

addition, but it will allow reconfiguration and circulation into and out of the theatre within the building. Mr. Nixon states that increasing the amount of the occupancy will increase the number of seats in the theatre, which brings them to parking. Mr. Nixon refers to the current parking and states there are no stripes. Mr. Nixon states there currently are 33 spaces, and they would like to increase the parking to 44 spaces. Mr. Nixon refers to the Memo from the Planning Consultant and states he agrees with the issues. Mr. Nixon states that this Use is permitted by way of a Use Variance. This Use is not otherwise addressed anywhere within the Zoning Ordinance, or anywhere within the Town. There are no other theatres, nor provisions for theatres. Mr. Nixon states they are in a residential R1/2 Zone. Mr. Nixon states he is proposing to use the zoning criteria of a church. Mr. Nixon states that a church would be allowed in this Zone. Mr. Nixon states that similar to a church, we have a variety of operations that happen within the building that do not happen all at once. Mr. Nixon states that the building does not typically reach the maximum occupancy, it only happens occasionally, during theatre performances, and does not happen every day. Mr. Nixon states he has based his proposal in terms of what is needed. Mr. Nixon states that most of what they need, they don't have, such as area, and side setbacks. Mr. Nixon states the property is on a corner lot, with two front yards. Mr. Nixon shows where the setbacks are located. Mr. Nixon states the rear yard setback is in compliance. Mr. Nixon states this is non-conforming. The addition is entirely in the front yard. Mr. Nixon states they are proposing to expand the parking area. Mr. Nixon states they will have additional paved area which will not meet any of the setback requirements. Mr. Nixon refers to the parking criteria for a church and states it would be one space per five seats, or one space per 200 square feet. Mr. Nixon states that based on the 200 square foot criteria, they would need 44 spaces, which is what they are proposing. Mr. Nixon states again that rarely would the entire building be occupied. Mr. Nixon asks whether there are any questions.

Gary states that when the theatre has a full house, he knows that parking is tight, but it does seem to suffice. In other words everyone does get into the theatre in time for the performances. Gary asks whether 44 spaces would be a stretch. Mr. Nixon states no, because they are proposing to increase the seating by approximately 30. Gary confirms there will be approximately 100 seats. Gary states that an average car may bring in 2 1/2 people, that would be 40 spots. Will states there are other people at the theatre too, such as workers, and performers. Gary states the Board always tries to minimize blacktop. Gary states he is in favor of the improvements. Cynthia states this is a residential neighborhood. In the past, when the theatre had proposed changes, the residents didn't want to see the parking overflow onto the street. Cynthia states that will become an issue if there is not sufficient parking. Cynthia states she attended a function at Christmas time and people did end up parking on the street. Cynthia states the Board has a responsibility to do the best they can to make sure that parking does not take place on the street, whether it is on the Site or valet parking. Cynthia states the Site is close to Croton Falls, where there is parking, and states that people may be shuttled up if there is an overflow issue.

Robert refers to the proposed retention wall location and asks if that is where the proposed expansion to the building will be. Mr. Nixon shows the dotted line on the Plan which shows the edge of the existing pavement. Robert asks how far into the bank the cut will be. Mr. Nixon states it goes back at least 12 feet. Robert confirms the proposal is to expand the paved area by 12 feet across the backside. Mr. Nixon states it is at least 12 feet. Cynthia asks whether there are any trees in that area. Mr. Nixon states there are no trees, just bushes. Gary asks if the area is level, or will there be the need to move a lot of dirt. Mr. Nixon states they will need to move a few feet of dirt. Cynthia asks whether the dirt will be moved to the front. Mr. Nixon states yes. He is not certain of the exact calculation yet. Mr. Nixon states they are also proposing to have a new retaining wall in the front. Mr. Nixon states they will be cutting and backfilling in the front. Will asks how steep the front slope is. Mr. Nixon states it starts out kind of steep. Gary asks whether parking spots will be added in the front. Mr. Nixon states yes. Gary confirms there are no spots there now. Mr. Nixon states that people do park up against the building. Mr. Nixon shows an area on the Plan where he would like to add four spaces in the front. Will asks Mr. Nixon whether the septic tank is located in the yard area. Mr. Nixon shows an area on the Plan where he believes the tank is located. He will confirm the exact location. Will states that once the

septic tank location is confirmed, it may be possible to bring the front part further out so as to have perpendicular spaces instead of parallel spaces. Will states the septic and grade are very important aspects. Gary asks how many spots will be added in front. Mr. Nixon confirms four spaces. Cynthia states that a few spaces may be added along the building. Cynthia asks if there may be a little bit of green on the front stairway side. Jan Asong talks about adding bushes and hedges in the grass area on the other side of the driveway.

Cynthia asks where the handicapped parking will be. Mr. Nixon states in the back. There will be a ramp.

Gary asks when the work is proposed to begin. Mr. Nixon refers to the exterior work and states he does not believe they will make this season. Mr. Nixon states he would like to be able to start on the interior work this year. Gary asks when the addition will begin. Mr. Nixon states he would like the work to begin this year.

Cynthia states she didn't send this over to the Town Engineer because she wanted to see how the Board would react. Cynthia states in general, the Town Engineer will have an issue in regards to the dimensions that Will pointed out in his Memo. Cynthia asks Mr. Nixon whether there is any offsite alternative parking that may be considered. Mr. Nixon states there have been discussions about offsite parking, such as a shuttle. There have been discussions with Tom Christopher. Mr. Nixon states that workers may be able to utilize a shuttle. Mr. Nixon states that the public would rather drive in and park. Robert refers to the Metro North lot across from the Presbyterian Church at the bottom of the hill. Cynthia states there is a Town lot on Route 22 that Mr. & Mrs. Christopher lease from the Town. That lot is used for commuter parking and it is generally not used on the weekends. Cynthia states there is a possibility of shuttling employees and performers. Cynthia states we do not want to create a situation where people are trying to park out on the street, especially during the winter. Cynthia states that signs are up during the winter and people will receive tickets.

Robert talks about the Applicant receiving non-conforming status, as well as the Board obtaining input from Roland. Will states he spoke with Roland and Roland confirmed he is fine with the Use Variance being the Use. It is not a Non-conforming Use. Will states there is an issue regarding clarification on what bulk standards should be used. Cynthia asks if the Board is deciding on the bulk standards, and whether that will trigger a Conditional Use Permit? Will states it depends on the Use that is chosen. Will states there is no real path towards a Church Use, even though he understands the logic, and agrees with it. Will states there is nothing in the Code which states someone may pick that Use. Will states that Roland thought it might be more appropriate than a museum or a gallery. Will states that both are very similar. Will states that a Gallery Use would provide more of a path. Will states that this situation existed in 2000, and the ZBA didn't look at it. Cynthia states they were not focused on it. Will states it would negate the Use Variance. Will talks about the existing conditions and states they are pretty non-conforming to those standards and the add-on is not that much bigger. Cynthia states the issue for the Board is that the proposed Plan will trigger a lot of variances. The Board has to decide whether it is appropriate for them to make a favorable recommendation to the ZBA. Cynthia states the Board has to be mindful that this is a residential neighborhood and the parking has been pushed into the yard which is not permitted. Cynthia refers to the Site and does not think it is an issue when looking at the lay of the land. Cynthia states that no one will miss that yard space. Cynthia talks about the area towards the back that Robert referred to in regards to the addition of bushes. Cynthia states that there are woods over towards the other side. Robert states that is someone's back yard. Cynthia refers to the front in regards to the proposed brick wall and states it will complement the building. Mr. Nixon shows where a retaining wall will be located and states the materials need to be finalized. There is a discussion about matching up the brick. Cynthia talks about the Applicant finding ways to improve the front once they clarify the septic location.

Will refers to the dimensions of the travel lanes and states the way they are currently being utilized is not safe, even though he knows that it works, and it is being done. Cynthia states the Applicant has to have a Plan the Board may approve. Pamela Moller Kareman asks for clarification in regards to the way they are utilizing the

front Lot. Will states the Lot is being utilized in a way that was not approved in the 1980's. There was no parking allowed in the front. It was just a driveway. Will states the parking that takes place now and the dimensions of the travel lane do not meet any standards.

Robert states that he does not believe any of the neighbors, given the alternative, want to see the theatre program go away. Ms. Moller Kareman states she appreciates that. She is the Artistic Director and has worked with Lee Pope for many years. Ms. Moller Kareman states she is thrilled with the Plan for the improvements. Ms. Moller Kareman states that most, if not all of the improvements will be for the artists that work at the theatre, as well as the community. We want the theatre to be more comfortable and beautiful. Ms. Moller Kareman refers to the off-site parking and states it may work wonderfully for the people who work at the theatre. Much of our audience is from Heritage Hills, and people from the community. Ms. Moller Kareman voices a concern about the budget and states the onsite parking should work, especially with the utilization of the yard space. Ms. Moller Kareman states that very rarely do they fill the house. Ms. Moller Kareman states this is a very ambitious and exciting Plan for us. We do not anticipate using all of the spaces all of the time. We only have approximately four shows a year. We would like to work with the space we have on-site as much as possible. Will refers to the spaces in the front as far as trying to make them perpendicular in order to have eight or nine spaces. Will talks about alternatives to paving materials. Cynthia asks Mr. Nixon if he is comfortable that he has left sufficient space for the removal of snow during the winter. Cynthia refers to the corner in the front and asks whether it will be planed. Mr. Nixon states he had anticipated planting so there would not be as much pavement. Cynthia suggests not having the bushes too large. There is a discussion about the retaining wall. Mr. Nixon states he will take the snow removal into consideration.

Cynthia speaks with Will about the SEQR process and asks whether the Board should start SEQR separate from the ZBA. Cynthia states there are two items to work on. A response has to be given in regards to the engineering of the actual parking spaces so the Board may have a comfort level with agreeing that it is okay. The second item has to do with a referral to the ZBA for variances which cannot be fully identified until the parking spaces are identified. Will refers to the topographical information and confirms with Mr. Nixon that he should have that information this week which will provide a better understanding of the location of the septic. Will states that some of these issues might go away. Will asks Mr. Nixon to forward him the information before he does anything with it to see if they can come up with a layout that works. Cynthia asks Will to provide an idea in regards to the SEQR process. Will states there is language in the Code whereas a non-residential property, with 4,000 or less square feet would be a Type 2. Will states that when all of the pavement and addition are added up, the Applicant may be over by four square feet. Will refers to the building addition location and asks what is underneath. Ms. Asong states it is just a grass area. There is no pavement there. Will states that if that were pavement, we could have counted it. Will states the SEQR regulations are not totally clear on this. If it is determined that it may be a Type 2, SEQR would not have to be dealt with. Cynthia refers to the ZBA and states the Planning Board may not act until the ZBA has been heard from. Will states that once the topographical information has been obtained he will take a look at it, in addition to the Board. Will talks about the Applicant having a better idea about the valet parking. The variances will then be narrowed down. At that point, the Planning Board may make a recommendation to the ZBA. The Applicant would be on hold with the Planning Board while they go before the ZBA. The ZBA has to grant the variances in order for the Planning Board to approve the Site Plan. Without the approval of the variances, the Planning Board does not have the authority to approve the Site Plan.

Cynthia refers to the stormwater portion in regards to it going over to the Town Engineer for review. Will states that there will be the need for erosion control. Post-control is not needed.

Cynthia asks Mr. Nixon to describe the existing lighting and whether there are any proposed changes. Mr.

Nixon states they are not proposing any changes. The lighting that is there is located on the building. There are no pole lights. Mr. Nixon shows the lighting location on the Plan. Cynthia understands parking lots need to have a certain amount of lights for safety reasons. Cynthia would much rather see lower bollards rather than lights on buildings. Cynthia asks Mr. Nixon to provide a little more detail on the lights. Cynthia states she may drive by at night to see for herself. Cynthia states it should be confirmed whether the lights will be sufficient for safety reasons, in order for people to get to their parking spaces. If changes need to be made, this may be an opportunity to tone it down, or cap the lights to minimize them. Cynthia states the Board generally requests the lights be shut off a half hour after closing. Ms. Asong asks whether the Board will accept the lights that are on the building now. Cynthia states since the parking lot will be pushed out, it may be necessary for the lighting to change. Cynthia states there has to be a balance of safety, as well as a way to get people to their vehicles safely. Ms. Asong asks whether the Board will accept what is there now. Cynthia states probably, but she would like to see what is there now. There is discussion about the existing lighting on the building. Cynthia states the Board likes to see the lighting capped downward. Ms. Asong states there are spot lights there now. There is discussion about the handicapped parking area as far as lighting.

Mr. Nixon refers to the additional information he has to submit in regards to the topographical materials. Cynthia states that information may allow for modifications along the lines such as what Will has suggested the issues are. Cynthia states the topographical materials should be forwarded over to Will as soon as Mr. Nixon has them. Mr. Nixon asks whether they will come back before this Board or the ZBA once he has the topographical materials. Cynthia states he will come back to this Board.

Ms. Asong discusses the parking and the location of the retaining wall in regards to providing for angle parking and asks whether Will has suggested this for them to have additional parking spots. Will states no. He is suggesting this in order to eliminate some of the spots that are problematic, especially those along the very beginning of the driveway. Ms. Asong states it may be a financial hardship in order to have the retaining wall higher, and further down the hill. Will states the grade is a very big part of this as far as seeing the topographical materials. Cynthia suggests bringing the fill up prior to the construction of the retaining wall.

Ms. Pope states she has a question in regarding to the timing for all of this. They would like to have this work done as soon as possible. Ms. Pope asks about the Meeting dates in relation to providing alternative Plans to the Board. Cynthia states the next Meeting will probably be the second week in July. The Board is considering meeting on July 9th. Cynthia states she is not sure whether there will be a second Meeting in July. Cynthia states the Board usually meets the first Wednesday of the month, but it falls on July 4th. Ms. Pope asks if they have everything inline for the July Meeting, would that mean they would go to the ZBA after that, and then come back before this Board? Ms. Pope states it may be August before they receive an approval. Cynthia states the ZBA meets the second Thursday of the month, and their materials need to be in three weeks prior too. Ms. Asong states the submittal for the ZBA is one day prior to the next Planning Board Meeting. We would ask for permission to submit based on the Planning Board approval. There is a discussion about the need for clarification on all of the variances that may be needed. Cynthia states that in August, the Planning Board will be back to meeting on the first Wednesday. Mr. Nixon states if he is granted the variances at the ZBA Meeting, the deadline to submit for the July 9th Planning Board was yesterday. Dawn states today. Robert states if everything goes smoothly, the Applicant would be looking at September, not August. Ms. Asong confirms the Planning Board recommendation may come in August, but approvals may come in September. Will states the Planning Board is not permitted to issue an approval until the ZBA has acted and granted the variances. Without ZBA approval, the Planning Board has no authority to act. Will states that once the Applicant goes to the ZBA, and a Public Hearing is set, the Applicant is locked into their proposal. The Applicant cannot modify their proposal at the Public Hearing the way they can with the Planning Board. Cynthia states there is a possibility the Board may meet a second time in July. She is not sure whether that will help the Applicant.

Ms. Asong refers to the restroom renovations and asks whether they would be allowed to proceed. Cynthia states that there may be interior items that do not impact Site Plan. It would be necessary for the Applicant to speak with the Building Inspector about that. Cynthia states that a Meeting had been held with Bruce where items were identified. Mr. Nixon asks whether it is an issue for Site Plan approval if there is an open Building Permit. Will states as long as it is not dependent on the Site Plan items being proposed for the Planning Board to act on. Will states that changing the entrance is very different than renovating a bathroom. Ms. Asong confirms they could not change seating capacity.

Cynthia states the Board will try to accommodate the Applicant.

Ms. Pope states they have arranged their schedule so as not to have a main stage production until after the new year. There is a point where it will be a hardship to keep everything going. There is a lot of momentum after having a very successful season. We do need a timeframe that we can rely on. Gary states the Board will work with Ms. Pope to the best of their ability to move things along as quickly as possible, right now, the ball is in her court. The Board likes the project and the work done at the theatre.

Mr. Nixon refers to the Code in relation to the proper zoning chart. The Planning Board confirms they are comfortable with the church standards.

**2. The Commons at Purdys: Jeffrey Contelmo (owner – Seven Springs Farm I, LLC)
Site Dev. Plan, Subdivision, Wetlands Permit (location – 537 Rt. 22)**

- Consider Report From Planning Consultant
- Consider Overview From Town Engineer

Cynthia states that previously this Project had been on an Agenda for a Pre-Application discussion. At that point the Applicant was considering a split development, part senior and part non-senior. The Board went on a Site Inspection. We now have a modified Plan which is an all “senior” development which is all concentrated in one area on the Site as opposed to two areas that we saw in the Pre-Application materials. Cynthia states we have an overview regarding the submittal which has been reviewed by our Planner. We have a very rough overview from the Town Engineer. Cynthia states she didn’t want the Town Engineer to do a full Completeness Report because this Board has not had an opportunity to react to the revised Plan, and the Board may request basic changes before it goes for an intensive Completeness Report review. Cynthia states that MDRA has raised most of the issues that were identified. Cynthia states she believes the Board needs a clear definition of what the senior units are going to be identified as. In the very preliminary stages we heard 62 and older, and then at another point we heard 55 and older. Cynthia states she is not sure if there is a senior definition that has to be applied because of the Applicant’s funding opportunities, or if the Applicant is simply using the definition that is in the Town’s Zoning Code. Cynthia states we should start with questions such as; what is this housing, who is it zoned for, and what kind of occupancy we may expect.

Ken Kearney, President and Founder of the Kearney Realty Group is here tonight. Mr. Kearney states that the original proposal had 84 senior units and 18 town homes. We have now eliminated the town homes and now have 100% affordable senior units. There are 92 one-bedroom units and 16 two-bedroom units. All units are for seniors 55 and older. Cynthia asks Mr. Kearney if he is referring to 55 and older as it is defined in the Town Code. Mr. Kearney states that is correct. Cynthia states so that means that a family member by either blood or marriage may be younger than 55. Cynthia states it is not the same 55 and older definition that is being proposed at Highgate/Woodlands which is no children. The definition in our Code for this Zoning District would allow children. Mr. Kearney states the one-bedroom apartments do not lend themselves to children. Cynthia appreciates that, but states, by design, will this facility be considered as more assisted living, or dwellings. Mr. Kearney states this will be independent senior living. Cynthia asks whether the two-

bedroom units will be separated or blended in. Mr. Kearney states they will be blended in. Cynthia states we don't anticipate seeing a single mom or a couple with a child, but it is possible. Robert confirms these units will all be affordable rentals. Mr. Kearney states that contrary to the Town Code, nobody under the age of 18 may live here. Cynthia asks how we would do that. Mr. Kearney refers to the Federal Fair Housing Law. Cynthia states that is why she asked about other definitions. Mr. Kearney states that under the Federal Fair Housing Law, there may be exclusions based on age in a couple different instances. One would be if the entire project was 62 years of age and older, and another would be if the project were to be 55 and older with certain stipulations such as if 80% of the units are 55 and older. Mr. Kearney states he will double check it, but it is his belief that no one under the age of 18 would be allowed. Cynthia asks Mr. Kearney if he would be willing to have that stipulation for this development. Mr. Kearney states yes. Gary asks Mr. Kearney if that means he would kick a grandmother out whose granddaughter happened to move in with her? Mr. Kearney states the granddaughter cannot move in. Gary asks what if the granddaughter is already there. Mr. Kearney states it would be a violation of the lease. Mr. Kearney states the first step he would do is approach the grandmother to tell her she is in violation of her lease. Gary states Mr. Kearney didn't answer his question. Would he kick them out? Mr. Kearney states the answer is yes.

Cynthia states that a lot of the issues raised by Will concern how it is very tight and concentrated up there with the size of the buildings, the spacing, and the distances with the parking spaces. Cynthia states the Board would like to see where there is an opportunity to have a green separation which would make this more livable and enjoyable by the residents rather than just buildings and macadam. Cynthia states it looks like a massive concentration to her and asks whether there is any way to bring the proposal back to the way it was before with some of the development down below, and the rest up above so it may be opened up a bit. Cynthia asks where the open spaces and green opportunities are being proposed so people may walk around, picnic, or even sit outside. Cynthia states she isn't seeing any of that.

Jeffrey Contelmo of Insite Engineering states there is one provision of the Code which they would initially ask for a waiver from in regards to the parking area to the front of the building, for which the Code requires 25 feet. We tried to condense the development in accordance with other developments Mr. Kearney has done that have worked well, so as to limit disturbance and earth work. We have looked at what we would have to do to open it up to meet the 25 foot compliance. The short answer is that we can do that, but it would mean there would be more disturbance. It would be a shift that would involve the widening of a development pad to be approximately 30 feet wider. Mr. Contelmo refers to green space and states they have 27 acres, and their development pad on top is about 4. Mr. Contelmo states there are a lot of opportunities to establish a walking trail, or sitting areas. Mr. Contelmo states they haven't gotten that far in the process, but there are opportunities. Cynthia states, with all due respect, the Board has been on the property. They have seen how steep it is in the front and the back. When people come outside, they don't want to hike down or uphill to sit. She envisioned more of these opportunities right there near the building. Mr. Contelmo states they will look at that and believes there are opportunities for that around and in between the perimeters of the buildings. Mr. Contelmo states that people who are 55 and older may want to take a hike, so it would be an attractive amenity. Mr. Contelmo states that there are open areas down below. They may also open other areas up in and around the stormwater areas. Mr. Contelmo states they are looking at and believe they will get to something that is workable. Cynthia states it is her general position that a Plan should be presented that does not require any variances. There are 27 acres, which is a lot of land. To come in with a Plan that needs variances is like a self-dated situation. Cynthia states the Applicant should show the Board a Plan first that doesn't require variances, and what difficulties that might have in regards to greater disturbances or greater impacts. Mr. Contelmo states they have no problem doing that.

Robert asks what the basis for removing the town houses on the lower portion of the Site is, and could some of them be added in. Mr. Kearney states the town houses could be added back, and studied as an alternative as we go through the SEQR process. Mr. Kearney states it was their hope that when the property was rezoned, it

was envisioned as independent senior housing and assisted living. It was our hope that by changing the Project to 100% senior it would more comply with the zoning and not require a Special Use Permit as well as some of the findings that were done. Cynthia states she thinks the Town Board was happier when it was suggested all the units be for seniors too. Cynthia states it is an extra step to go through a Special Use Permit process. Robert states it would reduce the density up at the top of the hill. Cynthia states that is why she suggested bringing some of the buildings down lower, keep it for seniors, but go down to the same spot they were proposing before. Cynthia states she would like it to be opened up. Mr. Kearney states they will look at that. Mr. Kearney states that they have a couple of projects where they put together four buildings and a common area. It seems to work well. Some seniors stay in their own building. Some become friends with seniors in other buildings. We have found when the buildings are closer together, it is a better community. Mr. Kearney states they are a family-owned business. They build and manage the projects themselves.

Cynthia asks what is being shown for recreation. Will states it depends on the Use. Will states Mr. Kearney has answered the question that he is proposing independent living for seniors. Will states it seems that the Zone has not been reconciled, which indicates the desire to have this be a senior care community. Will asks Mr. Kearney what his opinion is in regards to the Zoning, because he is not proposing an assisted living facility. Mr. Kearney states his team consists of Jeff Contelmo from Insite Engineering, Bob Spolzino, and Tim Miller. Mr. Kearney states there were modifications and revisions to the Code prior to its adoption. Mr. Kearney talks about 120 independent units and 47 assisted units. There may be some ambiguity in the Code. Mr. Spolzino states that the Table of Uses lists three Uses. Mr. Spolzino refers to another Section of the Table and states theoretically it could be either one of those three. Cynthia states that is not the Section that describes how the bulk should be. Mr. Spolzino states he understands that. Mr. Spolzino talks about being consistent with what the purpose of the adoption to the zoning was at the time it was adopted, and the purpose it served in terms of the litigation that lead to this Zone. Mr. Spolzino states the only way to read it is that these Uses are permitted as of right. Will talks about looking at the framework of the Zoning Code, and the Supplemental Standard Section which is a more detailed Section, and the driving force. Will states this may be an issue for others to interpret, or for Roland to comment on. Will states he was not personally involved with the Zoning. Will states the way the language is written in the Section, as well as the name of the district, it seems pretty clear what the intention was.

Cynthia asks Mr. Kearney whether he has constructed any assisted living developments. Mr. Kearney states currently no. Mr. Kearney states that he and his son had an affordable assisted living proposal in Poughkeepsie, but couldn't get it to work. That project is currently an independent senior living development.

Will states that when these zonings occurred, there were other properties zoned for multi-family housing as opposed to this proposal which is a little different. Will states the properties are next to the nursing home. Will states there was a real reason to make it a separate Zone in a separate Name. Mr. Kearney states that back to the spirit of the Zoning change, he does not believe it was the intent to have an affordable continuing care facility. Mr. Kearney states there may be a couple out there. Mr. Kearney states that the language he read everywhere, such as findings, and drafts all talked about assisted living, or independent senior units. Mr. Kearney states that one section went so far as to actually put in the numbers 120 and 47. Mr. Kearney states they will share this information. Mr. Kearney states Will is correct that the other four types were multi-family. Mr. Kearney states that due to the proximity of the nursing homes that senior housing was envisioned. Mr. Kearney states he believes that multi-family is permitted with a Special Use Permit from the Town Board.

Cynthia states that during the Pre-Application stage it was mentioned about people coming to assist, such as during the day, that that there may be rooms for them. Cynthia asks whether that is out of the picture now because the SEQR mentioned only one employee. Mr. Kearney states they are not our employees. They are healthcare providers, such as home health aides. Mr. Kearney states that individual tenants access their

benefits. As the seniors age in place, the families may engage a home health aide. This person may come an hour or two a day, or some are there 24 hours a day, seven days a week. We are proposing to provide a lounge downstairs. We have found that when family comes to visit, and an aide is there, there is no place for them to go. Cynthia asked about this because she wants to understand the parking. Cynthia states that each person may decide to have an aide, so there would be a lot more people coming and going. Mr. Kearney refers to a project in Yorktown where they have 80 units, and 3 tenants have a home health aide. Mr. Kearney states when they started the project we provided for one space per person. We never went above 65, now we are below 45 cars. As the tenants age, the children seem to take the car keys away over the years. Cynthia asks whether the development in Yorktown is 55 and older. Mr. Kearney states that is 62 and older. Will asks if that development is all affordable. Mr. Kearney states yes, 100%. Mr. Kearney states the Zoning Code in Yorktown has changed since then. The Code we dealt with was for 62 and older. Mr. Kearney believes the Code now has been changed to 55 and older.

Cynthia states the Applicant is still proposing a subdivision. There have been no details provided about it yet. Cynthia does not see how the access to that land may be through this development and a parking lot. Cynthia states it needs to be proven out how this could be a separate lot. Cynthia is not sure how the size of the land around the Sewage Treatment Plant will be determined. Cynthia states that aside from all of this, and considering a subdivision is being proposed, the recreation requirement has been triggered in her mind, as far as whether there is suitable land that may be set aside for recreation purposes. Cynthia states she does not see what is being proposed for the tenants in terms of recreation. Cynthia states this Project will generate needs for the community because 108 units of seniors may have a large impact on our recreation, particularly for people 55 and older. Cynthia states the Applicant is no longer showing an onsite recreation building, and asks whether that has been removed from the proposal. Mr. Kearney states it has not. He would like to have further discussions with the Town. Mr. Kearney states in other municipalities they have provided a separate building. Mr. Kearney states that they are proposing to have community rooms, television rooms, and card rooms in each building for their tenants. We had talked about providing an approximate 2,500 square foot building if the Town is interested, which would be open to all of the Town residents to use as a senior center. Mr. Kearney states he was hoping to have this building be part of the discussion in regards to the recreation fee. Cynthia states the Board will also be looking at the extra 10 acres to see whether there will be suitable park land which might work as part of the proposed subdivision. Will states the first question has to be about access. Cynthia states that what is not being shown on the Plan is a Lot up and across the road that goes towards Joe Bohrdrum Park. Mr. Kearney states that his contract for purchasing the property that is zoned for PD-CCRC. Mr. Kearney states the seller/owner would like to retain the 10 acres. It is his intent to show this as a future possible 6-lot subdivision. Mr. Kearney states he believes a sketch was submitted when the Site Plan was done for the Sewage Treatment Plan. Mr. Kearney states they will submit those materials. Cynthia states she does not think so, because there was a boundary adjustment. Cynthia states that if someone started showing a development, they wouldn't have viewed it a boundary adjustment. Cynthia states it might have been on one of the other prior Pre-Applications. Will inquires how a road will be able to be constructed in there. Cynthia states that prior to the boundary adjustment the property was owned by one of the nursing homes. Cynthia states this is a big open item. Part of the SEQR will be to see whether this subdivision will work.

Cynthia states that the Applicant has had an opportunity to see the Memo from MDRA and asks whether there are any specific questions for the Board. Cynthia states that a lot more information is being requested. Cynthia states that statements have been made about the capacity of the Sewage Treatment Plant, but the Board hasn't seen any details yet. Cynthia states that as a community water system we have some indication of what the water consumption is, but there was also the indication that there is another well that we didn't know about. Will states refers to the Sewage Treatment Plant and asks what the entity is. Mr. Contelmo states there will be a Transportation Corporation. Mr. Contelmo states they put together a brief summary of how they envision the utilities. We state in the summary the name of the Transportation Corporation that

currently operates and owns the Sewage Treatment Plant. Mr. Contelmo states they acknowledge they didn't have full and complete Plans or Reports. It is clearly their intent, as stated in their letter, that they are looking to start one of the important steps as soon as possible, and that is the SEQR process. Our letter stated that we are agreeable to proceed with a SDEIS or DEIS on the Project and submit a Draft Scope in order to get the initial discussion started. It was our hope that based on giving some basic information on the Plans, basic information on the EAF in regards to the Project Description, Description of Use, Utilities Report addressing stormwater, sewer and water, the Board would acknowledge that an impact statement for this Project is the correct approach, and that this Board would be the correct Board to be Lead Agency. Mr. Contelmo states they would like this process to begin as early as possible, as suggested by SEQR. Mr. Contelmo states that in terms of our questions on Will's Memo, a lot of analysis has been requested from us. We agree that we will be doing a lot of analysis. We are going to do an EIS which will have the most rigorous analysis. We understand that there are a bunch of questions. There have been suggestions in regards to alternatives. Our goal is to hear from the Board to obtain their opinion in regards to lead agency, and the role of declaring themselves so this process may begin. We are starting to get this dialogue going so we can start dealing with these issues.

Cynthia understands that Mr. Contelmo wants to jump start the process, but feels the Board needs to see a Plan that they are comfortable with. The Board also needs to see enough information on the EAF Part 1 in order to circulate it so people have an understanding of what this Project will look like. Cynthia states that some of the items that were talked about this evening need to be addressed before the Board may take the first step. Cynthia states certain items should be narrowed down, but not necessarily everything in Will's Memo. Cynthia states we should get the Plan to a point where it is ready for circulation.

Tim Miller states that in terms of the purpose of the EAF, it is really to assist the involved agencies to make a determination. The Board has raised comments about the request for waivers, which would not result in a major alteration of the Plan. Mr. Miller states that Mr. Contelmo indicated that by shifting buildings and the area of grading/earth movement by 30 feet, those waivers would be eliminated. Mr. Miller states the most significant comment relates to the 10 acres, how it will be used, and its access. Mr. Miller states they had indicated the desire for a subdivision. Mr. Miller states that Will's Memo had a comment about providing a comprehensive list of involved agencies due to the funding. Mr. Miller states that Insite has prepared a much more detailed list of those agencies which will be handed out tonight. Mr. Miller states he agrees the EAF and Plans can be refined, he is not sure whether those refinements are going to change anyone's thinking in terms of who will be an involved agency, whether this Board should be Lead Agency, or whether or not there will be significance to require an Environmental Impact Statement, especially when a scoping outline has been submitted which will be circulated along with the EAF. Mr. Miller doesn't see any harm on the Town's part to circulate this Board's intent to be Lead Agency. Mr. Miller states he agrees that adjustments will need to be done as they go through this process.

Cynthia states that the Board has to define the scoping. Will states that Part 1 is where the action is described and where we start flushing out what agencies and permits are involved. Will states when we do circulate for lead agency sometimes we receive comments from different agencies of importance to them. Will states it is important to have a clear description of the Project, as well as obtain clarification of what is being proposed for the subdivision piece. Will states there are key pieces that may be done very quickly to get the Plan in shape for circulation. Will states we do not want the outside agencies to guess what the Project is about.

Mr. Spolzino states there will not be any discussions that will change the fact that the Applicant is ready to accept the positive declaration. There have been no discussions that would suggest that some other Board should be Lead Agency, except maybe the Town Board. Mr. Spolzino states that from the discussions so far, he believes this Board would be the Lead Agency. Mr. Spolzino states that in terms of who the involved and interested agencies would be, the list that Mr. Contelmo has prepared would encompass anyone who would

have anything to do with how the Project will be designed.

Cynthia states she hasn't seen a list, or a subdivision application. Cynthia states she has no idea how that subdivision would work, and the Applicant wants a Plan circulated with a square parcel that has no frontage, access, or details showing that this is a subdivision that would meet anybody's Code.

Mr. Spolzino states he is suggesting, for the limited purpose that the circulation matters, which is the determination of Lead Agency, and positive or negative declaration, the additional information will not affect that decision. There is no downside to getting the process starting. The SEQR regulations do call for starting this process as early as possible.

Cynthia states that the reference to starting the process as early as possible would include an Application that is rather complete, and makes sense to the Board. Cynthia states that based on the discussions tonight, she is not sure whether are three buildings being proposed up top, or whether another area will be opened up for another building. Cynthia states the Applicant may list that as an alternative under SEQR. Gary states there is a big piece of land up there. Gary states the Applicant does not want to provide information to the Board about what they are proposing. Will states that if the Board declared their intent to be Lead Agency, it would be reviewed next time, because we are not going to circulate a Draft Scope. Mr. Spolzino states that you are not going to do a Scope until you declare yourself as Lead Agency. The Scope will be done after you declare your intent to become Lead Agency. All we are asking you to do is circulate your intent to become Lead Agency. Cynthia states that in the circulation for Lead Agency we have to circulate an EAF Part 1, as well as a Plan. People are going to look at this Plan and ask themselves what is that square piece of land, and what is North Salem going to do with that. Mr. Spolzino states that no matter what goes there, it isn't going to change anyone's view of whether there should be a positive declaration, or whether this Board should be Lead Agency.

There is a discussion about Scoping. Mr. Spolzino states that Scoping may occur one or two months from now. Cynthia talks about materials having to be recirculated before the Scoping. Cynthia talks about circulating something that makes sense, that has a more complete layout. Cynthia asks for the Board to see the list of agencies that the Applicant has discussed tonight. Mr. Contelmo passes out the list and states that if this is the way the Board feels, it may not be that important. Mr. Contelmo states that they also have detailed the funding sources.

Cynthia states it would make more sense to look at the MDRA Memo and agree upon what items should be incorporated so that we may declare ourselves to be Lead Agency, and circulate an EAF Part 1 that will reflect what this Board, as Lead Agency, would like to see identified. Cynthia asks Will if that makes sense. Will states it is up to the Board. Cynthia is not sure how the Board would circulate something that they have so many issues with. Cynthia appreciates what the Applicant has said in terms of the Plan being developed. Cynthia has never been involved in a process that was so premature to circulate, and had so many holes. The Board agrees. Cynthia asks the Applicant to show the Board a Plan that does not need variances, show them what the subdivision potential is, and address some of the parts of the EAF. Cynthia refers to blasting that may occur. Cynthia states there are a lot of issues.

Mr. Contelmo states there are a number of comments in regards to the EAF that talk about analysis. Mr. Contelmo states it would be their request not to do the analysis because that is the whole purpose of the EAF. We will disclose information pertaining to the existing issues. Will talks about analysis not being done for new items. Will talks about a summary of the components being submitted. Mr. Contelmo states they will hit upon the issues and make them clear. Mr. Contelmo states the biggest issues are to make the layout conforming, and show what we are proposing to do with the 10 acres.

Cynthia asks the Board how they feel about this development being proposed to be clustered in one corner. Cynthia asks the Board if that is the Plan they want to see circulated or do they want to see it opened up so some of the development is where it originally was proposed. Gary talks about it being clustered and losing specific items. Gary talks about trails, walking areas, and recreation areas. Gary states these items are not visible now. Mr. Contelmo states in his opinion it is counter to SEQR for us to try to figure out the perfect Plan. Mr. Contelmo states the scoping is going to tell us to look at several alternatives that the Board would like. Cynthia states her question was which Plan to start with. Gary states they do have to start with a base Plan. Cynthia refers to the Salem Hunt Project and states they went through quite a few scenarios. Mr. Miller states that Salem Hunt has a configuration that is very different than the property being discussed tonight. This particular property, given the zoning and configuration, does lend itself to a more compact community. Mr. Miller states they do not have the options that were available in terms of layout as with the Salem Hunt Project. Cynthia states in all fairness, it is the 38 acre parcel that is being developed. Cynthia appreciates the fact that Mr. Kearney has concentrated on the 27 acres, but from the Board's perspective; there are 38 acres in front of them for development. Mr. Miller states that they do not have the right as Applicant's to address the Use on certain portions of the property. Mr. Miller states as an Applicant with a contract, we can only apply for what we can control. Will takes issue with that, because the analysis can't be segmented off. Cynthia states the line should be removed. Mr. Miller states he is not suggesting they segment off the analysis. He was just responding to Cynthia's comment. Gary states we keep going around and around. There is a huge piece of property up there and the Applicant doesn't want to state what their intentions are, but the Applicant is advising what they are proposing to do on the other piece of property. Mr. Miller states they have told the Board what they believe is possible on the other piece, which is a 6-lot subdivision. We haven't shown materials on that. Gary states that maybe when the Board sees this information, they will be informed enough to proceed. Cynthia states this is a self-created hardship. A lot line change had been done and now the Applicant would like it to stand all by itself, without proper access for future development. Cynthia states we should talk about how to go about getting the EAF in a position so the Board may take that first step. Cynthia understands the Applicant would like to get this jump started here, but she hopes the Applicant appreciates the Board's concerns. Cynthia asks the Applicant how quickly they will be able to submit an EAF and a Plan so the Board may feel comfortable declaring Lead Agency and circulating. Mr. Miller asks when the next Meeting will be. The Board talks about July 9th being the next Meeting date. The date is confirmed. Mr. Miller asks how much time prior to the July 9th would they have in order to submit the materials. Cynthia confirms with Will that two weeks prior would be fine. Mr. Contelmo states he is fine with that. Mr. Contelmo talks about providing an Impact Statement, and amend the Plans to make them comply with the setbacks and the parking. We will provide what we have in terms of the past proposals in regards to the ten acre parcel. Will suggests the focus on the description of action should have a concise and thorough list.

3. Bridleside/Salem Hunt: Bill Balter (owner – June Road Properties, LLC)
Amended Site Dev. Plan, Wetlands Permit (location – June Road & Starlea Road)

- Review SEQR and Plan Issues
- Status of Outside Agency Permits

Cynthia states there are a few issues that need to be addressed. Two members of the Bridle Trails Association stopped by her office yesterday to speak with her on the issue of whether there will be one or two trails, and whether walkers and horses will be sharing the same trail. Cynthia states she believes through the Public Hearing process there was a comment that maybe there should be separate trails. Cynthia states that on a practical side, it would be nice for everyone to play together on one trail, especially since some of the trails go through and over the wetlands. Cynthia talks about provisions being added in just in case the trails need to be separated in the future, and asks Mr. Balter if he would be willing to do that for his community as walkers. Mr. Balter states yes, they would accept that as a condition. Mr. Balter does not believe the trails will be considered high-traffic trails. Mr. Balter states it would be better not to do it unless it is necessary. Mr. Balter talks about the Bridle Trails Association, as well as the North Salem Open Land Foundation, as far as

agreements and states that right now the easement is with the Bridle Trails Association. Cynthia states the easement language doesn't talk about specific trails, it states that in general, trails can be built. Mr. Balter states it is fine for them. Cynthia looks at the Map and sees where the easement continues and states it is complete. Cynthia states there is one section where the easement and emergency access road are one and the same.

Cynthia refers to the buffer area and states there were some questions raised by the public about screening and states that modifications were made to the Plans. Cynthia shows the new Plans and asks the Board whether they are comfortable with the revisions. Cynthia states there were questions from people in Southeast about the plantings and screenings. Cynthia states she believes the Applicant has done a good job of adding evergreens. Mr. Balter states to clarify that the screening they have been asked to add goes above and beyond what had been proposed for the Salem Hunt Project. They didn't take any plantings away, they added more. Cynthia states the emergency access road is in that area.

Cynthia refers to the lighting and had questions in regards to what is being proposed. Cynthia states that some of the poles are shown to be 12 feet tall. Mr. Balter states that most of the lights will be bollards. There are some box lights. Cynthia refers to the Plan and states she highlighted the lights she believes are absolutely necessary, such as the lights near the dumpsters. Mr. Balter states that as long as the lighting near the parking areas will not be affected, they will be able to change the lights near the dumpsters to bollards. Mr. Blakely states the reason they had proposed the 12 foot lights is because people do utilize the dumpsters at night and we want them to have a safe access. Mr. Blakely states the lights are pointed away from the southern property. Cynthia states if she lived there, she wouldn't want the dumpster lit all night.

Cynthia states the bigger issue was the one raised by the Town Engineer in regards to the road width and the parking. Cynthia shows on the Plan where the road widths are 12, 22, and 24 in different areas. The Town Engineer had made a comment stating he would prefer the 22 foot section be changed to 24 feet. Mr. Blakely states there is not a double bay of parking in this area, so the people backing out of areas that are 22 feet wide aren't going to be worried about hitting the back end of a car. There is also a curb there. Mr. Balter states that when they did the DEIS Plans, one of the items they were asked to do through that Public Hearing process was to reduce impervious surface. The final Salem Hunt Plan had a tremendous amount of reduction to impervious surface. Mr. Balter states if we were to push this to 24 feet, there would still be a tremendous reduction in impervious surface. Mr. Balter states he went over this with Insite and they felt it made sense. If the Board wants it changed, there will be no impact on the stormwater. Mr. Blakely states we are looking at a little over 600 linear feet of roadway, times 2 feet is 1,200 square feet. Mr. Blakely states there will be no effect what so ever on the capacity of the basins for quantity or quality. The basins are a little bit oversized. If the Board wants us to go to 24 feet we could do that. Cynthia asks if there will be a hard curb or multiple curbs. Mr. Blakely states they are proposing asphalt curbs. Mr. Blakely refers to the southern portion and states it will be porous pavement so for them to add two additional feet of porous pavement should have no effect on the drainage. Will confirms the width of the travel lane will be 22 feet and states it is only single-loaded parking. Someone will not be able to back out of a space if a car is coming anyway. Will states in a parking lot there would be 24 feet, but there would also be cars on the other side. Will states he feels that 22 feet would be better. Cynthia states the Town Engineer goes by the book. In certain cases, the Board doesn't always follow his recommendations. Cynthia states that personally she doesn't like 22 feet. Mr. Blakely states with the Salem Hunt Plan we had a 20 foot width. Cynthia states there were driveways then. Robert and Gary agree with the 22 foot width when there is not back to back parking.

Cynthia refers to the location of the mailboxes on the Plan and states we do not know whether the Post Office will like or agree to the location. Cynthia states that in the event the Post Office does not like the location, and prefers to have the mailboxes on the entrance road, will the Applicant agree to have a pullover so people will pull off the roadway. Mr. Balter states yes, but if that happens, he will come back and speak with the

Board. Cynthia does not want people to stop in the middle of the road to obtain their mail. Will refers to the extra spaces for the buses and asks what the degree of difficulty or grade would be if the mailboxes were located in that area. Cynthia states the problem with that is that it is on the wrong side of the street. Will suggests an alternative to the proposed design in a different location and states there may be an area to create a green space where people could pull in for their mail. Will states he has seen this in other developments and will show the Board what they look like if needed. Cynthia states that if the Post Office does not like what is being proposed, Will has suggested an alternative.

Cynthia states she forwarded the proposed Amendments on the Affordable Housing. Mr. Balter states he will read them and provide any comments to Cynthia and Supervisor Lucas.

Cynthia refers to the Architectural Review Board (ARB) and asks if a Memo has been received from them. Cynthia asks Mr. Balter if he has seen a Memo. Mr. Balter does not believe so. Cynthia will check their Minutes and see if there is a Memo so it may be circulated to everybody.

Cynthia refers to the phasing and bonds and states when she spoke to Will earlier about bond requirements it prompted her to consider whether the goal will be achieved by the way the Applicant is phasing the Project. Cynthia didn't find a lot of information or detail on how the phasing will actually work. Cynthia states she believes the sewage treatment plant, stormwater areas, and water will be Phase I. Cynthia asks whether before Phase II starts, will Phase I be 100% done or 90% done? When Phase II starts will the buildings and roads be 50% done, or everything except the topcoat be done? Cynthia asks if she missed those details on the Plans. Mr. Blakely states no. There will be some overlap with the phases. Cynthia asks Mr. Blakely to walk the Board through it. Will states that he noticed details about paths, not about buildings. Mr. Balter states that when they refer to the paths, that is in regards to the sidewalks. Will states the clarity he would be looking for would be in regards to preparing the Resolution and understanding what the Applicant's desires are as far as Building Permits, COO's, and how they will relate to construction. Cynthia asks Mr. Blakely if he would like her to put up her copy of the Plan page that talks about phasing instead of the smaller version he has with him tonight. Mr. Blakely states the Plan he has should be fine. Mr. Blakely states they have broken the sections up into three phases. Mr. Blakely states the first phase will be to cut the road in and get the stormwater basins in so they can extend the sediment basins during the construction of the uphill areas. Mr. Blakely shows a certain section of the road where they will start and get to a certain point. Then for Phase IB, they will get another section of the road done. Mr. Blakely states that Phase II will be a five acre disturbance. We will look to have Phase IA and IB complete prior to starting Phase II. Cynthia asks if the Sewage Treatment Plant is part of Phase I. Mr. Blakely states yes. Cynthia asks if that means the whole plant will be built. Mr. Balter states no, just the site work. Will asks if the phasing is related to staying under the 5 acre stormwater regulation. Mr. Blakely states no, but they know they can't go over the 5 acres. Mr. Blakely states Phase IA will be to get started and stabilized. Phase IB will get started, and then we will create the building pads and start the septic area. Mr. Blakely states the building construction will come as the pads are set. Cynthia asks when the utilities will be built. Mr. Blakely states the sewer and water for Phase IA will go in during Phase IA. The sewer, water and storm drainage for IB will then go in. Cynthia confirms Mr. Blakely is talking about the underground components. Cynthia asks if the construction of the buildings will take place before the sewage treatment plant is complete. Mr. Balter states yes. The buildings will take seven to eight months to build. Mr. Balter states that prior our obtaining our first COO, we will have our roads paved. Mr. Balter states the top of the road will be the last item to get done after we have the last COO. Cynthia asks when the Sewage Treatment Plant will be built. Mr. Balter states it takes about eight months to build a Sewage Treatment Plant from start to finish. Mr. Balter states the goal is to have the Sewage Treatment Plant finished approximately two months prior to seeking our first COO because it takes about 1 1/2 months to get through the Westchester County approval process. Cynthia asks how many buildings will be built at the same time. Mr. Balter states that every two to three weeks we will start a new building. Will inquires whether the water and sewer will have to be done in order for the Applicant to receive their first COO. Mr. Balter states that all of

the utilities need to be done prior to our receiving our first COO. Mr. Balter refers to them as water and sewer mains and states that all the systems will be done, except for the taps on each building. Mr. Balter states that the difference between this and a real estate subdivision is that this is a development that from the day we start we will be building a comprehensive development. Will states he understands and states the development is not big enough to require phasing of the buildings. Mr. Blakely states that the foundation crew will move from Building 1 to Building 2, and then the framers will begin. So everyone will be following each other.

Will states the last big item will be the landscaping. Mr. Balter states that other than seasonal plants, as we receive a COO on a building, all of the foundation plantings will be done. We do landscape on a building by building basis as we move through the development.

Will states it is his understanding that bonding does not take place on private property and states the Resolution may be fashioned in a way so certain items are known ahead of time in terms of seeking COO's prior to items being complete. Mr. Balter talks about what he has done in other Towns and states that with private roads, everything is tied into the final COO. We have eight residential buildings. If it is determined that we can't get our final building COO until x, y, and z happen, and if we have to post a bond to secure it, that will be fine.

Cynthia asks Mr. Balter if he is proposing to build the trail and the bridge. Mr. Blakely states they are building the bridge. Mr. Blakely states they will be clearing some understory where needed. Mr. Blakely talks about markers on trees being a designation of the trails. Cynthia suggests tying the building of the bridge in before the last COO is issued. Will states all of this will be spelled out in writing. Cynthia states that is why she is raising these issues now.

Cynthia refers to the Buffer Enhancement and Monitoring Plan and states the 17 acre Conservation Easement is still discussed in it. Cynthia states that has to be updated. Cynthia states the Plan talks about having a club house for future residents. Cynthia confirms the club house will be for the Bridleside residents. Cynthia refers to the footbridge only being constructed if the necessary government approvals have been received. Mr. Blakely states they do have those approvals. Cynthia states the document should be updated.

Cynthia asks the Board whether they have any other items. Cynthia states that for the next Meeting, Will is going to put together our Amended Findings for the Board to consider. Cynthia asks Will if he has any questions for the Board. Will refers to the sequencing and mitigation aspects in regards to coordinating construction. There is a discussion about the plantings. Mr. Blakely states that it all depends on the time of year and when specific area is finalized. Mr. Blakely shows the planting areas on the Plan. Mr. Balter talks about them possibly receiving their first COO in April.

Cynthia states the Applicant was going to update the Board on all of their outside agency approvals. Mr. Blakely states they are waiting for approvals from the DEC, DOH and DEP. Mr. Blakely refers to the DEC stormwater and states that Frank Annunziata is satisfied with our SWPPP. John Drake from the DEP has advised that their regulations dictate that they cannot finalize their technical review until SEQR has been taken care of. Mr. Blakely states that Mr. Drake has done a cursory review. Mr. Blakely states that we cannot get Frank Annunziata to sign the MS4 Form until we are positive that Mr. Drake is satisfied with the SWPPP. Mr. Drake has provided us with very minor comments and has indicated that there are not any show-stoppers in there. Mr. Balter refers to the 60 day limit in regards to the approvals, and asks whether there will be any permits that may take longer. Mr. Blakely states no. Mr. Blakely states that if the Board were to adopt the Amended Findings at their next Meeting, he believes they will have all of their approvals by the end of July. Mr. Balter states that they already had the approvals, but due to the Amended Site Plan, these agencies are looking at the old approvals to see what has changed. Mr. Balter states it is their hope for the adoption of the amended SEQR findings, and a lead agency resolution of approval at the next Meeting. Will states that there

has to be a ten day comment period after the adoption of the findings. Mr. Miller states the final EIS has to be circulated. He is not aware of any regulation that requires a ten day comment period in regards to findings. Mr. Miller states there is no time requirement. Will states Mr. Miller is correct. Cynthia states she doesn't see why the Board can't consider a Draft Resolution of Approval at the next Meeting and states that is when we will find out whether there are any parts or pieces missing. Cynthia states she did give a reminder to the Bridle Trails Association in regards to drafting their easement. Cynthia suggests Mr. Balter speak with the Open Land Foundation. Cynthia asks Mr. Balter if he finalized the document with the Fire Department. Mr. Balter states he will check. Will refers to an EAF response in regards to future development, and a statement about there not being more than 65 units. Will refers to the septic capacity.

4. Minutes:

- April 18, 2012
- May 16, 2012

Chairwoman motions that the Planning Board Approve the Minutes for April 18, 2012. Gary Jacobi seconds. All in favor. No opposed.

Chairwoman motions that the Planning Board Approve the Minutes for May 16, 2012. Gary Jacobi seconds. All in favor. No opposed.

5. Financial Report:

- May, 2012

Chairwoman motions that the Planning Board Approve the Financial Report for May, 2012. Gary Jacobi seconds. All in favor. No opposed.

6. Next Meetings:

- Work Session – June 20, 2012 – (cancelled)
- Regular Meeting – July 9, 2012 (rescheduled from July 4th)

7. Comments from the Chair:

The Board confirms the Meeting in July will take place on July 9th. There will be no Work Session in June. The Board will confirm whether there will be a Work Session in July when they meet on July 9th for the Regular Meeting. The Meeting in August will be held on August 1st. Bernard states he will not be at the August 1st Meeting. Robert states he will not be at the September 5th Meeting.

8. Resolution:

Chairwoman motions to adjourn the Planning Board Meeting. Robert Tompkins seconds. All in favor. No opposed.