



they came up with something that really makes sense. Cynthia refers to the Plan and states that one half will be all sewage treatment fields, and the buildings will be on the other half. Cynthia shows on the Plan the drainage basins for each half and what will take place at the end of the construction. Cynthia states the Applicant will be disturbing more than five acres at a time. Cynthia states the Applicant wants to go over the five acre limit in order to expedite getting the buildings done. Cynthia states that she believes it was the City that came up with the idea of building a berm that separates the two drainage basins. This will allow the Applicant to disturb five acres of disturbance in several areas without having a cumulative impact anywhere. Cynthia states the Applicant will be making a submittal to the Planning Board. Cynthia states the Town Engineer thought this was a good idea as well. Cynthia states the submittal may be coming in within a month or two.

## **WORK SESSION:**

### **2. Discussion of Inspection Fees and Various Code Items**

Cynthia states that while they are waiting for Will to arrive she would like to speak with the Board about the approach that was taken in regards to the Use Tables. Cynthia states if the Board brought their folders with them that she passed out at the last Meeting, they will see a packet of the Use Tables. Cynthia states the one item that Roland has confirmed repeatedly is that there is no advantage to having the Town Board handle the Special Permit Uses. Cynthia states when we first wrote the Ordinance, we thought there was an advantage. We thought the legislative board had an ability to decide whether certain Uses were wanted. Cynthia states Roland made it very clear that if people meet the standards, their Permits have to be granted. This is no different from the Board of Appeals (ZBA) handling a Special Permit or the Planning Board handling a Special Permit. Cynthia states it is cumbersome to have Applications before the Town Board and the Planning Board at the same time for processing. There is discussion about taking the Town Board out of the process and making a change to have the Planning Board handle the Conditional Use Permits. This way, there will be two applications in front of the same Board, the Planning Board for Special Permit, and Site Plan. Cynthia states the real advantage to this is that we will not have the Town Board as Lead Agency under SEQR, which puts the Planning Board at an extreme disadvantage. Cynthia gives the Marriott Hotel proposal as an example, where the Town Board is Lead Agency. Cynthia states that when that gets to completeness, and we have to give our comments, we won't have access to the Planner for that. We will be on our own in regards to formulating our own comments and memos, because the Planner, in this instance, will be functioning as the advisor to the Town Board. The only bills that can be processed under SEQR and paid for by the Applicant are from the Planner. Cynthia states to avoid situations like this in the future it makes sense to make the shift to the Planning Board. Cynthia states that was the first change she and Roland did, they made the shift to the Planning Board. Cynthia states that in the process, they started looking at what Uses they really want to see, and are there any they want to drop off the list. Cynthia states that they do have a memo from the Supervisor regarding the experience we had recently with the kennel application, and whether we want that type of a Use taken off the list. Cynthia states the Supervisor also questioned some of the other Nonprofit Uses and whether we want or need them in our Town, and at the same time, we looked at Uses we might want to add, or clarify. Cynthia states that she and Will went through the Use Tables and prepared notes. Cynthia talks about revamping the three major Columns; the first Column being the as of Right Uses, the second Column being the longer list of Planning Board Conditional Uses, and the third Column being the Special Use Permits by the ZBA. Cynthia states that the ZBA has been left alone. Everything that they had they still have. The only item that they added is in regards to the Farm Animal Uses that are being introduced. Cynthia states she was hoping that Will would be here by now to take us through these one by one. Cynthia states that "Business administrative or headquarters offices of philanthropic organizations" has been deleted. Charlotte asks Cynthia which Column she is in. Cynthia states she is on the RO District small handout sheet, Column D, under Town Board Special Use Permits. Cynthia states that offices are allowed, so why distinguish

philanthropic organizations and offices. Will arrives and Cynthia states she is bringing the Board up to speed on the plan of attack. Cynthia states she was just starting to highlight some of the issues they have on their list. Cynthia states in the first Column on all the pages, convents and uses of other governments were taken out. Cynthia states that they never had occasion to call upon these items.

Gary refers to the third Column and asks what the small “b” stands for. Cynthia states that Column refers to how to read the Bulk Table. Cynthia states if there is a “b”, you would go to the second line in the Bulk Table where it states that five acres are required. Gary refers to “uses of other governments” being removed and states he believes New York City actually has a small building down by the reservoir. Will states that would be covered under in the second Column where it lists “public utility buildings, water supply reservoirs, wells, sewage treatment plants, water treatment facilities and transmissions lines and utility poles for electric power telephone or gas”. Cynthia states the City of New York is subject to Planning Board review. Cynthia refers to the bridge over Mills Road which the Board reviewed. Gary states he didn’t see anything for retail. Cynthia states we are discussing the RO District and we don’t have retail there. Gary asks whether we are going to allow it at all. Will states no. Gary states that we are going to allow communication towers, dental labs, day care centers, and studios, but someone cannot open up a small retail shop or a restaurant. Cynthia states that is correct. Cynthia states she wanted to speak with the Board about restaurants. Cynthia states the Comprehensive Plan Committee is not interested in opening up the door for retail on Fields Lane. Gary asks whether we should allow child day care centers, indoor recreation, and martial arts on Fields Lane. Cynthia states she had handed out Sections of the Comprehensive Plan where it talks about having more flexible uses on Fields Lane. Cynthia states the Comprehensive Plan Committee had a preliminary discussion with some of the property owners and as a group as to what would be appropriate. Cynthia states items were added that were thought to be very appropriate, such as local service businesses. Gary states it seems like everything is listed except retail. Cynthia states that is correct, because retail opens up a big traffic issue. Gary states that “tradesman offices, child day care centers, indoor recreation and medical labs” are listed. Cynthia states she believes they are very different in that retail is constant all day long. Gary states so are medical labs. People are showing up all day long to give blood samples. Cynthia states it is by appointment. Cynthia states she does not believe the Town Board is interested in retail either. Cynthia states we had someone a few years ago who thought about petitioning for retail, and the Town Board stated they really didn’t want retail on Fields Lane, but they did want to have more flexibility with local businesses. Gary asks why we don’t add in language which states “everything but retail” and states why do we identify items like “water supply reservoir, electrician’s offices and child day care centers”. Cynthia states because this is the way zoning tables are written. We have to be as specific as possible so as not to end up with items that were not thought of. Gary states we should state “everything but retail”. Cynthia asks Gary whether he would like to have a nuclear power plant. Gary states this allows a nuclear power plant. Cynthia states no, it doesn’t. Gary asks where it says it doesn’t. Gary says it allows public utility buildings. Will states there isn’t property large enough on Field’s Lane to accommodate a nuclear power plant, nor is there a water source. Cynthia states in the Zoning Code there are limited uses and uses that are prohibited. Gary states he is not trying to be confrontational, but a confrontational comment was mentioned which stated that nuclear power plants would not be allowed, and they are. Cynthia states she forgot to mention that there is a list of Unacceptable Uses in the Code. Gary asks if gas fired plants are allowed. Cynthia states she is not sure; she will have to look it up. Gary states he doesn’t want to go through each and every example, but it seems to him that someone may be able to build a combined cycled gas generating electric plant here. Cynthia states if that is a possibility, then we may want to look at this more closely. Will refers to public utility buildings as far as making exclusions, and states that right now they are a Permitted Use in the zone. Gary states, but a deli isn’t. Gary states he thinks that is silly, particularly on Fields Lane. Cynthia states she believes it would run contrary to the Comprehensive Plan. Gary states if everyone else is in agreement, he doesn’t mean to be confrontational and drag this out. Will states the Comprehensive Plan would have to be modified to add retail in. Gary states the Comprehensive Plan is a Plan. Cynthia states we have to be consistent. Gary asks when the Plan was adopted. Cynthia states

last year. Gary refers to nuclear plants and asks if that is being consistent. Cynthia states no. Will states the Comprehensive Plan talked about what to add to the zoning, and didn't comment on what is already allowed in the zoning. Will refers to the handout given to the Board at the last Meeting which talked about a recommendation that Fields Lane be targeted as a Mixed Use Zone for multi-purpose small service businesses excluding retail or for flex space which contains a combination of office, assembly and light industrial warehouse uses. Gary asks if restaurants are considered retail. Cynthia states that restaurants are restaurants. Gary asks whether someone could open a restaurant on Fields Lane. Cynthia states no, not the way the zoning is currently written.

Gary asks what the term "STDS" stands for. Will states it refers to standards. Gary asks what it means when "yes" is listed. Gary confirms that means we have standards for public utility buildings. Will states that the definitions also have to be looked at in conjunction with these tables, which could further narrow the scope of what is allowed. Gary asks whether someone has to go through and draft up standards for all of these that need them. Cynthia states yes. That is the task she and Will plan to do over the next couple of weeks. Cynthia states it is not a phenomenal job in that some of the standards are pretty basic. Will talks about taking some of the standards from other places in order to adapt them for this purpose.

Gary refers to limited outdoor recreation and asks what is meant by that as an example. Cynthia states that Will is looking for direction from the Board in regards to the recreational uses as to what we would consider appropriate, and to what scale we would not like recreation uses to be there. Cynthia gives an example of someone who petitioned a few years ago for the construction of a dome building and states the Town Board did not want that size or scale of a dome, and also such a visual impact. Will talks about whether there is a need or want for outdoor recreation. Gary states he was just asking for an example of what limited outdoor recreation is. Will states the idea of that language was to let the Board know that he needed direction from them as far as how far they want to go, if at all. Cynthia asks Gary if he would like to see a driving range that might have netting that goes 80 feet up in the air. Gary states he asked the question because he can't envision anything that fits the description of limited outdoor recreation. Charlotte refers to the Hardscrabble Club having an outdoor pool and tennis courts. Will states we are not talking about big sports arenas unless the Board is interested in them. Will states the wording might change. It all depends on what the Board feels is appropriate for Fields Lane. Gary asks if this is the only District that is involved for Fields Lane on this page. Will states yes, that is the RO District. Gary asks what the likelihood is for a church to go up on Fields Lane. Charlotte believes it would be pretty low. There is discussion about taking "churches or other places of worship" out. Bernard states we would need to define what we really mean by a church. Will states that they are defined as "churches or other places of worship". Will states they are allowed in a lot of other places in Town, so it may be alright for them to be taken out of the RO District.

Cynthia asks what their thoughts are in regards to allowing medical or dental clinics in the RO District. Gary states that he believes they are allowed by the use of the language "medical or dental laboratories". Cynthia states that labs are different from clinics. Gary states that is in the eye of the beholder. Will asks Gary what distinction he sees, if any, between a medical office, a medical clinic, and a medical laboratory. Gary states none. People walk in, meet people in white coats, give blood, readings, ect. Will states a laboratory doesn't necessarily take patients. Gary agrees, but states if Will were to take out the words "isn't necessarily" from his prior sentence, then the rest of his sentence would be correct. Gary states that laboratories do take patients. Gary states that people do go to laboratories. They walk in and are asked what they are there for. They respond they are there to give blood and hand over a prescription. A person in a white coat comes out with a bunch of test tubes and a needle. There is a discussion about Quest. Will states that is not a lab because they don't do the lab work there. Gary states he didn't say they do the lab work there. Will states to him that would be a laboratory. Gary states they might have an x-ray machine. Gary states there are areas where medical office, medical clinic and medical laboratory might or might not overlap. Will asks whether we care

if they overlap. Will states the Board should not go by the wording on the sheets because that may be changed to whatever they want it to be. Will states he needs to know whether the Board wants a lab, office, and clinic treated differently, and define them differently, or keep them all the same. Bernard would like to know what the long range purpose of this is and where are we going with some of them. Bernard asks why we are putting some of these items in in the first place. Cynthia states we are doing this because people who own buildings on Field's Lane are having great difficulty renting out their spaces. It is starting to affect their assessments. They have stated that the Uses are so limited they have no tenants. They are asking for their assessments to be reduced. Some of these people have come in with ideas as to how to use their spaces. They went to the Comprehensive Plan Committee first asking them to open up the Uses a little bit so they may lease their spaces. They have been given some suggestions as to what they might be allowed to get into these buildings to make them usable and viable for the community. At the same time the Comprehensive Plan Committee has asked what the people of North Salem would like to see in their back yards that they actually would use. Cynthia talks about coming up with Uses that would make sense for the people of North Salem as far as what the people of North Salem may need. Cynthia states this is why we started to discuss electricians and plumbers. Cynthia states that once someone grows beyond a single man operation with one truck in a driveway, there is no place in Town for them to set up shop. These are services that serve the community, and services that serve the business people of the community because we do have local electricians and plumbers who need more space. Cynthia states that interesting enough we already distinguish between medical and dental laboratories as we see in the RO Zone and medical and dental clinics that are listed in other Zones. Cynthia states whether we clearly define them or not, right now we have them as two separate items and that is what Will is trying to find out. What the Board envisions the Uses to be, how we best define them, are they two separate animals or do we make them one. Gary states he believes we should make them one because they are likely to become one. Will states he is not sure what Gary means. Gary states to him it means that a Use may begin as laboratory and quickly morph into a clinic. Will states that is fine, but talks about the definition and the standards defining the Use as it is, not what someone wants to do with it. They can only do what is in the confines of the law. Gary states he would have to see what the North Salem definition of a clinic is versus a medical laboratory. Cynthia states that back in 1987, she believes it was thought that medical and dental clinics were considered uses for people who were coming and going all day long without appointments. Cynthia refers to a research type office that Ed Kelly put up near Friendly's on Stoneleigh Avenue in Carmel and states that is a lab. Cynthia states that people arrive in the morning, work for eight hours, and then go home. Gary states that a clinic that collects blood, urine and other items may quickly morph into testing procedures. Cynthia talks about defining it so that medical laboratories do not allow for specific procedures. Will states if we define clinics different than offices, and in one zone we may allow them both, and in another zone we may only allow one or the other, that is the distinction because they can't morph in the zone they only allow one in. Gary states if we make the distinction so finite, they become almost meaningless. Cynthia states that is not meaningless. Cynthia asks the Board whether they feel that they should introduce medical and dental clinics on Field Lane. Charlotte confirms that right now, it is not a Permitted Use. Cynthia refers to labs as being an office where people arrive in the morning and go home in the evening. Cynthia refers to medical or dental clinics and states they would have more traffic. Gary refers to laboratories in terms of allowing toxics such as radio isotops. Cynthia takes a look at Prohibited Uses in the Code and states if they are not prohibited, we should make sure they are. There is a discussion about Prohibited Uses. Cynthia refers to the Prohibited Uses in the Code and states that the handling, storage or disposal of radioactive materials or toxic waste byproducts are prohibited. Cynthia states that means that nuclear power plants are not permitted. Gary refers to Cynthia's question about allowing laboratories and states he would agree to expand it to include clinics. Cynthia states that for the moment she believes they should keep them as two separate and distinct Uses as they are now. Cynthia states that medical and clinics are allowed in other zones. Gary asks whether they will allow research, experimenting and testing on people and asks why they are excluding animals, and what are they including. Will states that not only animals are needed for testing. Cynthia mentions chemicals. Gary asks if that is what they want. Will states this is a Use that is currently allowed. If the Board wants to

get rid of it, then let's get rid of it. There is a discussion about how long this has been in the Code. Cynthia states 30 years. Gary states this is a chance to change it. Will states he has no prejudgment of what Use should be in this zone. He isn't asking for any of these Uses. It is up to the Board to decide what is appropriate or not. Charlotte states they are going to be taking items out and adding items in, as well as modifying items. Will states the reason this was probably written that way had to do with views on animals, and not using them for testing. Cynthia refers to the housing of animals, such as in cages and states she doesn't think anyone wanted that. Gary states he doesn't want testing of chemicals. He doesn't want Monsanto opening up a research lab here which this would allow. Will states we would then have to go to the performance standards and see whether those items fall into hazardous waste and hazardous materials. Cynthia states this Use is only in this zone and the reason it was put there was that in the 1980's it was one of the up and coming possibilities. Cynthia asks the Board whether they want to leave it in and tighten it up so as not to have items they don't want, or take it out altogether. Cynthia states at the end of the day there is only one parcel left of substantial size. Gary states he would vote to take it out. Bernard agrees. Will states he agrees. Gary states it would be cleaner, safer, and pose less traffic.

Cynthia states one item she didn't mention before Will arrived is that everywhere we see a reference to fire or ambulance stations, we are shifting them over to the first Column which is a Use Permitted as of Right. Gary asks whether they should also add the Police in. Will states they would be considered as part of the Town of North Salem. Gary asks what if the State Police decided to move from Somers. Will states the Town does not have jurisdiction over the State Police. Gary asks what if the New York City Department of Environmental Protection (NYCDEP) Police want to put up an office. Will states they do not have Police. Will states they do have law enforcement for the watershed. Will states they would be an accessory to their watershed lands because they are only going to go on their watershed lands. Gary states they do have one office in Katonah, which is why he is asking. They may decide to move it up here.

Cynthia refers to banks and financial institutions which she thought of this afternoon and states the only reason she is bringing them up is because she doesn't think they fit under the normal definition of business and professional office. Will states a bank is more retail orientated. Cynthia states they would have a lot of traffic coming and going. Gary states he agrees with Will. If we are not going to allow retail, we shouldn't allow bank branches. Gary states a bank branch would probably bring in more people because they come in and out much quicker.

Will asks the Board if there are other Uses that this Town would be able to promote or considered desirable to be located within. Gary states sure, agricultural, such as a nursery. Hardscrabble Farms on Hardscrabble Road is discussed. Cynthia states that would be a lot of retail. There is discussion about Hardscrabble Farms being for wholesale only. Gary stated he mentioned agricultural, such as a nursery, and someone who grows things. Charlotte asks Gary if he is talking about an establishment such as Hardscrabble Farms. Gary states something along those lines yes. Bernard asks why we would do something like that on Fields Lane when Hardscrabble Farms is down the road. Gary states because Hardscrabble Farms might be doing very well and want to expand. Cynthia states they already did. Gary states they might want to expand further. Will asks what property would actually support the growing of plants. Cynthia refers to the old NYSEG property which used to have all the peach trees on it, which is now one of our affordable housing sites. Gary talks about the possibility that one of those buildings could come down, and a greenhouse could go up. Will states that when people get to a small scale such as this type of agriculture, they need to sell. If they can't sell, they are not going to make it. Cynthia states she suspects if someone such as Hardscrabble Farms wanted to extend, it would probably do it under the agricultural district. Gary refers to post offices. There is a discussion about several post offices having been closed. Gary states if they close two or three of them, they might want to open a bigger and better one. Gary states they can go anywhere. Cynthia states that studios were put in. Charlotte talks about the indoor recreation. Cynthia refers to yoga, music, dance, martial arts, and sports

instruction that were added. Gary asks what about a movie theatre. There is a discussion about not having a large enough piece of property. Cynthia refers to libraries, museums and art galleries and asks whether we would add art studios there, or somewhere else. Will states no. We would have to look at how art galleries are defined and see whether they include studios. Cynthia states we ran into that problem when Tom Christopher came before us. Will states he will revisit the recreation and asks the Board whether there is any outdoor recreation they would not like to see. Cynthia states yes, a rifle range. Will asks the Board whether there is a desire to allow any kind of outdoor recreation. Charlotte confirms that outdoor recreation is not encompassed by Town Parks. Will states that Town Parks would be part of the Town of North Salem. Cynthia refers to a big club such as the Hardscrabble Club and asks the Board whether they would like to see an outdoor component. Gary states yes, he would like to see a swimming club. Charlotte states that an outdoor swimming pool or tennis courts would be nice. Cynthia talks about making swimming and tennis accessory uses. Will asks the Board whether they would like to make it a club as opposed to something open to the public. Gary states if it is public, it would be open to the Town. Will states he is referring to public such as open to the world as opposed to having a membership. Bernard states we don't want to go that route and refers to people being able to get right off I-684. Bernard states that will not be just for the people from North Salem. Gary states if we limit it to North Salem, there is not enough people in Town to support it. Bernard is not in support of a pool. Charlotte talks about a club where people would have to join versus opening up to the public. Cynthia states we do allow membership clubs in many of our other zones. Cynthia talks with the Board about scratching outdoor recreation and just leave it as indoor recreation.

Gary refers to indoor light industry and states that would allow the assembly of items, but not the warehousing of them. Will states the idea of no warehousing is referring to establishments such as Amazon or Zappos. Cynthia states this may be controlled by some of the standards they put in. Cynthia states there will be a certain amount of stored materials, but will not primarily be a warehouse. Gary understands the intent and states that no warehousing implies that a truck pulls in in the morning, and a truck pulls out in the afternoon. Gary states this needs to be changed. Cynthia states of course it will be changed. Will asks if warehousing is okay if it is 10%, 80%, 90% or 100% and states that is what he needs to know. There is discussion about leaving no warehousing in and then there will not be any light industry. Will states that warehousing does take up more space. Charlotte states that some type of warehousing has to be allowed. There is a discussion about the number of vehicles that would be involved. There is a discussion about tractor trailers. Cynthia refers to the Comprehensive Plan allowing for van size vehicles versus 18-wheelers. Casafina is discussed. Will asks the Board if an establishment like that would or would not be attractive. Cynthia states it wouldn't be attractive because what the Town wants as an Acceptable Use would be a building. They don't want to see open stockyards of materials or open parking lots because they cannot be taxed. They are big, ugly, and have impacts. There is discussion about having a nice large accessible building. Will states if the Uses are incompatible, that is the same as not having enough Uses. Will refers to low-key offices having vans versus people having yards of materials.

Will asks whether we are keeping churches or not in the RO Zone. The Board agrees to take them out.

Gary asks what is meant by Column D. Will states that nothing has changed other than moving the Town Board Permits over to the Planning Board. Will states the ZBA items were not touched. Gary asks why we are not going to touch them given that we are redoing so much. Cynthia states we can. Gary refers to people who have satellite dishes such as those from Direct TV and asks whether they have to go before the ZBA. Will states he is not sure how that works. Cynthia reads the definition of a satellite dish antenna and states it is "a fabrication devised to receive television transmissions from orbiting communication satellites". Cynthia states this is a broad definition and there are no standards. The Board talks about taking it out. Will states he wouldn't take it out. Cynthia states if we took them out, people wouldn't be allowed to have them; they would only be able to have the little antennas. Cynthia states this was added in 1987, so it may not be needed

anymore. Will agrees and states if someone comes in with something that is not exempt, that would fall under the communication tower and facilities regulations. The Board agrees to take it out. Gary confirms the only Use by Special Permit would be for accessory apartments. Charlotte states yes, in the RO District. Cynthia talks about adding in the apartments above stores and offices.

Gary refers to Column E and asks what we mean by it and why is it here. He asks if parish houses are the only item in the RO Zone as Accessory Uses by Right. The Board agrees that will come out because churches are coming out. Will states that there may be items added as we develop the definitions of the Uses in Columns B and C. Gary refers to Column E where it refers to off-street parking and loading facilities. Will states he was trying to separate the Accessory Use related to the Use in the Column. Gary talks about someone being allowed to use off-street parking. Will states it would have to be an accessory to Columns B, C or D. Gary asks if they can use as much parking as they want. Cynthia states no, it is regulated in the Code. Will states if someone wants to build a medical office, there is a parking standard. Gary refers to the loading facilities. Will states a loading space is required based on the size. Will refers to the accessory Uses and states this is not exactly how it is usually done. Usually there is a statement about customary ancillary Uses where specific items might be listed. Gary states it would seem like the off-street parking and loading would be as Will said. They would commence with the Uses listed and be part of the overall approval process. Gary states he is not sure why we have Column E. Will states in other zones, there are a lot more accessory uses. Cynthia states it will make sense as we get into the residential zones. Will states when we come up with better definitions for the Uses in Columns B and C, there may be items that stand out that would be an accessory Use to mention or exclude. Gary refers to public utilities and tradesman offices and states a lot of them are going to want a fuel tank of one sort or another. Will states that is something that should be discussed when we get into the standards to allow or not allow. Will states that if they are allowed, we might have specific standards. Will asks why people would want fuel tanks. Gary refers to gas, oil, propane, or kerosene tanks and states a small building might want back-up power. Will also talks about generators. Gary states that a generator would need to be powered. Will talks about dispensers to fill up trucks. Gary states a lot of facilities might want a large fuel source. Will states a generator with a power source would be something that would be hard not to define as a Permitted Special Use. Will states a fueling station would have to be descriptive. Will asks whether the Board wants that type of station involved in conjunction with these Uses. Cynthia states no. Cynthia talks about not wanting on site fueling stations. There is a discussion about propane tanks being above the ground. Gary states we have Accessory Uses by Right and it seems we should talk about the possibility that excavators and public utility buildings would need and want a water supply, wells and sewage treatment plants. Gary states all of those would want very significant back up fuel facilities. Will talks about backup generators as a power source. Will talks about allowing generators with fuel sources, which is not the same as using a fuel source to power vehicles. Gary talks about the possibility of someone wanting to put a 500 gallon tank in. Cynthia states she doesn't think the Planning Board would allow it. They would be asked why they need a 500 gallon tank. Will refers to Building Permits and states that a physical plant is very different. Gary states a physical plant is a 500 gallon tank. Gary states he is talking about whether we want to limit them. Will talks about someone taking fuel out and putting it into a vehicle. Gary states the person may not want to put it into a vehicle. Will asks what else the person would be doing. Gary states maybe utilizing some type of a motor. Gary states he is asking whether someone may put in a big tank to store fuel. Cynthia states no, because that is a Use. Gary states we need to spell it out. Cynthia doesn't believe they need to. Will states he understands the concept of a fuel source for the running of power, such as a generator. Will talks about making a distinction between that and someone that has a gasoline tank who pulls their truck up to fill up. Gary talks about someone wanting a big tank to run a generator to run their own electricity because it is cheaper. Cynthia states she thinks they are all doing that now. Gary asks whether we want to allow that. Cynthia states yes. Will asks if the Board wants to allow someone to have a tank that is running on power for people with trucks to fill up. Charlotte asks where Heritage Fuel obtains the fuel for their trucks. Cynthia states they go to a regular gas station. Will talks about allowing bulk storage. Cynthia states she does not want bulk storage.

Charlotte asks where Heritage Fuel stores the fuel they use. Cynthia states they get it somewhere else. There is discussion about other oil companies that have onsite facilities. Will asks the Board whether they want to see them or not. Gary states he brought it up so as to have a discussion as to whether we want to add language in regarding the installation of large storage tanks. Will asks whether the Board wants tanks to be unlimited. Gary states clearly no. He doesn't want someone to put in a 5000 gallon tank. Will asks what the cap would be. Limits are discussed. Cynthia talks about making it an Accessory Use by Right for the storage of fuel only to power onsite vehicles. Gary states we may not want to specify it only for the use of fuel. We may want to list them as large storage tanks. Cynthia states we do allow water for fire fighters. Will states the other item is whether the tanks will be buried. Specifying that the tanks have to be underground is discussed. Specifying sizes is discussed. Cynthia states that to her, if she has an Accessory Use by Right, it would mean that if she has a building that needed heating she would have the right to store fuel to heat it. Cynthia states if she has a gas stove in her kitchen, she may have propane tanks for the gas stove. Gary states what if he wanted to provide his own electric power 24 hours a day 7 days a week. Cynthia asks Gary how he would like to do that. Gary states with fuel, either a big natural gas tank or a big oil tank. Cynthia asks if it would be to heat or light the building. Gary states it would be to light the building. Cynthia states we would have to confirm the Building Code would allow it. Cynthia states she wouldn't limit the tanks as long as they provide heat, electricity, or power for a building. Cynthia states a concern with the dispensing. Cynthia states the Town has its own gasoline for all the trucks. Cynthia states the trucks fill up at the Highway Garage. Cynthia states that all the Police cars fill up at the Highway Garage. There is discussion about limiting the size of the tanks as well as the location.

In Regards to the GB District, Cynthia states they also shifted the Conditional Uses from the Town Board to the Planning Board. Cynthia states there was a thought to take out hotels and motels, but it is possible that Mr. Kelly may be coming back with a hotel proposal. Will states that golf and country clubs were taken out, as well as business, administrative or headquarters offices of philanthropic organizations. Cynthia asks whether they should take out motels and leave in hotels. Cynthia states that basically the NB District and GB District will be left alone, with the exception of some housekeeping. Will talks about adding in art studios and martial arts. Cynthia states it would be nice to have them in. Will asks whether those would be in as of right, or Conditional Uses. Gary asks how the list of allowed uses for retail was developed. Cynthia states it was developed back in 1987 and expanded about five years later for Salem Center. Gary asks why a drug store or an eye glass shop would not allowed. Cynthia states drugs are allowed and reads Column B where it talks about retail stores for the sale of drugs. There is discussion about what the GB District allows. Cynthia asks Will if he added the word "office" to medical and dental clinics. Will states yes. Charlotte states the GB allows for just about every type of retail operation. Charlotte states we may want to add in prepared foods. There is discussion about Subway eating establishments. Gary states he is not sure what is meant by single proprietorships. Cynthia states if someone has a big building that is approximately 10,000 feet, they would have to break it into three separate stores. Not wanting one large business is discussed. Gary talks about changing the wording to single tenant instead of single proprietorships and states that proprietorship sounds more like a small business and not a corporation. Cynthia suggests they leave that question for Roland because this is the way it has always been done. Gary refers to Column D and asks what is meant by the serving of food needing a Special Permit. Cynthia states this refers to the horse farms and other nonprofit organizations in terms of their events. Cynthia refers to the serving of food and states it would have to be an accessory to an orchard or vineyard, museum membership club, golf or country club, equestrian, livestock, agricultural or similar show, or bed and breakfast establishments.

In regards to the PO District, Cynthia states this refers to the area along Route 22 in Croton Falls and it is the beginning of Titicus Road and Purdy's. Gary asks if this area runs the whole length of Route 22. Cynthia states no and shows everyone the map. Cynthia states it runs from a dentist's office to Total Energy, as well as the Farmer and the Fish to Friends of Karen. The telephone company building is also discussed. Gary talks

about the restaurant uses. Cynthia states it is not so much about the restaurants that are there now, it is whether or not we would want to see any of the other buildings converted to restaurants. Gary states he would love to see a restaurant on Route 22. Having a restaurant in the telephone company building is discussed. Cynthia states that building may end up being utilized by the Croton Falls Fire Department. Gary states he would rather see a restaurant there than what is there now. There is a discussion about a florist shop possibly in Purdy's. Will states that a florist shop opens the door for every other kind of retail. Gary states it may be spelled out just as it was done in the GB District. The concerns of the neighbors are discussed as well as the Comprehensive Plan discussions. Cynthia states she doesn't have a problem adding restaurants. Will states restaurants are a good use.

Gary states that someone in the R-1/2 District is allowed to have one rooster. Cynthia states there is only one parcel left in Town that fits that description. Gary states that someone in the R-1 District is allowed to have three roosters, and someone in the R-1/4 District is not allowed to have roosters. Cynthia states there is only one parcel in the R-1/4 District and there are chickens there because it is a farm. Gary refers to the R-1/2 District and states we are allowing roosters by a Special Permit and asks if that is the only farm animal that is allowed. Cynthia states no. There are Accessory Uses by Right listed. Gary states that in the R-1/4 District the keeping of more than three dogs would require a Special Permit. There is a discussion about the R-1/2 District. Cynthia states she is suggesting six hens or other fowl or three rabbits, foxes, mink or other furbearing animals. Gary states he is not sure about foxes. There is a discussion about taking out foxes. Charlotte suggests just listing three furbearing animals. Gary asks whether we want to allow furbearing animals and states that minks and foxes are quite dangerous. Cynthia states the reason these animals are in is because we have a very active 4H and there are kids who have one or two of these animals. Gary asks if they have foxes. Cynthia states they do have minks. She is not sure about foxes. Will states this isn't so much about allowing people to have the animals. It is more about them not being allowed to have over a certain amount. Gary is not sure people living on 1/2 of an acre should be allowed to have three foxes. He is not sure the best way to get rid of them and talks about only listing rabbits. Gary states that foxes and minks bite people. Cynthia talks about taking out foxes and minks and asks the Board whether they want to take out furbearing animals. Gary states yes. There is a discussion about goats. Cynthia suggests the Board look at the R-2 and R-4 District and see how the categories are broken out. There is a discussion about the keeping of cows in conjunction with the acreage required. Gary states in the R-2 District someone who has 2 acres may have 2 cattle, 12 fowl, 12 rabbits, and 12 foxes meaning they could have almost 40 animals. Gary states we should cap that. Cynthia states she will work on a lesser amount. Gary states he does not want to see small properties used as commercial operations. Agricultural uses are discussed as well as going to the ZBA if people want more than 25. Cynthia states she will come back with something for the Board to look at.

Bernard states we are not considering neighbors in this instance. Cynthia states we are considering neighbors, which is why we want to talk about the numbers. Cynthia states that 12 chickens are nothing. Gary asks Bernard what he would propose if someone has 2 acres. Bernard states he is not sure because he isn't in the chicken business. Bernard states if it were up to him, he would not have any. Cynthia states that chickens have become very popular. They are now being raised at the school and the students are taking them home. Gary states he is all for them, but is concerned about the commercial and quantity aspect. Cynthia states that in the smaller districts, she moved the roosters into the category so they would have to receive a Special Permit from the ZBA in order to give the neighbors an opportunity to speak.

Gary states they just need to look at the NB District.

Cynthia states she will look at the standards for the next discussion. Cynthia asks the Board if she gave them standards in with their packets. The Board confirms they have them.

Cynthia refers to the residential zone and states we have a Use that is called multifamily dwellings for elderly and handicapped persons operated by nonprofit organizations. Cynthia states originally when we did the multifamily we used that to meet our goal. Cynthia states she has to go back and research how we did the calculation based on the changes due to the Continental Decision. Gary asks what the distinction is between for profit and nonprofit. Cynthia talks about the density. Gary asks why is nonprofit okay and for profit not. Gary asks if it is legal for us to make that distinction. Charlotte talks about the possibility of someone having an accessory to a convent, church or school.

**3. Next Meetings:**

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

**4. Resolution:**

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