

\$1.00 per tree, which would be \$150.00. Cynthia states the judge could also go up to \$1,000. Cynthia states when the Board gets to that Section, she assumes they will want to increase the fines to the maximum allowed. Bernard asks whether these are the maximum that the court allows. Cynthia states they are the maximum that the Town Law allows.

Cynthia asks the Board if they all have a copy of the latest Draft. Cynthia asks whether the Board would prefer to go through the Draft page by page, or have Will focus us on the Sections that are still up for discussion tonight. Gary states the latter. Charlotte agrees. Cynthia asks Will to get the Board to the meat of this Law which is how many trees someone may take down on their own with a Permit. Let's try to throw some examples depending on the Zoning District such as R-1 or R-4. Will refers to the definition of Tree Removal on Page 3 where it states "The cutting, grubbing or other removal of twenty (20) or more trees, and/or of five (5) or more trees in any contiguous five (5) acre area, with a diameter at breast height (dbh) of six (6) inches or more within any twelve (12) consecutive month period". Will states that in a consecutive 12 month period someone may cut 20 trees across their property. If they are doing less than 20, and they were within a contiguous five acre area, they would be limited to five trees. Will states that the idea is that 20 trees may be taken down if they are spread out, but if the trees are taken out in a concentrated area the number drops because the impact would be greater as opposed to someone taking down 20 trees all over their property. Cynthia states if she had two acres and wanted to take down 10 trees, she would have to get a Permit. Gary refers to the and/or in the definition and states if we take the "and" out, it will read "The cutting, grubbing or other removal of twenty (20) or more trees or of five (5) or more trees..." Will states that is correct, that is why someone taking down five or more trees on five acres or less would be subject to a Permit. Gary asks where it states five acres or less. Cynthia states we were trying to cover two points. If someone has 10 acres and wants to take down a lot of trees in a concentrated area, a Permit would be required, but someone taking down 20 trees that are spread out wouldn't require a Permit. Cynthia states that is why we put in language referring to five contiguous acres. Will states that someone doesn't have to own five acres for it to be contiguous. Cynthia asks the Board not to dwell on the wording, but dwell on the concept. Cynthia states if someone is taking down fewer than 20 trees spread out on a large piece of property, we will not put the person through the Permit process. If someone is taking down a lot of trees in a concentrated area, such as five or more, then a Permit would be required. Gary asks whether someone taking down six trees in a five acre area would require a Permit. Cynthia states yes. Bernard states we are not talking about six, we are talking about five or more. Bernard refers to the Permit requirements and states he would rather give his left arm than go through half of this. Bernard would like to know what the Board is really asking for here and states he is concerned. If we open people up to a Permit we should have a three tier type of process. Bernard states the process is mind boggling. Will states the Board is not opening up a Permit process, the language in the definition is less than the current standard, which only allows for three trees to be taken down. Bernard states he understands. Bernard states we are getting rid of that amount because it is unreasonable. Bernard states if someone wants to take down 5 to 10 trees, before they go through the Permit process, someone like Bruce should go out and see what is being proposed. Will asks Bernard what Bruce would actually do when he goes out to the property. Bernard states that Bruce could determine whether it is a job that is going to create havoc to the property or to the neighbors. Cynthia states that Bruce would rather see us put specific guidelines and specifications in the Code so he is not asked to make individual judgments on each property. Will states Bruce can't make discretionary judgments. Cynthia states there are other ways to approach this and refers to the Town of Bedford where they actually specify a certain number of trees per acre that are allowed to be cut before a Permit is required. Cynthia talks about the Board concentrating on someone who wants to take down a number of trees on a steep slope, and whether they would be subject to a Permit. Cynthia states she believes the Board is in agreement that someone having a lot of land who wants to take down trees that are spread out on their property may not need to come before us because it shouldn't cause a major problem. Cynthia states we may also want to focus on trees that boarder a neighbor's yard which may impact the neighbor. Cynthia states we may also want to identify people taking down trees on steep slopes. Cynthia states the Board should try and figure out what they want to regulate so Will may write the Law to

make it work. Gary states we should do something simple such as one tree per acre. Cynthia states we talked about making it as simple as possible, and came up with this language which we have been wrestling with. Cynthia states that people may not understand why they need a Permit if they are taking down one tree per acre, or why they can't take down 10 trees if they have 20 acres, or why they have to go through the process if they spread out the tree removal and are not impacting any neighbors, are not on steep slopes, or not near a wetland. People may not feel that they are damaging the environment or impacting their neighbor.

Bernard states a concern about how all of this affects the neighbors. Bernard states we have seen people take down an inerrant number of trees. In some cases we have neighbors that don't say anything. Cynthia asks Bernard if a 20 tree cap works for him. Bernard states yes. Bernard states this Permit business is heavy duty. It is crazy. Bernard refers to a \$1,000 maximum fine for individuals per tree as a violation listed in the Memo Cynthia passed out tonight, as opposed to a \$5,000 maximum for corporations and does not believe there should be a difference for individuals versus corporations. Bernard asks what the difference is if a tree has been cut that should not have been cut? Why should someone pay \$1,000 and someone else pay \$5,000? Cynthia states we will have to wait for clarification from Roland. Cynthia states that Roland is telling us we have the flexibility. Bernard states if we are trying to have control over maximizing or minimizing the amount of trees coming down, it has to be the same across the board.

Cynthia asks the Board how they feel about having people come in for a Permit when they are taking down 20 or more trees, or whether they prefer to see the amount of trees being taken down tied into the amount of acreage. Gary states the only problem with 20 trees is if the person only has 2 acres, and takes down 18 trees, he would be okay. Will states that is right, that is why we added in the contiguous five acre language. Charlotte states that the Bedford Law starts with someone taking down more than 10 trees on properties of four acres or less. Cynthia talks about doing the Law on a per 10 acre basis, and model the Law after Bedford's. Cynthia talks about concentrating on less than 20 trees in conjunction with acreage. Gary asks how Bedford does it. Charlotte reads the Bedford Law which states "4 acres or less more than 10 trees" "six acres or less more than 20 trees", "eight acres or less 30 trees". Charlotte states it keeps going up. Gary and Bernard state they like that. The Board talks about having a 1a such as allowing five trees on two acres. Cynthia states we may also want to consider whether steep slopes, or side/rear yards are involved because we want to consider the neighbors. Cynthia asks the Board whether they want any exceptions for steep slopes. Bernard states it depends on where the steep slope is and talks about someone taking down trees on a steep slope as long as it doesn't affect a neighbor, and only affects their own property. Bernard asks what the big deal is. Cynthia states because then there could be an erosion control issue. Cynthia gives an example of a steep slope washing out and draining into a neighbor's pool which has happened in the past. Will states both Bernard and Cynthia make a good point. The point is that with no oversight, there is no oversight. There will no determination whether a neighbor may or may not be affected. Will states it is an informed discretionary determination or decision. Bernard refers to the swimming pool example and states what is done is done. The only recourse is court. Cynthia states the Board is trying to write something that is reasonable so people realize if they want to take 10 trees down on the side of a hill, they may need a Permit. Cynthia states if someone has two acres on a 15 or 20 percent slope, she would want them to obtain a Permit. Cynthia states she has seen how soil moves. Bernard agrees, but believes if someone was in that particular situation and concerned about wash out taking place, they would have someone look at their property first. Gary states that a lot of people are not concerned about their neighbors, which is part of the problem. Cynthia states that is why the Ordinance was written in the first place. Tree cutting took place up on the top of Crosby Road and flooding occurred all around it. Gary asks what is being proposed assuming we go with the wording in the Bedford Law. Cynthia suggests language so that if someone wants to take down five or more trees on a slope of 15% or greater they would require a Permit. Gary refers to someone taking down five or more trees and asks what size the property would have to be. Cynthia states it would be on slopes of 15% or greater. The location of the trees to be taken down is discussed. Cynthia states she thought this language was in an earlier version. Gary agrees that there should be language added, but is not sure exactly what. Cynthia states if we

agree with the concept, we can ask Will to come back with a recommendation. Charlotte agrees with the concept. Will refers to the Bedford Ordinance and wants the Board to know that in their Ordinance, if a tree is over 18 inches in diameter, their Law is triggered. In Bedford, if someone wants to take down one tree that is over 18 inches in diameter, they are required to obtain a Permit. The Board discusses the diameter of trees, as well as historic designation. There is discussion about adding language in regarding historic designation if at some point in the future a tree like that would be designated. Cynthia states under our Historic Law, the consent of the owner would have to be given. Gary refers to the Bedford Ordinance and states he is comfortable with all of Section 7. It spells out steep slopes, as well as wetlands. If someone takes a tree down on a steep slope they would have to obtain a Permit. Charlotte states the Bedford Ordinance is simple too. Will asks whether Chapter 102 in the Bedford Code is their Steep Slopes Law. Gary states the way it reads, it would almost have to be, and Chapter 122 would be their definition of a wetlands. Gary states again he is comfortable with the Bedford Sub-Section 7, as long as we add in a sentence in regards to people having two acres, and change the chapter references to the appropriate references in our Code. Charlotte refers to the circumference of the trees in the Bedford Ordinance where someone would need a Permit to cut down any tree 18 inches and over dbh. Gary states he is fine with that. Gary is not sure he agrees with No. 2 because he does not know what a protected native plant is, or how anyone would even find that out. Cynthia states the NYSDEC maintains a list. The Board talks about taking off No's 2 and 3. Cynthia refers to No. 9 in regard to steep slopes and asks whether the Board wants the language to read any tree or any two or three trees. Gary states any tree over a certain size. Cynthia talks about doing slopes of 15% or more, and 25% or more. Cynthia states if we are talking about 25% or more, she doesn't have a problem with any tree. If it is 15% or more, maybe we could consider three trees. Cynthia asks Will to take a look at that. Gary talks about basing it on the size if on a steep slope. Gary states if it is a one inch tree, cutting it down isn't going to be a problem. Cynthia states we don't deal with anything unless it is six inches or more. Gary states that is not how the Bedford Ordinance reads. Will states the Board does not have the Section that defines the trees. Cynthia states she only printed out this one page. Gary states he doesn't see anything on this page that references another Section. Cynthia states there are more pages to the Ordinance that she didn't print out. Bernard states he has a problem with No. 1 which requires someone to obtain a Permit to take down one tree. Cynthia states it would only be if the tree is 18 inches and over dbh. Bernard states it doesn't make a difference, not a chance. Bernard states he will go along with the number of trees, but does not agree with someone requiring a Permit to take down one tree, especially when looking at the regulations. Bernard states there are cases when trees need to be taken down if they are dead. Cynthia states there are exemptions for diseased or dead trees. Will states the 18 inches and over dbh may be changed to 100 years or older. Gary asks what other way, besides cutting down a tree to expose the rings, would there be to find out how old a tree is. Will states there are other ways. Hiring an expert is discussed. Going to a bigger dbh compared to what Bedford allows is discussed. Charlotte confirms 18 inches in No. 1 in the Bedford Ordinance is referring to the diameter. Gary states he is fine with that. Bernard refers to No. 4 in the Bedford Ordinance. The Board confirms that may be taken out also. In No. 6 the wording historic roads and/or will be added prior to historic district. Bernard talks about a situation he ran into where he had a tree on his property that, if it wasn't taken down, could have caused damage. Cynthia states there are exemptions and exceptions for aged, dying, or diseased trees. Cynthia states that Will is going to come back with additional information in regards to a recommended dbh for single trees. Charlotte reads the definition of trees from the Bedford Ordinance, where it states "A living woody plant with a perennial trunk of six inches or more dbh with a definitely formed crown of foliage and a total height of at least 13 feet from the ground".

Cynthia asks the Board whether they have a concern about trees within side or rear yards. Bernard and Gary do not. Charlotte does. Someone taking down trees that are right on their property line is discussed. Cynthia talks about having a threshold for someone taking down five or more trees within ten or twenty feet of their property line. People doing what they want to do on their own property is discussed. Harming the environment and causing public controversy is discussed. Whether a neighbor should have any say when another neighbor wants to take a tree down that is right on the property line is discussed. Bernard and Gary

agree that if a tree is on someone's property line, they should be allowed to cut it. Gary states we can't write rules for all situations. Gary states if someone is taking down a good number of trees, they will have to come before us anyway. Cynthia talks about the Board thinking about major items that might impact people. Cynthia states they talked about the impacts of steep slopes and wetlands. The property lines need to be confirmed. Charlotte talks about the Bedford Ordinance where there is language regarding people not being given a Permit if the removal will have a significant adverse impact on other properties, or adverse impacts on screening or drainage. Bernard asks what the definition of impacting a neighbor is. Cynthia states that is what we do under SEQRA all the time. Gary states he is not in favor of controlling side yard or back yard setbacks.

Charlotte states Robert may also feel that way.

Cynthia talks about the breakdown being; more than 5 trees on properties of two acres or less, more than 10 trees on properties of 4 acres or less, and more than 20 trees on properties of 6 acres or less. Cynthia states it is her opinion we should stop at 20 trees. If someone is taking down more than 20 trees, they will need a Permit. The Board talks about leaving the single tree but come up with a much bigger dbh. Cynthia talks about Will coming up with a recommendation for steep slopes of 15% or greater, and 25% or greater. Cynthia states the Board should keep in mind that we are only writing this Ordinance for people who are not going through another approval process, such as before the Building Inspector for a swimming pool permit, etc.

Gary refers to Page 4, Item 189-6(B) in regards to the Application submission requirements and states this is a lot of work. Gary talks about people having to show where every tree is. Cynthia talks about people showing which trees are being taken down. Gary states that could be every tree. Cynthia states we need a survey, and we need to know where the trees are. Gary confirms we need to know the trees that are coming down, not every tree. Cynthia talks about people exercising the waiver provision. Cynthia talks about people coming in to meet with her ahead of time for a discussion about the acreage they have, the area where they want to cut down the trees, and the existing conditions. Gary states it would be simpler to have people show us the trees that are coming down rather than every tree. Cynthia states if the Board is going to do a Site Inspection that may work. The impacts have to be shown. Gary states part of the reason people don't apply for Permits is because it is an onerous process. Gary talks about people providing parcels that cross abutting streets. Cynthia states people go into the Assessor's Office to obtain that information because eventually it will be needed for the Public Hearing notifications. Gary refers to No. 7 on Page 4 and states steep slopes should just be listed there. Gary refers to No. 9 on Page 5 in regards to providing the location and identification of existing trees. Gary states he bets no one knows the scientific name of an Oak Tree. Will states there are several different Oak Trees. Gary asks what the difference is. Gary asks why we require a homeowner to hire someone to prepare a Plan in order to cut down four trees. Cynthia states that is the way we do it. The Board has to see a Plan so they know the information being provided is accurate and correct. Gary refers to No. 9 on Page 5 in regards to protecting the trees not being taken down. Will states that when someone starts taking out trees, the neighboring trees are impacted. Gary would like to know how to protect another tree. Cynthia gives the example when the Supervisor was furious last month because he sent a crew out to do a drainage repair and they identified the important trees and then proceeded to drive heavy equipment over the roots of the other trees. They didn't put up a protective barrier and tell the person driving the heavy equipment to start 10 to 15 feet away from the trunk of the trees because if they keep driving over the roots they are going to choke. Gary states it is difficult to write a Law to protect every tree on every piece of property that might be affected. Cynthia states this is how we approach all of our Applications. We put down the information that would be ideal to have. We always have a waiver provision. People do ask for waivers when they are in the beginning stages of understanding the process and filling out their Applications. Cynthia states that the cover letters that are submitted from the engineers generally spell out the waivers being requested. Cynthia states this is a way to approach it; we ask for certain information and are flexible in regards to waiver requests. Cynthia states she tells people that she alone can't waive items, but if they list them in their cover letter, the Board will consider them. Cynthia states the Board makes the decision and the waivers are listed in their

Resolutions. Cynthia talks about people showing information on a Plan and states if we don't ask for it, we are never going to get it. Cynthia states that is why we do not always absolutely need to have all of the items listed this Chapter. Gary states it could easily be a several thousand dollar process to hire an arborist, engineer, and surveyor for someone who wants to cut down four trees. Will states that is what it is right now. Gary states that does not make it right. Will states to Gary if he doesn't want it, don't have a Law. If you don't want the level of detail that comes with a review it has no place in a Law.

Cynthia refers to Item 7 on Page 4 and states we ask to see the location of the sewage disposal facilities and treatment fields. If someone wants to take down trees and plant trees they better know whether the septic fields will be affected. Gary states people do not need a Permit to plant trees. Cynthia states the Board has to know where everything is on the Plans or they will not be able to discuss mitigation. Will states with the exception of the trees on a survey, the majority of the information is already listed. Will states if someone buys a property, they will have a survey. Cynthia states that for anyone to obtain a Building Permit they need to have a survey. Cynthia asks how the Board will know where the property lines are without a survey. Cynthia states the Board cannot start any Permit process without a survey, it is the Law. Gary states he is not questioning surveys. Gary states there are 11 items listed between Pages 4 and 5. Cynthia states the Board should go through them. Cynthia states that Items 1 through 7 are all standard and she does not understand why we should not ask for any of these items. Gary asks why we need to go 200 feet away from a piece of property. Cynthia states that is just for the Site Location Map. Gary asks why it has to go out 200 feet. Cynthia asks Gary to give her another number. Gary states he is not aware of any trees that are much taller than 50 feet. Cynthia states she is talking about a little Map in the corner on the Plan, and if people do not show at least 200 feet we will not know where the piece of property is. Cynthia states if someone shows a piece of property on Hardscrabble Road and they don't go at least 200 feet, we will not know where the piece of property is. Gary states he begs to differ, if it is on Hardscrabble Road it will have an address. Cynthia states no, not on a Location Map, it will just list Hardscrabble Road. Cynthia states the intent of a Location Map is to try and help the person reading it to know where in North Salem they are. Gary states if the intent is not to have an address, we could take Item No. 6 off because Item No. 6 states an address is not needed. Cynthia states Item No. 6 is not referring to the Location Map. Gary states fine, let's put in these onerous laws for people to take down four trees. Charlotte states what we are asking for is what a lot of the other Towns ask for, even though their Laws are worded slightly differently. Cynthia refers to Somers, Lewisboro, and Bedford and states they also ask for this information. Charlotte states a lot of the other Town's ask people why they are cutting the trees down which is something we haven't asked for. Bernard talks about people only requiring a Permit if they are taking down 20 or more trees. Cynthia talks about not regulating anything under 20 trees and states she thinks that is ridiculous because if her neighbor took down 20 trees they should need to go through a process and every neighbor should be able to weigh in. Bernard states that Item No. 7 is all people should need for a Permit. Cynthia asks Bernie how the Board would process a Permit. What piece of paper would he need in front of him to go through SEQR and make a judgment as to whether or not we should allow that person to take the trees down. We have to be in a position where we can back up what we are doing or we shouldn't be doing it. Gary states he believes Bernard's point is when a lot of trees are to be taken down, it is alright to ask for all of this information. Gary asks what the minimum number is. Gary asks if it is 5 trees on two acres. Gary states it seems like an awful lot of information to ask from someone who wants to cut down 5 trees.

Bernard states he and Cynthia went to see a property where a person wanted to take down no more than 5 trees in order to put in a paddock. Cynthia states that was 20 trees. Cynthia states that property was on Finch Road. Bernard states he didn't see 20 trees in the whole place. Bernard talks about the person being asked to go through this process and then have a Public Hearing. Cynthia states the person did go through this process and submitted a set of Plans with information on it we requested. Bernard states this request was to take down a certain number of trees, that wouldn't have bothered any neighbors, in order to put a paddock up. Bernard talks about putting the person through this process and a Public Hearing. Cynthia states we did exactly what

we said we would do. An Application was submitted which gave us the minimum detail that we needed. The person didn't hire the arborist yet, submitted a Pre-Application, and was put through the process. Someone doesn't necessarily have to provide every single item detailed in the Ordinance. The Board has the right to waive some of the requirements based on what is being asked to take down. Cynthia states if we need this information for the person who is taking down 20 trees on a steep slope, we better have it written in the Ordinance. That is why it is written, and we allow reasonable people to grant waivers so Applicant's don't have to spend a fortune giving us details that we may not need. Bernard understands what Cynthia is saying, but to make a waiver is strictly subjective. Cynthia states Applicants have to go before this Board to request waivers. Cynthia states that when people come in to talk with her she helps them prepare their requests so they understand what the Board really needs and what they look for. The Applicant has to list the specific waivers in their cover letter. The Board may say no, and an Applicant may have to add the detail in. Cynthia states we also base our decisions on the recommendations from Joe Bridges and Will Agresta. When we are in the middle of the process and Applicants ask questions, Joe and Will give us their feedback. Will refers to the McCarthy Project and states the Board waived the showing of wetlands in the buffer area. Charlotte states the information is there if we need it to be there. Cynthia states that most people call and talk to us first. They don't go out and hire someone who prepares all of this information to the extent being asked for. Cynthia states both she and Dawn are there to help people. Charlotte states when people are taking out four or five trees it is silly, but the information has to be in there for people taking down 20 trees. Cynthia reads Item E on Page 9 in regards to waivers. The Board talks about adding a reminder about waivers on Page 4, Item B. Gary states that would be helpful, but refers to Item 2 (a) Page 9 in regards to the activity disturbing a cumulative gross area of less than one (1) acre and asks what is meant by the word disturb. Cynthia states it means ground disturbance. Gary asks what ground disturbance is. Cynthia states if someone is pulling up roots and re-grading once a tree is taken down, that is a disturbance. Will states that someone may take a tree down, leave the stump and make the argument that they are not disturbing any land. Gary asks whether he has to take the tree away. Gary asks if he cuts down a 30 foot tree and it falls there, is that land disturbance. Cynthia states that is not land disturbance. Will states if cutting the tree causes the need for re-contouring or re-grading, that would be land disturbance. The Public Hearing waiver request is discussed. Gary refers to trees being in setbacks, and not allowing the waiver of the Public Hearing. He thought we took setbacks out. Cynthia states no. We discussed whether or not a Permit was required in the first place if someone is in a setback. Cynthia refers to someone taking down 20 trees some of which are right along their neighbor's property line. Cynthia talks about not waiving the Public Hearing and states one of the reasons for doing this is to allow the public to weigh in because it could potentially impact a neighbor. Cynthia states we could leave it as arbitrary so the Planning Board may decide whether or not a Public Hearing has to take place, but she does not recommend that. She thinks there should be a good reason for waiving a Public Hearing. Cynthia believes the Board went over this with Roland when it was written the first time.

Cynthia asks if there are any other Sections the Board would like to comment on.

Cynthia states the Board has had this for several weeks. Will is going to re-write the beginning Sections and we will have it on our next Agenda on October 3rd.

Cynthia refers to the top of Page 10 and asks whether we want to add in language allowing the Planning Board to, upon written request, waive the required Public Hearing, provided all of the following minimum conditions are met, which we would specify. Cynthia thought this was already done in the Code. Will states Cynthia may be thinking about what was added in to the Fill and Excavation Law. Cynthia states she will look at her old notes. Charlotte asks whether (d) on Page 10 should be left in with a small number of trees listed, or take it out altogether. Gary votes to take it out. Charlotte states someone will not need a Permit if they are taking down a small amount of trees.

Gary asks what other areas of work the Building Inspector issues a Certificate of Compliance for other than

tree cutting. Cynthia states fill and wetlands. Will states Building Permits. Gary states a Building Permit is a Building Permit. Will states it is a Certificate of Occupancy. Gary states a Certificate of Compliance would be required. Will states it is the same thing. Gary states someone needs a Certificate of Occupancy to live in a building, but not a Certificate of Compliance. Cynthia refers to land uses and states a Certificate of Compliance would be required. Cynthia states we could get a list from the Building Inspector. Gary asks why the Building Inspector needs to issue this. Cynthia states he needs to issue something. Will states it closes out the Permit. Gary states the Permit automatically closes out after 180 days. Cynthia states no, it expires. Cynthia states if a person is in compliance with the conditions of the Permit, then a Certificate of Compliance is issued.

Cynthia asks the Board to e-mail Dawn if there are any other Sections they would like to discuss, so we may all be prepared and will have read it.

Cynthia asks Will if he thinks he will be able to have a revised version a week before the October 3rd Meeting. Will states yes. Cynthia asks the Board if they agree with adding in the information Roland suggested in regards to the fines. Gary states yes. Charlotte states it would still be up to the judge.

Planned Development-Continuing Care Retirement Community (PD-CCRC) District:

Cynthia states that Will has brought a Draft with him tonight for us to consider. Will states this has been referred to the Planning Board from the Town Board to provide clarification language relative to the PD-CCRC District in regards to the Uses. Will refers to Page 1 where there is an amendment to the definition of Assisted/Assistive-Living Facility simply to parody the language in Section 19.2 which is where the Use Regulations exist. Will states for some reason the prior definition left out the words “or other handicapped”. Will refers to Page 2, Section 4, Item 250-9(C) and states the following language has been added “except as may be permitted in a R-MF/6, R-MF/4 or PD-CCRC District”. Will states without adding this language, there would be a conflict with those Districts and what they allow, and what the overriding Ordinance states. It doesn’t change what the PD-CCRC, R-MF/4, or R-MF/6 allows, it just takes the conflict out. Will Refers to Section 5, Item 250-19.2 and states the first amendment there is to clarify and make it clear what the Town Board’s original intent was with this Regulation which is supported by a SEQR analysis study conducted at the time they adopted these Regulations. That was to clarify the combination of Uses. It is not just one single Use, it is a combination of the Permitted Uses. Will states when the Town was looking at the Ordinances, the then property owner at the time requested to be able to retain certain rights that existed at the time. That is when Special Permit Uses for medium family dwellings were added into the Code for the assisted living and other aspects. When that was done, the language was not as clear as it could have been, and we are trying to clean that up. Will refers to the alternative part and states there are the combinations for the Permitted Uses as of right which are in Column B in the Use Table. Will states that Columns C and E which are Accessory Uses all go with Column B Uses. The alternative is to do what is in Column D which are the Special Permit Uses. Will states that everything that follows after this references back to clarify the same issue. Will refers to Page 4, Item 5(a) and states the terms elderly and handicapped persons are a different Use that exist in the Code, they have nothing to do with the PD-CCRC. Those words should have been “senior citizens” and “disabled”. Will refers to (d) on the same Page and states the words “independent-living” have been added to distinguish them from assisted living. We are trying to be consistent throughout this Section. Will refers to (e) (1) and (2) and states a sentence has been added to (1) which is “In this instance, the bulk requirements set forth in 250-15, Bulk Table shall pertain to the overall development within the entire site and the lot dimensions such as width, front, side and rear yards and street frontage shall define the external boundaries of the development”.

Will states this sentence is being added because it goes along with the addition that relates to Page 2 in the preceding Section 19.1 which deals with the PD-CCRC, R-MF/6 or R-MF/4 Districts. Will states there is an instance currently in the Code which allows the PD-CCRC developments to occur either on multiple lots or on

a single lot. Basically you would have to accept that as one big parcel where there could be detached houses that are on individual lots, such as when Salem Hunt was proposed to be Fee Simple. What that sentence is saying is that the bulk table requirements for the 15 acres and front yard frontage is for the parent parcel. Will refers to (e) (2) and states the following words have been stricken “the traveled way of a street by a minimum distance of 15 feet”. Will states a street is defined in the Zoning Code as a public street or a street on a subdivision plat within a right-of-way. That would be on the outer edge of the parent parcel. That already has a 50 foot setback in the Bulk Table. That was missing the fact that it was intended to be from an internal driveway, not from an outer street. Will states this references a Section that exists in the Code which talks about driveways and there is already a standard for that. Will states that is also referred to on Page 5 (e). Will refers to No. 7 on Page 5 and states the wording “attached and/or detached” have been added. Will states there is no definition of medium-density single family, it is either attached or detached. Will states in No. 7 (b), the words “multifamily or” have been taken out. That is something that should have come out. This language was taken out in the opening paragraph of this Section, but also should have been taken out in this sentence. Will refers to Page 6 and states the words “twenty-five” have been replaced with “25”. Will states the table at the end mimics the same items as far as what has been changed on Page 2.

Cynthia states she knows the Board is just getting this for the first time. She asks the Board to take it home and read it. The intent is to not change anything but to bring clarity. Cynthia states that Will did a great job in finding all of the little nuances which you really don't discover until you actually sit down and draw an example of a parent lot, and what it means by smaller and larger setbacks. That is how we discovered there was language missing. Cynthia states we are trying to add as much clarity as we can. Cynthia states this item will be back on the October 3rd Agenda. Roland will be at that Meeting. Hopefully we can wrap it up and get it over to the Town Board as they have requested we move this quickly and get it over to them. Will had prepared a Memo in regards to SEQR which will be going over to the Town Board.

Cynthia asks the Board whether they have any questions. Bernard asks whether Roland has seen this Draft. Cynthia states that Will sent it over to Roland this afternoon, and he picked up on one reference. Charlotte confirms the intent is clarity and consistency.

Barry Reisler is in the audience. Cynthia states he had requested a copy of the Draft. Cynthia suggests Dawn give Mr. Reisler her copy and Cynthia will give Dawn another one.

3. Next Meetings:

- Regular Meeting – October 3, 2012
- Work Session – October 17, 2012

4. Comments from the Chair:

Cynthia reminds the Board that this Saturday, September 22nd at 10:00 a.m. is the Site Inspection for Highgate-Woodlands. Cynthia states everyone will start on Reed Road. Gary states he cannot make it. Cynthia states if you can't make the Site Inspection you may want to drive down Reed Road to see the centerline of the proposed road.

Cynthia states a renewal for one of the rooftop towers in Purdys was submitted. Cynthia does not think Will has anything to do on this. The Applicant did certify that there are absolutely no changes. Cynthia states she sent an e-mail over to Bruce to see whether he had any issues to bring to our attention. Cynthia called the attorney for this renewal and told him the one item the Board will take a closer look at is the Removal Bond because the last one was done ten years ago and the figures may not be appropriate any more. Cynthia suggested the attorney have a contractor prepare a cost estimate that we will get over to Frank for review. If that comes back by the next Meeting, it will be on the Agenda for consideration of the renewal of the special

use permit.

Cynthia states we didn't have the Site Inspection last week in regards to the kennel proposal. We had heard that maybe the proposal will be withdrawn, but we haven't heard anything official yet. Bernard states he thought the e-mail from the Supervisor said it was withdrawn. Cynthia states the Supervisor had reflected what the owner had said verbally, but we haven't received anything in writing yet so the file may be closed.

Cynthia states we will be getting another referral from the Town Board to continue with work on the Zoning Code, especially everything having to do with Special Use Permits, and Conditional Use Permits, and to review the standards and whether or not they are still appropriate and up to date.

Cynthia states that at the next Town Board Meeting she will give them an update at where we are with the Tree Ordinance and Fill Ordinance. Cynthia would like to get those over to the Town Board. We will also have the PD-CCRC amendments.

Cynthia states she asked the Town Board whether or not they wanted us to incorporate the Uses on Fields Lane in the RO District. That is something that was highlighted in the Comprehensive Plan. At the beginning of this year there were a few items on a list that the Town Board wanted us to do and this was one of them.

5. Resolution:

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