



Cynthia confirms the Board is ready to move forward.

**Gary Jacobi motions that the Planning Board Approve the Draft Resolution of Acceptance of Boundary Line Adjustment for The Auburn Group, LLC and Robert S. and Kathleen Tompkins, as Amended. Charlotte Harris seconds. All in favor. No opposed.**

**2. Continental/Fogle: Robert Fogle** (contract vendee – Robert Fogle)  
**Subdivision** (location – 6 Brookside Lane)

- Consider Draft Resolution for Conditional Waiver of Jurisdiction

Cynthia states that Robert Fogle is with us tonight. Cynthia states he is the new owner of Lot No. 3. Cynthia asks Mr. Fogle if he is the official owner. Mr. Fogle states he is the contract vendee. Cynthia states the letter she received represented that Mr. Fogle is the owner. Cynthia asks Mr. Fogle if he has seen the Draft Resolution. Mr. Fogle states yes. Mr. Fogle states he has his Plan with him. Cynthia states she will pull out the Plan she has as it is in color. Cynthia states the only item Mr. Fogle is in front of this Board for is the little wetland disturbance area. Cynthia refers to another area on the Plan and states Mr. Fogle needs to speak with the Building Department about that. Cynthia states the wetlands area is outside the area of disturbance. Cynthia states we are only talking about Lot No. 3. Cynthia states the only reason Mr. Fogle is in front of us is because there is a Note on the Plat which states if there is any disturbance in the wetlands, the Applicant has to come back to the Planning Board. Cynthia states she is suggesting, with the Draft Resolution, that the Board waives their jurisdiction, and let the Wetlands Inspector and Buildings Inspector handle it. Mr. Fogle asks if Bruce is the Wetlands Inspector. Cynthia states that Bruce is the official who signs the documents. Cynthia states that Joe Bridges is the Wetlands Inspector, and he can only make recommendations. An employee has to sign off. Cynthia confirms with Mr. Fogle that he is going to bring all of the grades back, as best as he can, back to pre-disturbance condition. Cynthia confirms with Mr. Fogle that he is going to introduce plantings, not trees on the slope. Cynthia confirms with Mr. Fogle that trees will be planted towards the bottom. Cynthia states that Mr. Fogle should recognize, as he goes through the Wetland Permit process with the Wetlands Inspector and Building Inspector, that they may ask for some adjustments in the plantings that are being recommended. Cynthia states she has tried to establish that the Board concurs it is not necessary to plant tall trees on the slope. The trees should be planted at the bottom of the slope. Cynthia states that adjustments may be needed in order to stabilize the slope. There may be recommendations from the Wetlands Inspector in regards to different plantings which Mr. Fogle would need to be conducive to so long as they are not over the top. Cynthia asks the Board whether they generally agree with this approach. The Board confirms they agree.

Cynthia refers to Page 2 of the Draft Resolution, and states the Planning Board shall waive its jurisdictional requirements subject to the five items listed at the bottom of the Page. Cynthia refers to No. 3 and states she will change the language so as to add in “review and recommendation of the Town of North Salem Wetland Inspector and approval of the Building Inspector”. The Board discusses No. 4 in regards to the guarantee for the plantings. Cynthia confirms Mr. Fogle will be transplanting the large trees. Mr. Fogle would prefer not to have a three year guarantee for the trees he is transplanting. Mr. Fogle states those trees are in an area that technically could be clear cut. Mr. Fogle states that he was going to take nice trees out of the septic area and transplant them. Cynthia states the idea is that there will be trees at the bottom of the slope. Mr. Fogle states that those trees are separate, they will be purchased, and will not be transplanted. Cynthia states those are the trees she is talking about. Mr. Fogle refers to the Plan and states that anything planted behind the house or on the slope will be purchased, not transplanted. Cynthia asks whether nurseries guarantee their plants. The Board has a discussion about guarantees and does not believe nurseries provide a three-year guarantee. Cynthia refers to four trees on the Plan. Mr. Fogle refers to the left of the house site and states those are the

trees he had been talking about. Cynthia states that is not an area the Board is reviewing. Cynthia states that Mr. Fogle should speak with the Building Inspector about that area. Mr. Fogle confirms that will not be a problem. Cynthia talks with the Board in regards to the guarantee. Gary states if the question is whether we want a three-year guarantee, the answer would be yes, we would love to have that. Cynthia believes that is what the Board has done on other Applications. Bernard states it is a little bit too much. Bernard states one year would be appropriate. Charlotte agrees. Cynthia states this is the condition of the Board. The Building Inspector may have a different opinion for his portion of review. Cynthia will revise the Draft Resolution to reflect a one-year guarantee.

**Gary Jacobi motions that the Planning Board Approve the Draft Resolution of Conditional Waiver of Jurisdiction in Regards to Continental Building Company Subdivision Lot 3 at Brookside Lane for Robert Fogle, as Amended. Charlotte seconds. All in favor. No opposed.**

After the motion, Cynthia confirms with Mr. Fogle that the bank still owns the property. Mr. Fogle states he has been in contract with the bank for over two months without a closing date. Charlotte states the bank originally didn't want to split up the lots. Mr. Fogle states they are not, it is a package deal. Someone else is buying the other property. That may be another reason the process is taking so long. Mr. Fogle states that according to all the contracts, the closing should take place by June 16<sup>th</sup>. Mr. Fogle asks if there is a problem applying for a Wetlands Permit if he is still contract vendee. Cynthia states that would be a question for Bruce, but she doesn't think there would be a problem. Cynthia states that as far as she knows, contract vendees may apply for permits. It is the actual work that may not be done. Cynthia states that letters of authorization from the owner need to be submitted.

### **3. Next Meetings:**

- Regular Meeting – June 13, 2012 (rescheduled from June 6<sup>th</sup>)
- Work Session – June 20, 2012 (may be cancelled)

### **4. Comments from the Chair:**

Cynthia states the Board has to decide the date of their next Meeting. Cynthia states that Will can accommodate us and be here on June 13<sup>th</sup> if he reschedules something else. Cynthia talks with the Board about only having one meeting in June and asks them whether they would prefer June 13<sup>th</sup> or June 20<sup>th</sup>. Charlotte states she would prefer June 13<sup>th</sup>. Cynthia states that two new Applications were submitted today; the Commons at Purdys, the former Seven Springs Farm, as well as The School House Theatre. Robert asks what The School House Theatre would like to do. Cynthia states The School House Theatre is coming before us for a Site Plan. Cynthia refers to the parking and states she is not sure whether she forwarded all of the Zoning Board of Appeals (ZBA) Use Permits which allow the theatre, and parking on site to the Board. Gary states he has attended plays there and parking is a problem. Cynthia states she hopes the parking has been reorganized. The Board confirms they would like to stay with the June 13<sup>th</sup> Meeting date.

Cynthia states if the Board is interested in all the work done in regards to the Affordable Housing Amendments, there will be a discussion at the Town Board Work Session next Tuesday. Cynthia states the Meeting may be viewed at home on a computer. Cynthia states that Will be attending the Meeting and make a presentation to the Town Board. Gary asks whether they are expecting a big crowd. Cynthia states this is not the Public Hearing, it will be discussed during the Work Session portion of the Agenda.

Robert asks if there have been any discussions about what is going to happen with Lakeland Lumber. Cynthia states the owner is trying to do something and he has been talking with people. Jack Gress asks if that is a non-conforming use. Cynthia states yes. Mr. Gress asks whether the owner has six months. Cynthia states

the owner has a year.

Cynthia states the telephone company may be moving out too, so a lot of things may be changing.

**5. Resolution:**

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