Cynthia refers to the Highgate/Woodlands Project which is proposed to be 55 and older. Cynthia refers to a development in New Jersey and states that units were not being sold, and people petitioned the Town to change it, because of the market. Cynthia states that in Somers, they tried to keep children out, but they didn't do it under the 62 or 55 and older rules. Cynthia states the Board will have to speak with Roland about this. Cynthia refers to Highgate/Woodlands and there were discussions about have the Homeowners Association be the enforcer. Will states that once an allowance is made, it opens the door.

Bernard asks whether we are defining the difference between affordable housing and affordable fair housing. Will states that affordable fair housing is what we are calling it, which is a response to the County Settlement. Cynthia talks about what income rules are being applied to and states that we are eliminating our income rules on the for sale section and we are using the County's numbers. Bernard would like to know what the Board's responsibilities are. Cynthia states from a number standpoint we don't know. In regards to eliminating preferences and reducing the Town income levels, that is something the Town Board wants to do to comply with the County Settlement. Cynthia states the Board should speak with Roland at the next Meeting. Robert asks whether the Board may condition items in the absence of a quantifiable number in order to be flexible. Will states it is important to remember that this is controlled by the zoning. Cynthia states she cannot envision North Salem going in the other direction by stating that no more than 20% of developments may be affordable. The Town would stand out like a sore thumb. There is a discussion about the fire districts. Bernard states the Town is being overrun here. It seems as if there are no limitations, we are going down the wrong road. Cynthia states that we only have three sites zoned for high density. Bernard states that is today. Bernard looks at this as a loss of freedom to home rule. Bernard refers to affordable housing and affordable

fair housing and states he doesn't want to see the word fair. The Board talks about taking the word fair out. Bernard would like to see it taken out throughout the Draft. Will states he is not advocating to keep the word fair in, and states the only reason it is there is to show the County is putting its foot forward. Will states it will not change the Code by taking it out. Robert talks about taking it out, and putting it in an index for HUD standards. The Board agrees to take out the word fair.

Cynthia refers to Pages 14 and 15 where the areas are highlighted in yellow and talks about leaving the Code alone where it lists one, two, and three bedroom units, or whether the Board should consider adding in efficiency. Cynthia would not like to see a fourth bedroom added and states that adding efficiency apartments could be beneficial. Cynthia talks about having prior discussions about and being in favor of efficiencies, and talks about apartments above stores that could be efficiency apartments. Cynthia doubts that someone like Ken Kearny, the Applicant for the Seven Springs Project would build one bedroom efficiency apartments for seniors, as he isn't proposing it now. Cynthia talks with the Board about opening this door or leaving things the way they are. There is discussion about the column referring to the number of people allowed. Charlotte and Cynthia like that column. Gary talks about changing it because the language refers to "the time of purchase or rent" and states that the day after the purchase, or rental more people could move in. The Board talks about taking out that language. Bernard asks what would happen if a couple has a baby. Gary asks what size apartment they would have. Bernard states one bedroom. Charlotte states that only two people are allowed in a one bedroom apartment. Gary states that under the County Maximum, they are allowed three people. Gary would like to switch to the County Maximum and take out the wording "at the time of purchase or rent". Robert asks why switch to the County Maximum. Gary states it is entirely possible for a couple living in a one bedroom apartment to have a baby. Cynthia talks about them then applying for a two bedroom. Gary states he does not want them to have to leave. Cynthia states there would be a reassessment done at the end of the two year lease. Gary still does not want to ask them to leave. Charlotte asks if Gary would agree that people would have to leave if their income goes up. Gary states yes. Bernard agrees in regards to incomes going up, and states that children are a different story. Gary asks Charlotte if she would want people to stay if their income goes up. Charlotte states that income levels and the amount of people living in the apartments should be reassessed at the end of the two year period. Will talks about two people who have a child, their income level would go up, and their family number would go up. There is a discussion about reassessing income levels and children. Cynthia confirms the Board agrees in taking out the language "at the time of purchase or rent". Gary asks what will be put in. Cynthia states nothing. It will read "The following schedule of occupancy shall apply to affordable housing units". Gary states that is fine. In regards to the number of people, Cynthia asks the Board whether they would like to switch to the County's numbers. Gary states he would like to. Robert asks what the impact will be on the school at approximately \$28,000 per child. Gary states it will either be neutral or add children. Robert does not agree with switching to the County's numbers. Gary asks whether Robert would want to ask people to leave if they have a child. Robert is talking about the three bedroom apartments where seven people are allowed. Cynthia states that if someone has a baby, she would like to see them move into an apartment that makes more sense. Gary states what if there isn't a two bedroom apartment available. Cynthia states that we are talking about the entire County. Gary states that we may not want to force someone to move from North Salem to Yonkers. Bernard states that if we put a maximum of three, what will happen if someone has twins. The rest of the Board states they would not want to switch to the County Maximum numbers. Cynthia asks the Board whether they would like efficiency apartments added. The Board states it does not matter to them. Efficiency apartments will be added. Will states that in regards to efficiency, we need to add in a floor area. There is discussion about the County number being 450 square feet. Will states there is also another minimum based on 80% of the proposed market rate. Cynthia likes having a flat number. Will states the Board might want to make it 500 square feet. Accessory apartments are discussed at being a minimum floor area of 300 square feet with a maximum not to exceed 750 square feet or 25% of the habitable space of a main dwelling. The Board agrees with 450 square feet.

Cynthia asks Will if there is anything else we need direction from the Board on. Will states the Board may want to look at Page 18 in regards to renewals. Cynthia states the County had all kinds of suggestions on renewals. Will also added in language that Cynthia thought made sense. Cynthia reads B on Page 18 where it states that “At the time of renewal, a tenant shall resubmit all financial information required by the Housing Board to determine continued income eligibility”. After that sentence, Will added “As long as the tenant remains eligible and has complied with the terms of the lease, said tenant shall be offered renewal of the lease for a term of no more than two years each. Renewal of a lease shall be subject to the terms and conditions of the original lease”. Gary would like to know what is meant by “financial information”. Would that be income, tax returns, or a W2 Form? Cynthia states that is a good point. It would be whatever information was issued in the first place. Will states that should be revisited. Cynthia reads the guidelines and states she will pull the definitions. Gary would like to know what needs to be submitted. Cynthia states that if someone owned their own home that they were selling in order to apply, a certain percentage of that home sale has to be considered income. Gary states that 250-132 refers to ownership of individual units. It does not refer to the ownership of a complex. Cynthia states that is mentioned on Page 18, 250-134B. Gary states that refers to maintenance. Will states that 250-134 covers everybody. Gary states it doesn’t in his opinion. He is not talking about the individual units, he is talking about these complexes, such as what Bill Balter is proposing, and states it should be a corporation. Gary talks about corporation being domiciled in New York State. Cynthia states that this document refers to ownership when an individual household buys a unit. Rentals are where an individual rents. This document does not speak specifically to the owner of a complex. Will refers to language 250-132 on Page 18. Will states the language may be changed from “may” to “shall”. Gary states that if it is a corporation, he would like it to be a corporation that is domiciled in New York State. Cynthia states that would be a question for Roland. There is a discussion about State or County money being provided. Gary talks about lawsuits and states that if it involves a Delaware Corporation, it is a much more difficult process. Cynthia asks why we would be suing. Gary states it someone is not maintaining the complex properly. Will states that is an enforcement issue. Cynthia cannot think of a situation where we would sue. Gary asks what happens if the complex is not maintained. What do we do? Cynthia states the Court fines them. Bernard states what if they walk away. Gary states we should somewhat better define the limitations on the corporate ownership. Cynthia will ask Roland if that is possible. There is discussion about foreign corporations. Cynthia states there was a developer who came in front of this Board who had a foreign corporation. Cynthia states that she does not believe that a foreign corporation owning property may not apply for development in our Town. Will confirms Gary would like it to be a New York State entity. Gary states yes, a New York State Corporate entity. Gary states it could also be an LLC. There is discussion about having a clause in case the corporation files for bankruptcy. Gary states we only have language in regards to individual ownership. Will states that is a good point, and talks about adding in a separate section. Gary is worried about not having protections if a corporation files for bankruptcy. Will asks what type of protection should there be. Will states that someone who is not income eligible cannot be taxed. A corporation owns a complex. They do not have income eligibility, because they are renting to individuals who are income eligible. Gary states it is a question worth raising. Do we need or warrant any protections in the event the corporation ceases to exist. Will states it is a good question, and he thought we talked about this with Bill Balter, as far as what happens if he disappears. There is discussion about having a separate section, if it is appropriate.

Gary refers to 250-133 on Page 19 and states that we have language in regards to the resale of individual units, do we want any limitations or discussions on the resale of a rental complex. An example would be if Bridleside gets sold from Bill Balter to someone else. Gary asks whether we have any say on the resale of a rental complex. Will states the requirements of the program would still stay because there will be a restriction on the property on file that runs with the property. Will states that once it is approved at the Planning Board level, the legal instruments would also have to be approved. There is a discussion about changes in funding. Cynthia will list this as one of the questions for Roland. Cynthia states she believes that under the contract with the County and or the State, there would be language in regards to an obligation for the full length of the 50 year contract. Will talks about this being an eligibility issue. Cynthia states there is also maintenance and

upkeep. Cynthia believes there has to be a commitment for 50 years. Gary states he is asking if there are any restrictions that may be put on the sale of the units and states his question is fairly straight forward. Cynthia talks about the possibility of adding in language which states that “a new owner will be subject to all the same terms, restrictions, and conditions as the original owner”. Gary states it may be that simple.

Gary refers to 250-134 on Page 19 and does not understand why the Housing Board has to approve emergency repairs. Will states this language is from the existing Code. There is discussion about a landlord who does not make the necessary repairs. Cynthia refers to the second sentence in 250-134A, and talks about there being an understanding that if someone were to put in more valuable materials, they cannot expect that the value of their property will go up. The value of the property is locked into a certain percentage. Gary asks if that also applies to the owner of the rental units, because that is not the way it reads. In regards to emergencies, Cynthia states the Building Inspector is listed. Gary states what if it is a broken pipe on a Sunday. Cynthia states work may be done over the weekend without a wall being closed up so the Building Inspector may go take a look. Gary is fine with the intent, but states that is not the way it reads. Will does not believe any structural repairs may be done without a permit. Cynthia states we are stressing over something that has already been approved by attorneys and the Building Inspector. Robert states it is more relevant when there is a deadbeat landlord, such as when tenants do not have heat. It gives the Town a little more enforcement power. Gary refers to 250-134B on Page 19 and asks if that also applies to rental units. Cynthia states that is a good question. Cynthia states that would be a good question for Roland, as far as whether the owner of a rental complex may make a profit on a resale. The original condition is discussed.

Gary refers to 250-136 on Page 22 and asks if an owner disagrees with the Town Board does he take the Town to court, or would it go to mandatory arbitration. Cynthia states she believes we already had a case that went to the Town Board. Gary states this is all pertaining to fair housing. Cynthia states this is a Chapter in our Code. It still is part of our Code with all of our rules. We are discussing three or four parts of that chapter. Cynthia states she will add this to the list of questions for Roland.

Cynthia talks about having a conference call with Roland and Will in order to try and obtain Roland’s initial response to our questions so that for the next Meeting, the Board may look at a revised Draft as Roland will be attending the March 7th Meeting.

3. Next Meetings:

- Regular Meeting – March 7, 2012
- Work Session – March 21, 2012

4. Comments from the Chair:

There is a discussion on site inspections and Cynthia states she is not sure why MDRA has not been attending them with the Board. Cynthia refers to the McCarthy site inspection and states she believes that Will should have attended. As long as the Board agrees, Cynthia would like to ask Will to attend the two site inspections they already went on. Will also thought that it would be helpful for the Board to provide a quick summary of their site inspection(s) at the next available Meeting. Cynthia states the engineers always go out on their own site inspections.

5. Resolution:

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