

North Salem Planning Board Minutes

February 6, 2013

7:30 PM – Annex

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

ATTENDANTS:

Sprint Spectrum LP	:	Douglas Warden
Salem Hunt/Bridleside:		Bill Balter
		John Bainlardi
North Salem Properties, LLC:		Ken Siegel
Purdy’s Farmer and the Fish:		Viktor Solarik
		Michael Liguori
		Edward Taylor
Monomoy Farm:		Jeri Barrett
		Bill Beckman
		Steve Coleman
		Mike Cobban

Chairwoman Cynthia Curtis calls the February 6, 2013 North Salem Planning Board Meeting to order.

REGULAR MEETING:

- 1. Total Energy:** (owner – APC Group, LLC)
Amended Site Development Plan (location – 4 & 2 Hardscrabble Road)

- Consider Acceptance of Parking Cross Easement

Cynthia states the Approval and Filing of the Parking Cross Easement was a Requirement in the Resolution of Approval. Cynthia states that we should have left this up to the Town Attorney to handle, except the Resolution of Approval had language in it stating the Planning Board had to Accept it.

Chairwoman motions that the Planning Board Hereby Accept the Parking Cross Easement as Prepared by the Applicant and Approved by the Town Attorney for Total Energy. Charlotte Harris seconds. All in favor. No opposed.

After the motion Cynthia confirms that Roland has already filed the Easement.

2. **Sprint Spectrum LP:** Doug Warden (owners – Pasquale & Francis Carrozza)
Cond. Use/Site Dev. Plan (location – 509 Route 22)

- Discussion Regarding Request for Recertification of the Conditional Use and Site Development Plan Approval
- Consider Renewal of Conditional Use Permit
- Bond Approval and Recommendation to Town Board

Cynthia states that the Sprint Spectrum First Purdys Building is one of our Cell Tower Applications. Cynthia states that the ten year renewal time was up last year. Cynthia advises Mr. Warden that in the future, the application process should take place six months ahead of the expiration. Cynthia states that as of now there have been no changes to the facility, and the Applicant has certified that everything is the same. Cynthia states that we have received information from the Building Department advising that all the Reports are up to date. Cynthia states that we received the most recent Report with the new submission. Cynthia states the only item that she thought needed to be looked at was whether or not the Removal Bond was sufficient. Cynthia states the Applicant submitted an estimate which was forwarded to the Town Engineer for review, and the Town Engineer recommended a revised amount. Cynthia confirms with Mr. Warden that the estimate is acceptable to his clients. Cynthia states she did prepare a Draft Resolution in regards to the Permit Renewal for Conditional Use and Site Development Plan Approval, with the Condition that the Removal Bond be increased to \$33,000.00. Cynthia states that as part of this Resolution, that Removal Bond will go over to the Town Board as a Recommendation from this Board. Cynthia asks the Board whether they have any questions regarding the renewal. They do not. Cynthia asks Mr. Warden if he has any questions. Mr. Warden states no.

Chairwoman motions that the Planning Board Approve the Resolution as Drafted for Sprint Spectrum LP Permit Renewal for Conditional Use and Site Development Plan Approval for the First Purdys Building. Robert Tompkins seconds. All in favor. No opposed.

After the motion, Cynthia states there may be amendments coming in. Cynthia asks Mr. Warden whether the amendments will be coming in soon. Mr. Warden states they should be coming in soon. The materials are still being compiled. Cynthia advises Mr. Warden to tell his client that the materials e-mailed to her were very small and difficult to read. Cynthia states that when they are ready to submit, she would like to have access to someone who will understand what the changes are because she will need to determine the extent of the submission and whether a full round of engineering reviews will be needed. Cynthia states that some of the changes include going from six roof-top antennas down to four. Cynthia states it was difficult to understand whether the antennas were going to be larger or not. Cynthia states it would be helpful when they submit to provide her with the name of someone she may speak with to flush out all the details. Mr. Warden states he believes they will submit a narrative description along with all the materials. Mr. Warden refers to the Recommendation to the Town Board in regards to the Bond and asks if that is a Meeting he would need to attend. Cynthia states a copy of the Planning Board Resolution along with the Memo from the Town Engineer recommending the amount be changed to \$33,000.00 will be sent over to the Town Board. Cynthia states that Mr. Warden should submit the form of the Bond to the Town Attorney for his review. Mr. Warden asks whether the Board voted. Cynthia states yes. Mr. Warden apologizes and states he is not feeling well and is taking a lot of medication.

Cynthia states that she should make a motion referring the bond recommendation over to the Town Board.

Chairwoman motions that the Planning Board Adopt the Resolution of Recommendation to the Town Board Regarding an Increase in the Removal Bond for their Approval. Robert Tompkins seconds. All in favor. No opposed.

**3. Salem Hunt/Bridleside: Bill Balter
Amended Site Development Plan**

(owner – June Road Properties, LLC)
(location – June Road & Starlea Road)

- Consider Draft Resolution of Approval Regarding Field Change

Cynthia states that work is under way. She has had a few phone calls about items that have popped up. Cynthia states that conditions have been discovered in the field where certain items are not quite working. Cynthia states there are a few items that may need minor changes. Cynthia states she has to sort out whether these items are actually Field Changes or Amended Site Plan Changes. Cynthia states she prepared a Draft Resolution that incorporates a short list of the changes. Cynthia states that Bill Balter and John Bainlardi are here with us tonight. Cynthia states that she has to add Item No. 5 to the middle of Page 1 because there are actually two water tanks that are proposed to change slightly. Cynthia refers to Field Changes such as when digging is taking place, and rock is hit causing the need to move a pipe in a different direction, and states that it is her opinion that the Board does not have to get involved with those types of Field Changes. Cynthia states that those types of items may be delegated through the Building Inspector and the Site Engineer to sign off on them. Cynthia states the Field Changes that relate to items above ground that are visual would be the type of changes that the Board would want to see and weigh in on. Cynthia states that one minor item that has been brought to our attention is the fact that a sidewalk wasn't put on the Plan. Cynthia states the Board may not need to review full-blown details. Cynthia states she does not believe the Board needs to review a full-blown page and modify the Site Plan at this point. If these types of changes are agreed upon, at the end of the Project when the as-built is prepared, we will see the changes, such as the sidewalk. Cynthia states she is trying to keep the involvement with this Board to a minimum, but to separate the significant items from the items that may be handled by the Building Inspector and Site Engineer. Cynthia states that there are items that will be discussed down the road which involve changes to the phasing. These changes will involve the Stormwater Pollution Prevention Plan (SWPPP). Cynthia states that an e-mail came today from the City which correctly stated that if there is going to be a disturbance of more than five acres that affects our SWPPP, it would be our Board that has to approve it. This item is not in front of us tonight, but will be coming. Cynthia states she would like to go over the items that are in front of the Board tonight, as well as clarify the procedure. Cynthia states that there is going to be better communication on how we are all going proceed. Cynthia states it has been a learning curve for her too. Cynthia states that this is a major Project and Bruce is up to speed. Cynthia states that with Frank Annunziata as the Town Engineer, and Insite Engineering overseeing the work, as of today, she can comfortably say that in the future anytime Insite sees something that is not going to be done 100% to the Plans, they are going to call Bruce right away and Bruce will let them know whether or not it has to be dealt with through the Engineer, or whether his office will handle it. Cynthia states the Planning Department will be copied on everything, but, depending on how we write this Resolution tonight, we do not have to sign off on every minor detail. Cynthia states she would like to go over the five items and asks the Applicant to help her in case she doesn't have them accurately described. Number 1 refers to a slight modification of the phasing of the construction. Cynthia states to the Board that they have seen that Plan Sheet. Cynthia states it does not impact the SWPPP, and will not exceed five acres of disturbance. Number 2 refers to a change in the water quality unit underground. Cynthia states that Frank has not signed off on that one yet. Cynthia states if we include it, she would like to add the language "that the Board is approving it subject to the Consulting Engineer's approval". Number 3 refers to the addition of a path/sidewalk to the clubhouse. Cynthia states those details were e-mailed to the Board. No. 4 refers to the addition of a drain inlet that is an engineering detail. No. 5 refers to the fire protection storage tank. Cynthia states the Applicant is not installing the specific tank they mentioned in the Plans. Cynthia asks whether Frank signed off on the fire protection storage tank. Mr. Bainlardi states he has not seen a sign off from Frank on the fire protection storage tank. Mr. Bainlardi states he thought there was an e-mail from Frank on the underground water quality. Cynthia states that is right. Cynthia states that for some reason she thought the two water tanks were one in the same, but they are not. Mr. Bainlardi refers to the fire protection and states that there is a change in

the dimension of the tank which will require minor modifications for the drainage in and around the tanks. Mr. Bainlardi refers to the underground water quality and states he knows documentation was sent from Insite to Frank Annunziata. Cynthia states she will list both of the tanks and make them subject to approval from the Consulting Engineer. Cynthia states as long as the Board is in agreement, she would also like to add to the Resolution that any future underground changes do not have to come back to them for sign off, but are subject to sign off by the Building Inspector. The Building Inspector will decide whether the Consulting Engineer has to sign off as well. Cynthia asks Will if he has any words of caution. Will states not if the changes are in line with what has been proposed versus new items. Will states if something is newly introduced that was not part of the Plan, that would be more substantive. Cynthia asks the Board if they have any questions to ask the Applicant regards to the proposed changes. The Board states no. Cynthia asks the Board if they are comfortable with moving the Resolution as modified. Bernard states he will abstain.

Chairwoman motions that the Planning Board Approve the Draft Resolution Regarding Field Changes and Minor Site Development Plan Amendment Item, Which Includes the Addition of No. 5, the Fire Protection Storage Tank, as well as an Additional Whereas Clause that the Planning Board will Defer to the Building Inspector on any Further Underground Modifications to the Site Plan. Gary Jacobi seconds. All in favor, except Bernard Sweeney abstains.

After the motion, Cynthia asks Mr. Balter to give the Board an overview of the temporary construction signs that will be going up in accordance with our Ordinance, as well as a couple items we might see coming down the pike. Mr. Balter refers to the signs and states the Ordinance requirement is for temporary signs not to exceed two feet by two feet, so that is what we will do. Mr. Balter states that both funding agencies agree with this size. Cynthia confirms the Board is happy with the size. Mr. Balter refers to the Resolution of Approval. Mr. Bainlardi states the Resolution of Approval did have language in regards to temporary signs having to be in conformance with the Town Ordinance. Mr. Balter states that during the coming months, they will be back before the Board to obtain approval for their permanent sign. Mr. Balter states he is not sure the two feet by two feet requirement will be practical for the permanent sign. Mr. Balter states they may require a variance. Cynthia states that during the process, the Board had been told that there would not be a sign out front. Cynthia states that it will be necessary to have an E911 sign. Mr. Bainlardi states he understands there may be a color preference. Cynthia refers to the blue sign sample provided to the Board which the Applicant has used in other developments and states it is her opinion that green is the color for North Salem. Cynthia states if the Board has a color choice they would like to suggest please let Mr. Balter know.

Mr. Bainlardi states they are looking at the possibility of moving the Wastewater Treatment Building approximately 20 to 25 feet. Mr. Bainlardi states they have encountered a lot of rock in this area. They would like to be able to get off the ledge, and also save the expense of the rock removal. Mr. Bainlardi states if they decide they want to move ahead with this, they will circulate materials to the Planning Board, Bruce, and the Town Engineer. Mr. Balter states that if they decide to move forward, they will make the decision in the next week or two. Mr. Bainlardi states there is a potential of modifying the Phasing Plan and SWPPP to allow them to open up more than five acres at one time. Mr. Balter states the site has a huge septic field and Sewage Treatment Plant. Mr. Balter states the septic field is 4.8 acres. Mr. Balter talks about locating the septic field in a different drainage basin. Cynthia talks about the Town amending its SWPPP. Cynthia states she believes there would be no DEC oversight on that, but there would be a DEP sign off. Cynthia states the Applicant is working with the DEP. Cynthia states correspondence was received from DEP today which stated this is subject to local jurisdiction. Mr. Bainlardi refers to the Phasing Plan modification and states that will also be kept with the SWPPP package and circulated together.

Mr. Balter provides the Board with a construction update and states that other than the fact that they have hit a lot more rock than anticipated, everything is going fine. They will be starting their first building in a couple of

weeks, and are looking to have their first occupancy October 1st. Cynthia states she has seen e-mails which stated the Applicant is working with the Moderate Income Housing Board and the Applicant will provide them with their moderate packaging material within a month or two. Mr. Bainlardi states that once the official marketing period begins, around March 1st, a brochure, application, and dedicated project website will be available. Mr. Bainlardi states that all of this will be done in coordination with the Town Housing Board. Mr. Bainlardi states there have been efforts to have information on the Town Website. Mr. Bainlardi states the Town Housing Board has been receiving inquiries, and forwarding them to us. Mr. Balter states there have been quite a few inquiries. Cynthia states the Town is putting together their Newsletter. Cynthia states that Mr. Balter may want to provide her or Warren Lucas with suggested information to incorporate. Cynthia states it might make it in on time. Cynthia states this will alert people as to when the marketing will begin.

4. North Salem Properties, LLC: Ken Siegel (owner – Michele Savino)
Amended Site Development Plan (location – Dingle Ridge Road/ Rt. 22)

- Consider Draft Resolution of Approval Regarding Field Change

Cynthia states that North Salem Properties is 121 Market. Cynthia states that 121 Market has an Approved Site Plan. They have been trying to finish up all of the work, and have run into a couple of changes they would like to talk with us about. Cynthia states she initially set up as a possible Field Change, but she believes it may be more of an Amended Site Plan item. Cynthia states the item that has not been nailed down is the installation of a concrete pad and compactor in lieu of multiple dumpsters.

Ken Siegel states he is the Architect for the Applicant. Mr. Siegel thanks the Board for being here for them. Mr. Siegel states that his client installed a compactor in lieu of multiple dumpsters. Mr. Siegel states the compactor was installed right up against a garage building in the back of 121 Market. Mr. Siegel states he didn't notice this because he was not a part of it. Mr. Siegel states they have a Plan which he has a sketch of. Mr. Siegel passes out the sketch and states they are proposing to relocate the compactor by sliding it five feet away from the building in compliance with the New York State Fire Code. We are proposing to take down the existing fence and slide it over so that the opening for the dumpster lines up with the dumpster. It will stay in the same line as it currently is. Mr. Siegel states that is the entire change. Cynthia states that the fencing is being changed. Cynthia asks what the compactor looks like. Mr. Siegel states it looks like a metal box. Cynthia asks why it is called a compactor and asks if it has a hydraulic motor that will push it. Mr. Siegel states yes, that is the second box. Cynthia asks if it is open on top. Mr. Siegel states no, it is completely enclosed. Cynthia asks if it is noisy. Mr. Siegel states he hasn't heard it. Mr. Siegel states that when it is turned on it probably makes a sound like a lawn mower. Gary states it should not run very often. Cynthia states the land behind this compactor does rise up. Cynthia states that when the neighbor builds near there, will they see it? Mr. Siegel states absolutely not. Mr. Siegel states on the side of the compactor is a rock outcropping and the natural terrain makes a complete wall. Cynthia confirms with Mr. Siegel that he is only proposing fencing across the front. Mr. Siegel states they are proposing something different than their original drawing which had fencing on the side and in the back. Mr. Siegel states it is virtually impossible to install fencing there due to the rocky hill. Mr. Siegel states that since the idea for this part of the Site Plan was to block the view of the dumpsters and clean the area up from the mess it was, this Plan will comply. Cynthia refers to the residential neighbor to the east and asks Mr. Siegel if he is sure they will not see the compactor. Mr. Siegel states he was there measuring today, and it is not visible. Cynthia asks if his client understands there is not supposed to be materials all around. Mr. Siegel states they understand. Mr. Siegel states the restaurant and market utilize this area to keep materials there before they are taken away. Mr. Siegel states that materials are not taken away every day and they need to put materials in the area for preparation prior to them being removed. Mr. Siegel is not sure what the exact removal schedule is. Cynthia asks what materials Mr. Siegel is talking about, that would not go into the compactor. Mr. Siegel refers to card board boxes that do

not go into the compactor and states they are bailed and recycled. Mr. Siegel states that boxes were there this morning which are gone now. Cynthia asks if there is sufficient area so the boxes are put between the compactor and the building. Cynthia states she doesn't want to see materials out the side. Mr. Siegel states that the area really needs to be left clean due to combustible materials. Cynthia states the area around the compactor looks pretty tight and asks where all of the card board will be stored. Mr. Siegel states there is a door on the top that opens up. Mr. Siegel states there is a 4 foot door and a 10 foot gate. Cynthia asks the Board whether they have any concerns. The Board states no. Mr. Siegel states it is 1,000% times better than it used to be. Cynthia states yes it is. Cynthia states the building is beautiful. Cynthia asks if the light will stay on the side. Mr. Siegel states yes because it is off and doesn't go on unless someone goes back there at night. Mr. Siegel states for the safety of the people walking back there, it goes on and off. Mr. Siegel states it stays dark and then goes on. It is a motion sensor. Cynthia asks if the part of the fencing will be eight feet. Mr. Siegel states the pieces will remain the same. They will just slide over.

Cynthia states she will add items to the Draft Resolution per the drawing submitted by Mr. Siegel today. Mr. Siegel states he will be submitting a revised Site Plan to show our discussions tonight. Cynthia states no, the sketch should be sufficient. Cynthia states that when everything is done, an as-built should be submitted. Cynthia states we don't need another full sheet with all of this information. Cynthia states the Draft Resolution and attached drawing in her opinion are sufficient to approve the amendment, and the as-built will take care of the final details for everything.

Cynthia refers to the sign and states she understands it will be taken down. Mr. Siegel states the sign will be pulled out. Mr. Siegel states they are going to have the pin located at the corner of Dingle Ridge, and Route 121 which will make it easier for us to measure ten feet by ten feet. Mr. Siegel states it will then be permanent. Mr. Siegel states they will not need a variance for the location or size of the sign. Cynthia asks if the Board has any questions. They do not.

Chairwoman motions that the Planning Board Approve the Draft Resolution of Conditional Approval of Amended Site Plan for North Salem Properties, LLC. Bernard Sweeney seconds. All in favor. No opposed.

After the motion, Mr. Siegel thanks the Board for all of their help.

**5. Purdy's Farmer and the Fish: Viktor Solarik (owner – Purdy Family Trust)
Site Development Plan (location – 100 Titicus Road)**

- Consider Reports from Planning Consultant and Town Engineer

Viktor Solarik states he and Michael Liguori are here tonight to represent Ed Taylor, the Applicant who is also here tonight. Mr. Solarik states they made a submission last December. Mr. Solarik believes Plans crossed with the review of the Consultants. Mr. Solarik states that the comments from MDRA and Hahn reflect the Plans which are outdated at this point. Mr. Solarik states he does not know how it happened. Cynthia states she believes the Board is missing a couple of pages. Mr. Solarik states there is a whole section of information that somehow didn't get to Will at MDRA. Mr. Solarik states he hopes to address the comments tonight and then submit Plans tomorrow. Cynthia states it is not necessary to go through everything in the memos, and advises Mr. Solarik to go through the items he has concerns with. Mr. Solarik states he will try to be very brief. Mr. Solarik talks about the zoning and land use and states that there are areas that are indicated on the floor plans. Mr. Solarik states that Will may not have received these floor plans. Mr. Solarik states these floor plans show the individual areas of the restaurant which hopefully will clarify items. Mr. Solarik states these floor plans also show square footage. Mr. Solarik states the floor plans also show the upper floor. Gary asks

what the upper floor will be used for. Cynthia asks what the Use is going to be. Mr. Solarik states they are trying to use the front rooms of the building to expand the restaurant. Gary asks where the people are going to park. Mr. Solarik states he will get to that in a few minutes. Mr. Solarik states there was a restaurant at one point upstairs. Mr. Solarik states at one point the rooms upstairs used to be functioning as a restaurant. Mr. Solarik believes the restaurant was named The Box Tree, and then Purdy's Homestead. Mr. Solarik states he understands they have hurdles to go through with the Health Department. They are ready to fight that battle and wanted to include this in with the current review. Cynthia states she believes there was an apartment on the second floor, as well as seating in the back. Mr. Solarik states the previous tenant used the upstairs as their apartment. Gary states if we go all the way back when it was The Box Tree, it had hotel rooms. Cynthia asks if the existing stairway will be utilized to get to the upper floor. Mr. Solarik states yes. Mr. Solarik refers to Plan Sheet 1.3 and states there is a Bulk Calculation for each Use, as well as a Table for each of the Uses for Buildings a, b, c, and d.

Mr. Solarik refers to the temporary greenhouse and states they went through the State Department of Agriculture and Markets to receive information regarding temporary structures. They reviewed the usage with Bruce Thompson, and received a Permit to erect a structure in what used to be a paddock. Mr. Solarik refers to the greenhouse and states it is a hoop structure having fabric that will come off in the spring. Mr. Solarik states the fabric will be on for five or six months for the growing of vegetables for the Restaurant Use. In the summer, it will turn into a garden. Cynthia refers to the question about the structure being temporary and asks whether this is being done as defined by the State Department of Agriculture and Markets, or by our Zoning. Mr. Solarik states they are doing it as defined by the State Department of Agriculture and Markets. Cynthia states that dictates the construction.

Mr. Solarik refers to the off street parking and states a point had been made in regards to having a parking allocation for each of the uses for Buildings a, b, c, and d. Mr. Solarik states they went back and basically recreated the 1995 Site Plan. Mr. Solarik refers to Plan Sheet 1.1 which shows the parking spots and how they were allocated to each individual use. Mr. Solarik shows on the Plan where eight parking spaces are located. Mr. Solarik refers to an evergreen tree and states they would like to add two parking spaces on the other side. Mr. Solarik states the eight plus two spaces will be used for the restaurant. Mr. Solarik refers to the Plan and states the eight, four, and two spaces will be utilized for Buildings b, c, and d. Cynthia asks if those eight spaces may be used in the evening when the offices are closed. Mr. Solarik states yes. Will refers to Buildings b and c and states the requirement is for there to be 10 spaces. Will asks how the 8 spaces will comply with the 10 space requirement. Mr. Solarik states that Building c is actually utilizing two spaces. Mr. Solarik states they took this information from the 1995 Site Plan. Cynthia asks whether the spaces will be utilized permanently for employees or for the public. Cynthia states that is why she had inquired about signage. Mr. Solarik states that those spaces should be used for the employees. Will asks what is happening now.

Mr. Solarik states there was some confusion about the square footage inside the building as it pertains to the seating, and also to the parking calculations. Mr. Solarik states the seating capacity is dictated by the Health Department. Mr. Solarik states they have 65 seats right now. Mr. Solarik states they are working with the Health Department in regards to activating the market and the take out. Mr. Solarik states they are trying not to have to give up any seating in the restaurant. Mr. Solarik states this has to do with the septic capacity and is driven by the water usage. Mr. Solarik states they have to install meters to really understand where the water goes. Mr. Solarik refers to the old plumbing and states it is difficult to decipher. Mr. Solarik states that the pipes go from the restaurant to some of the other buildings. Will asks if the 65 seats are considered table seats. Mr. Solarik states that there are 65 seats in total. Will asks if that includes the bar. Mr. Solarik states yes.

Mr. Solarik states that the retail has been taken out that was mentioned in conjunction with the market.

Mr. Solarik talks about the parking requirements for the upper floor and states this is shown on Sheet 1.3. Mr. Solarik states that they have allocated 3 parking spaces for the take-out, 26 and 6 parking spaces for the first floor, and allocated the 17 offsite parking spaces for the second floor. Mr. Solarik states that according to the square footage area, 14 would be required. Gary asks what Mr. Solarik means by off-site. Mr. Solarik states up front. Mr. Solarik states this is the DOT area. Robert states that is where the triangle is. Gary asks if there is room for 17 cars there. Mr. Solarik states that is on the 1995 Site Plan. Mr. Solarik states the Board had asked about space for accommodating future parking if we were to lose the spaces in the front. Mr. Solarik states that there is space in the back behind the building, which is located between the paddocks and the building. Mr. Solarik states it would fit as a single row of parking. Mr. Solarik states there is no septic in that area. Will talks about Mr. Solarik showing that as a reserve area. Mr. Solarik states he is showing it as an alternative on-site parking location. Charlotte asks how many spaces there are. Mr. Solarik states 17 spaces. Mr. Solarik states if the Planning Board agrees, they will start their process with the Zoning Board of Appeals in order to obtain the parking variance for the front. Cynthia states yes. The Planning Board talks about making a recommendation. Will refers to the off-site parking and asks Mr. Solarik to explain how people actually use it, as opposed to the 1995 Site Plan. Mr. Solarik states that people park head in. Mr. Solarik states there are spaces shown on the 1995 Site Plan for which people do not park that way. Will understands and talks about the parking being compliant depending upon the design. Mr. Solarik states it may be beneficial to have a one-way circulation. Mr. Solarik talks about the access and exit design. Mr. Solarik states it may alleviate maneuvering around. Mr. Solarik talks about designating an area as one-way. Will asks Mr. Solarik to take a look at the layout. Cynthia talks about the access to the office parking area. The angle parking is discussed. Will states that angle parking may work well. There is a discussion about having a small sign that has the words "additional parking" on it. Mr. Solarik talks about adding lighting.

Mr. Solarik states there was a question about protecting the septic and water supply during construction. Mr. Solarik states they are proposing a construction fence be placed along the sidewalk. Cynthia asks where the well is that will be used for the restaurant, as opposed to the well that is being used for the garden. Mr. Solarik shows the location of one well that services all the buildings. Mr. Solarik states the well behind the building is used for the garden.

Mr. Solarik states they will provide Health Department approval.

Will refers to the front panels on the porch and asks for clarification. Mr. Solarik refers to the back west side porch and states that will be the entrance to the take-out area. Mr. Solarik states that when they met with the Historical Commission and the Architectural Review Board, they asked whether it would be acceptable for them to enclose the porch during the winter months. They all agreed with it. We have to make a formal submission showing what it will look like. Mr. Solarik states their idea was to utilize the porch to display some of the products. Cynthia states this information has to be added to the Statement of Use. Cynthia asks whether permission has been given in order to put the glass up. Mr. Solarik states that a formal approval has not been given. Mr. Solarik states they will have a three-sided enclosure with a door. Cynthia states that the footprint has to be part of the calculation for everything. Cynthia states the Board does not want to see dining tables out there in a few years. If it is going to be used as part of the take-out area, just state that.

Mr. Solarik states that there were some mistakes on the EAF. Mr. Solarik states that the parking numbers on the EAF and revised Site Plan do not match.

Mr. Solarik refers to Question B-9 on the SEQR Form in regards to the amount of jobs and states they estimate approximately six jobs for the whole restaurant.

Cynthia asks Mr. Solarik whether he has any concerns with the engineering issues. Mr. Solarik states no.

They will provide the detail. Cynthia confirms that after Mr. Solarik adds the engineering details, he will make a submission. Cynthia states that hopefully this will be the last review so the Applicant may move forward. Cynthia states that procedurally, this is an Amended Site Plan. There is discussion about the Board waiving the Public Hearing. Will states that they will have a Public Hearing with the Zoning Board of Appeals.

Bernard states he can't picture where the off-site parking is located. Cynthia shows Bernard on the Plan the location of the off-site parking. The DOT area is discussed. There is a discussion about the possibility of a traffic light being installed in the future. If that happens, the DOT may not allow parking in that area. Bernard states he is concerned with the traffic going down Route 22 in terms of someone possibly losing control. Bernard asks how close this parking area is to Route 22. There is a discussion about a stone wall being there. Michael Liguori states that they looked into acquiring the DOT property, and they were not successful. Cynthia states that DOT has more land and asks whether Mr. Liguori has tried to negotiate that. Mr. Liguori states he tried. Mr. Liguori states he spoke with DOT about using the land, and was told yes. Mr. Liguori states he spoke with DOT about buying the land, and they said no, it would take an Act from the Legislature for them to sell it to us. It would take approximately 24 months, and it would be a guaranteed no. Cynthia states the Applicant is not showing it as potential additional parking, but people are using it. Cynthia confirms that DOT would not even go into a lease agreement with the Applicant. Mr. Liguori states they have been told to just keep using the land. Mr. Liguori talks about confirming ownership.

Cynthia confirms there will be one more submission. Mr. Solarik asks whether they have to wait to submit to the Planning Board until after they finish the Zoning Board of Appeals process. Cynthia states do not delay the submission to the Planning Board. The Zoning Board of Appeals isn't going to change everything else. There is discussion about the Planning Board approval being subject to the Applicant obtaining the variance.

6. Monomoy Farm: Jeri Barrett (owner – Monomoy Farm, LLC)
Amended Wetland Permit (location – 806 Peach Lake Road)

- Consider Report from Planning Consultant and Wetlands Inspector

Cynthia states that when the Building Inspector found out about this he said the best thing to do would be to get the New York State Department of Environmental Conservation (NYSDEC) out there with our Wetlands Inspector. Cynthia states there was a Meeting in the field last fall to see what the current conditions are and what the procedure should be. Cynthia states she had previously mentioned this to the Board, and that the Applicant was working with the NYSDEC to see whether they thought they could work with the way the road is currently built, as far as the location, or whether it should be pulled all apart and be brought back to the specifications in the Original Plan. Cynthia states the NYSDEC seemed to be conducive to working with the road where it is.

Jeri Barrett states he is here tonight to represent the Applicant. Mr. Barrett states that he has Steve Coleman, Bill Beckman, and Mike Cobban with him tonight. Mr. Barrett states that Mr. Cobban is the new Manager of Monomoy Farm. Mr. Barrett states that Monomoy Farm is located at 806 Peach Lake Road, and the other part of the Farm is located at 706 Titicus Road. Mr. Barrett states that 806 Peach Lake Road and 706 Titicus Road were to be connected with the above-mentioned road. Mr. Barrett refers to a Plan that shows where the roads were to be connected. Mr. Barrett states that the Applicant had purchased the Cardone Property. Mr. Barrett states there was also another section of farm road which we call Subject Area II. This was a long flat road in the middle of the Site that was going to go up to where the equestrian barn is. Mr. Barrett states in the fall of 2011, Monomoy Farm began work and built an area of road at 706 Titicus Road. Mr. Barrett shows on the Plan where the road went in. Mr. Barrett states that Bruce Thompson had been out there for inspections prior

to our shutting the work down for the winter. Mr. Barrett states that when spring time came around we had suspended the SWPPP inspections because everything was frozen. As it started to get warmer we decided to go out and have a look at the Site. At the same time the Building Inspector received a phone call, and went out to the Site. Mr. Barrett shows on the Plan where the farm road went in at 706 Titicus Road, as well as the location of the bridge. Mr. Barrett shows the previously approved line on the Plan. Mr. Barrett states that a Field Change had been done which followed the grade. It seemed to make sense, except when it was done, it pushed everything closer to the regulated area. Mr. Barrett states that when Bruce Thompson came to the Site he issued a Stop Work Order. Mr. Barrett states that is when a Meeting was scheduled with the NYSDEC, Joe Bridges, Building Department, and Highway. We talked about it and one of the first things everyone thought about was whether the road should be put back. Mr. Barrett states the area had been cleared, and to go back in and clear another area would have created more disturbance. Mr. Barrett states there were discussions about what we could do to try and minimize this, and mitigate it. We talked about incorporating some of the components of the previous design that was approved. Mr. Barrett shows the grading limit line on the Plan and states the dash area is where the fill had been put in. Mr. Barrett shows the wetlands areas and states they ended up with fill in the wetlands. Mr. Barrett states that there is only two feet of fill in one area, and maybe three and four feet of fill in other areas. Mr. Barrett states they thought about installing a stone wall. We thought if we could put a two foot stone wall in, they could have an excavator come in and pull the fill out. Mr. Barrett states that about 1,000 yards of fill had been brought in, and we think we may get 600 yards out onto the road. Mr. Barrett states we are proposing to restore the area with native plantings. Mr. Barrett states a concern from Heather Gierloff at the NYSDEC was how we would keep this farm road from continuing to erode and go into the wetlands. Mr. Barrett states that one of the items they picked up that had been done on the previous plans was to try and bypass as much water around the work area as possible. Mr. Barrett shows the Board a Watershed Drainage Area Map and states that similar to the approved Plans, we will be putting in a swale so any water coming down the hill towards this portion of the farm road would be picked up and get carried over to a small basin. This will keep the water from going onto the farm road. Mr. Barrett states there were catch basins and pipes across the road. Mr. Barrett shows on the Plan where pipes had been installed and states the idea was to build catch basins. Mr. Barrett states the area running down will go into a rain garden type basin which has all been cleared. It will run down and be released, and intercepted into a basin and be bubbled out down the watercourse into the new catch basin across the street. We would then make a little stone crib wall on either side. It would spill into there, fill up, and splash over the top into the wetlands. We will be able to clean these out on a regular basis which will break the velocity. Mr. Barrett shows the location of the swale. Mr. Barrett states the pink watershed area shown on the Plan is the water that flows onto the farm road. Doing this would decrease the amount of water and the potential for future erosion. Mr. Barrett talks about treating the stormwater and states that Bill Beckman had suggested we install a sand filter behind the wall. Once the wall is in, we would take out the fill and put in sand. Mr. Barrett states there will be a pvc pipe coming through the wall. The idea is for the water to come across the watershed, hit the curve, drop into the sand filter and lead back out to the wetlands. Cynthia states she thought the road was going to be pitched so the water would go in on the other side. Mr. Barrett states that is how it was originally done. Mr. Barrett states when they were higher on the slope they were able to pitch back. Mr. Barrett states that Mr. Beckman had designed three feet wide by three feet deep trenches that were to be filled with broken stone. The problem was because they were closer down to the groundwater table, the area was filling with water. Mr. Barrett states this is pretty much in line with what they had talked about in the field.

Cynthia asks whether comments have come in from the NYSDEC. Mr. Barrett states not yet. Mr. Barrett states he wondered whether the Board had received comments. Cynthia states no. Cynthia asks Will if he knows whether Joe heard from the NYSDEC. Cynthia asks Mr. Barrett if he has any questions in regards to the Review Memo. Mr. Barrett states no. Cynthia asks Mr. Barrett if he has followed up with Ms. Gierloff. Mr. Barrett states he has not, but he will. There is a discussion about Mr. Barrett receiving comments from the NYSDEC prior to responding to the Review Memo. Cynthia asks Mr. Barrett to provide a copy of his

correspondence to the NYSDEC to both her and Bruce. Cynthia states maybe she could make a phone call to the NYSDEC.

Charlotte asks Mr. Barrett if the road that was built was the same road that existed when they originally went on their field walk. Mr. Barrett states when they first went out there with the NYSDEC a trail was out there. Mr. Barrett states that Ms. Gierloff was okay with that when we were out in the field. Mr. Barrett states that once they had to put the side slopes and swales in, Ms. Gierloff backed off on that decision. Charlotte asks where that trail was in relation to this new road. Mr. Barrett shows the trail on the Plan. Mr. Barrett states that Ms. Gierloff wants the plantings back in and restored.

Charlotte states she hopes the contractors realize what they have caused. Mr. Barrett states he didn't know what had happened until he went there to follow up on the SWPPP inspections. Mr. Barrett states it was a day or two after that when Bruce had shut the project down. Gary asks whether anyone has been penalized for this. Mr. Barrett states he doesn't know whether there had been a fine. He does know there will be quite a lot of remediation work to get the Plans back to how it has to be. Gary states if the Plans were not followed in the first place, how should the Board believe they will follow them now. Mr. Barrett states that right after the meeting with the NYSDEC, Mr. Ratner had to have his attorney prepare a letter of assurances to them stating he will stand behind this and get all of this done. Gary asks if the Board may have a copy of the letter. Mr. Barrett states yes. Mr. Barrett states that Mr. Ratner has assured NYSDEC and the Town that he does intend to remediate this. Mr. Barrett states that there was a Meeting at the Farm with Bruce and he made it very clear that the inspections will be followed closely. Everything has to be built exactly as what was approved by the Board. There is a discussion about the legal consequences with the NYSDEC. Mr. Barrett states he understands that Ms. Gierloff will not start an enforcement action as long as she receives this letter of assurance.

7. Salt Shed/Volunteers Park: (owner – Town of North Salem)
Lot Line Change (locations – 242, 248 & 250 June Road)

- Consider Draft Resolution of Approval

Cynthia states we thought this was done, but it wasn't. Cynthia asks if the Board has any questions with the Draft Resolution. They do not.

Chairwoman motions that the Planning Board Approve the Draft Resolution of Acceptance of Lot Line Change for Volunteers Park and the Salt Shed. Gary Jacobi seconds. All in favor. No opposed.

After the motion, Cynthia states that either Bunney Associates or Hahn Engineering will obtain the signatures and do the filing. We have to forward a copy of the Resolution over to the Town Board in order to authorize Warren Lucas to sign the Plat.

8. Financial Reports:

- December, 2012
- January, 2013

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

Chairwoman motions that the Planning Board Approve the January, 2013 Financial Report. Gary Jacobi seconds. All in favor. No opposed.

9. Appointments:

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

Chairwoman motions that the Planning Board Re-Appoint Dawn Onufrik as Planning Board Secretary for the year 2013. Charlotte Harris seconds. All in favor. No opposed

Chairwoman motions that the Planning Board Re-Appoint Robert Tompkins as Deputy Chairman for the year 2013. Charlotte Harris seconds. All in favor. No opposed.

Chairwoman motions that the Planning Board Re-Appoint Matthew D. Rudikoff Associates, Inc. as Planning Consultant for the year 2013. Charlotte Harris seconds. All in favor. No opposed.

Chairwoman motions that the Planning Board Re-Appoint Hahn Engineering as Engineering Consultant for the year 2013. Charlotte Harris seconds. All in favor. No opposed.

WORK SESSION:

10. Discussion of Inspection Fees and Various Code Items

Cynthia states the Planning Board has quite a bit of work to do and the Town Board would like them to start moving on it. Cynthia states that a couple of items have come up. Cynthia states there are vacant buildings on Fields Lane. People have tried desperately to get in there. Cynthia states that our Zoning only allows Research Office there. We have Research Office Development there. Cynthia states the Comprehensive Plan suggested that we have more flexible zoning on Fields Lane, and the Town Board would like us to consider that and move it forward. Cynthia states that over the years we have had inquiries about our Business and Professional Office Zoning. Cynthia refers to the lack of definitions and talks about pre-existing uses as far as contractor's businesses in some of the pre-existing zoning. Cynthia states that may be part of the confusion. Cynthia states that questions keep coming up about allowing contractor's business in a Professional Office Zone. Cynthia states this raises a lot of concerns because of the vehicles and equipment that would be involved. Cynthia states we need to start working on some of our definitions and get clarity on the uses. Cynthia states that the Board had a kennel application come in. Cynthia states the Board has not received official word, but residents of Hilltop Drive have told her they received personal assurances that the Application would be withdrawn. Charlotte thought the Application had been withdrawn. Cynthia states we have heard it would be withdrawn, but we have not received official notification. Cynthia talks about writing to the Applicant to confirm whether it is being withdrawn. Cynthia states there have been discussions as to whether we want kennels in the Town. There have been discussions with the Town Board for us to take a look at the Special Permit Uses, and the possibility of not having kennels. Cynthia states that there are people who live in Croton Falls and Purdys who would like to have poultry. Cynthia states she has pre-existing non-conforming chickens on her property. Cynthia states there are a lot of people who are interested in having chickens. Cynthia states she put together a packet of materials for each Board Member. The materials include information she believes will be helpful for the Board to look at as they begin this process. Cynthia states she would like to talk about some of the uses tonight so the Board may provide Will with their opinions so he may

come back with a Draft in two weeks that will detail what we may envision on Fields Lane, in the Business Professional Office, as well as the Special Use Permits though out the Town. Cynthia states that beginning in 2008, she and MDRA started to keep a running list of items in the Zoning Ordinance that need tweaking and fixing. Cynthia states she condensed it down to a shorter list, as well as attachments. Cynthia states this is what she would like to try to accomplish quickly. Cynthia states if the Board gets bogged down with any part of this, she might split it, because the Town Board wants us to move quickly on these items. Cynthia refers to underground storage tanks and states that everyone is putting generators in. Cynthia states that when the tanks are underground, a variance is still required because of the definition of structure. Cynthia states the Board may quickly cure that by making an exception to side and rear yard requirements. Cynthia states that by sending these items over to the Town Board, it requires a Public Hearing, and an amendment to the Town Code which gets very costly. Cynthia states she is trying to package enough items together to make it worthwhile and keep the costs down for the Town Board. Cynthia asks the Board to read over the first item in the packet at their convenience. Cynthia states she added to the packet e-mails that have come in from people with various concerns. Cynthia states there is an e-mail from Dan Ginnel concerning one of the properties on Fields Lane. Mr. Ginnel has a tenant who is very interested in moving in, but their business doesn't fit into the definition of Research Office. Cynthia states there is a letter in the packet from Mr. Ginnel which explains the interest in having a sports facility with internet sales. Cynthia states the Comprehensive Plan states that they don't want retail. Cynthia talks about defining internet sales as something different. Cynthia states as part of the space, they would like to have indoor training. Cynthia states that a baseball team may come in with a coach to have pitching and batting training. Cynthia states this would be a recreational training type of use. Gary asks which building would be considered. Cynthia states it is the Best Locking building. Cynthia states it has 6,000 square feet. Cynthia states when originally approved, it was office and light assembly. Cynthia states it was under the industrial zone when first approved, and now it is research office, so it can only be office space. Cynthia states she included in the packet a big chart which shows all the uses that are allowed, including the Conditional and Special Permit Uses. Cynthia refers to the Comprehensive Plan and states the thought to best control it would be to put some of these additional uses as either Conditional Uses of the Planning Board, or Special Uses of the Town Board. Cynthia states that both Roland and Will are here tonight to explain the differences and the advantages of one over the other if the Board has questions. Cynthia talks about the Board coming up with an array of uses that they think might be suitable to start working on, or the items they don't want. Cynthia refers to the Comprehensive Plan and confirms with Charlotte that they didn't want big box stores or retail. They don't want contractor's businesses, unless there is no visual impact. There is discussion about trucks being parked behind the buildings. Cynthia states that someone was interested in erecting a dome. They did not want to see big dome recreation buildings, but maybe keeping the size down as Mr. Ginnel had proposed, may be usable. Cynthia states there was a concern about 18 wheelers as far as truck traffic.

Cynthia asks the Board how they feel about people having farm animals in the ½ acre or 1 acre residential zones. Bernard states there is a noise associated with chickens. Charlotte talks about limiting roosters. Gary asks if we are going to define which farm animals would be allowed. Cynthia states that currently the Zoning does define specific animals. Gary asks if it defines the number of animals allowed based on the acreage. Cynthia states there is a flat limit based on the zone. Gary asks how many chickens are allowed on a 25 by 100 foot property. Cynthia states that in a very small coop, someone could have a dozen hens. They only need a run of about 25 or 30 feet. Cynthia states she has been doing this for about 25 years.

Cynthia asks if the Board has any words of wisdom for Will before he drafts something for them to look at in two weeks. Gary states he would like to see more restrictions in regards to the farm animals, and have more definitions. Gary refers to Fields Lane and states he would like to be more expansive. Bernard agrees. Charlotte states she does not think we have to be too restrictive on farm animals. Gary is not sure what too restrictive means. Charlotte states if someone wants chickens or hens, they will not make any noise. Gary

states it is more a question of having some type of limitation. Bernard states that not impacting neighbors would be very important to him. Gary refers to the type of animals and states he does not think we want big pigs.

Cynthia refers to the handout from Mr. Ginnel and states he listed suggested uses. Mr. Ginnel had come in earlier when he was interested in doing day care. Cynthia states she noticed that our Zoning Ordinance does not allow adult day care. Cynthia strongly recommends that wherever our Ordinance refers to day care, we add in the word "adult". Cynthia states that we allow day care in all the Residential Zones, but we don't allow it in a couple of the Commercial Zones. Mr. Ginnel suggested professional health care, medical, dental, and business offices related to storage, child day care facilities, nursery schools, recreational facilities and landscape, nursery and garden centers. Cynthia states that a landscape, nursery and garden center is something the Board had been working on for a property on Reed Road. Cynthia refers to the light contractor's business and states envisioning outdoor storage and displays need to be thought about so as not to see the stockpiling of visual items such as wood chips. Cynthia states Mr. Ginnel also had the manufacturing, fabricating, finishing and assembly of products on his list. Cynthia is not sure about this. Cynthia states the Industrial Zone used to be light assembly. She does not know exactly what that entails. Maybe Will could guide us next time about this. There is discussion about manufacturing. The Best Locking business is discussed. Cynthia states that Mr. Ginnel also listed building contractor business or storage yard. Cynthia states that may be doable. We would have to control what the outside of the site would look like. Our current Ordinance restricts the storing of anything not enclosed within a building. Mr. Ginnel also listed research laboratories which are already there. Mr. Ginnel also listed animal hospitals and kennels. Will refers to the recreation and asks whether indoor and outdoor would be considered. There is a discussion about tennis courts such as with membership clubs. Charlotte states we already have the Hardscrabble Club which has outdoor tennis courts as well as an indoor facility. Bernard states we have to look at how all of this will impact what we already have. Bernard states we have landscaping and nursery businesses here in Town. Cynthia states we only have it as a permitted use on one piece of property.

Cynthia confirms with the Board that they feel they can move this very quickly.

Cynthia states when the Board meets in two weeks they will have a Draft to review. Cynthia asks the Board to bring their packets back with them for the next Meeting. Cynthia states she did prepare a spreadsheet of all the special permit uses so the Board may see what is allowed in each zone. Cynthia asks the Board to take a look at the spreadsheet.

Cynthia states she is going to recommend that the accessory apartments in the commercial areas be considered. Cynthia refers to the Application submitted by Michael Sirignano for 110 Titicus Road. Cynthia refers to corrections being done to the Code that are already drafted.

Cynthia refers to Conditional Uses of the Planning Board versus Special Permit Uses and asks Roland whether there is any real benefit to having a Special Permit Use by the Town Board. Roland states they both are as of right, if the criteria is met. Charlotte asks if they are the same, except one comes to the Planning Board and the other goes to the Town Board. Roland states yes. Robert asks why someone would choose one over the other. Roland states they are the same. It is just a matter of which Board issues them. The statute of limitations would be the same. Cynthia states it is her tendency to have them as a Conditional Use of the Planning Board because they will be in front of us for the Site Plan. There is discussion about people having to go in front of two Boards. Roland states dealing with one Board would keep it out of the political spectrum. Will refers to the Zoning Board of Appeals involvement. Cynthia states she would leave the Zoning Board of Appeals involvement the way it is because they do a good job with accessory apartments, and the horse permits. Cynthia states she would leave their involvement alone, and not add to it. Cynthia states that some of

the Special Permit Uses may be able to come over to the Planning Board.

11. Next Meetings:

- Work Session – February 20, 2013
- Regular Meeting – March 6, 2013

12. Resolution:

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