

**North Salem Planning Board Minutes
September 4, 2013
7:30 PM – Annex**

PRESENT: **Cynthia Curtis, Chairwoman**
 Charlotte Harris, Board Member
 Bernard Sweeney, Board Member
 Robert Tompkins, Board Member
 Gary Jacobi, Board Member
 William Agresta, Matthew D. Rudikoff Assoc., Inc.
 Roland A. Baroni, Town Attorney

ATTENDANTS:	Harlem Children’s Zone:	John Kirkpatrick John Sullivan John Fry Rob Aiello Anne Williams Isom Adora Mora Mark Moyer
	Sprint Spectrum LP:	Douglas Warden
	Bridleside/Salem Hunt:	John Bainlardi Scott Blakely
	BP/Joe’s Getty/Fuelco:	Joe Bryson Paul Sirignano Bryan Orser John Sinis
	Old Salem Farm:	Viktor Solarik

Chairwoman Cynthia Curtis calls the September 4, 2013 North Salem Planning Board Meeting to order.

PRE-APPLICATION:

- 1. Harlem Children’s Zone: John Kirkpatrick** (owner – 168 Titicus Road LLC)
Site Development Plan/Special Permit (location – 168 Titicus Road)

- Discussion of Proposed Pre-Application

Cynthia states the first item on the Agenda is the Harlem Children’s Zone represented by John Kirkpatrick. They will be giving a Pre-Application presentation this evening. Cynthia states, as a very limited background, Mr. Kirkpatrick came in and had two conversations with the Town Supervisor. Cynthia stated it was her strong opinion that it was best for a Pre-Application to be submitted in order to have our Planning Consultant and Town Attorney included in the conversations so as to discuss the proposal to be able to flush out as early as possible in the Pre-application process any issues that might pertain to Zoning and how the proposal fits into the Ordinance. Cynthia states this matter had been placed on an Agenda last spring, but the Applicant requested a postponement. Cynthia asks Mr. Kirkpatrick to introduce anyone who is here who will be presenting in order to have the correct names in the record.

Mr. Kirkpatrick talks about moving one of the microphones and states they noticed when they have listened to the videos that sometimes it is difficult to hear. Cynthia states one of the microphones could be moved down to the table when a presenter comes up. Mr. Kirkpatrick states he is an Attorney with Oxman, Tulis, Kirkpatrick, Whyatt, & Geiger, LLP. Mr. Kirkpatrick states that among other things his firm practices land use and environmental law throughout the whole Hudson Valley. Mr. Kirkpatrick states he is here representing the Harlem Children's Zone and 168 Titicus Road LLC. The Application is for a Conditional Use Approval which is before the Planning Board for Recreational Grounds and Facilities operated by a not for profit. Mr. Kirkpatrick states that is an existing Permitted Use, but, of course, they have to meet additional generic standards to make sure that the impacts are controlled. Mr. Kirkpatrick states that with him, and speaking tonight, are Ann Williams Isom, Chief Operating Officer of Harlem Children's Zone, and John Sullivan, from Sullivan Architecture, P.C. Mr. Kirkpatrick states also here tonight is Adora Mora, Project Manager, Mark Moyer, Chief Financial Officer, Rob Aiello from John Meyer Consulting Engineers, and John Fry also from Sullivan Architecture, P.C. Mr. Kirkpatrick states the real purpose of this is to put everything on the table and obtain input. Mr. Kirkpatrick states they would like to describe the environmental education center they are proposing for the property. Mr. Kirkpatrick states to do that, he would like to ask Ann Williams Isom to talk about the who, what, and why of Harlem Children's Zone. Mr. Kirkpatrick states it is their hope to be able to take the discussions further tonight. Mr. Kirkpatrick states they have a model outside and also have a video, but for tonight, what they really would like to do, is to get the discussions started. Mr. Kirkpatrick states that sometimes perhaps they could meet with neighbors, and move to a larger facility. Mr. Kirkpatrick states that once we have heard who Harlem Children's Zone is, we will hear from John Sullivan who will go through our preliminary plans. We hope to do this fairly quickly and then take questions and comments to see where we go from here.

Ann Williams Isom pronounces her last name for the record and states she is the Chief Operating Officer at the Harlem Children's Zone which means she is really in charge of executing their mission. Mrs. Isom states that some people look at us as being just a charter school or a school, but what we think we are doing is trying to change a community through a community development strategy which helps to take 97 blocks in Harlem which includes 10,000 kids. Mrs. Isom states that last year they served about 9,873 young people, and they want all of those kids to go to and through college. Mrs. Isom states that they think that one of the ways they are going to be able to change their own community, she and her husband included, as they are residents of Harlem, and both lawyers who wanted to come back and live in their community to show how they could do something different and change poverty in the community. Mrs. Isom states they have services for Baby College for which they have served over 4,000 families so far in the Zone to College where they have 841 young people who are in college right now. These are the most vulnerable young people in the communities where some people have given up on them already and don't think they have should have the possibility of going to school. These young people come from the larger public schools, not all are from charter schools. Only about 67 last year and 66 this year came from our charter schools. The majority of the children we work with are from our community. We offer early childhood programs such as Baby College and a Harlem Gems Program for three and four year olds. We have elementary school programs which are after school programs for young people. We also have middle school and high school programs. Mrs. Isom states when they started to think about the services they wanted to provide, they realized that they had wrap-around services for parents and wanted to create within the Harlem Children's Zone a community where adults and children care about each other. Mrs. Isom states that at their Promise Academy part of their vision for the work they have done has been to start a charter school because they felt like many of the public schools in their areas were failing their children and they wanted to prove that black and brown children, if they really had the services, good teachers, and what they needed, could do well. Our students go to school for eleven months out of the year in our charter school. We want them with us instead of doing other things that may not be productive. They go to school from 8:00 a.m. to 6:00 p.m. so we have the children for a long period of time and we feel we have been very successful with that model. We have an Armory where there are a lot of recreational and sports

activities, including anti-obesity programs because in our community over 45% of the young people are overweight or obese. There are many types of issues we deal with which affect children who are living in poverty. Mrs. Isom states that one of the things they wanted to do was to give children an opportunity to learn and be in the outdoors. When this opportunity was presented to us we were very excited about the possibility of bringing small groups of young people up to the property to be able to learn about the environment, water systems, streams, leaves, and animals. We would like to expand the educational services for our young people. Mrs. Isom states she has three children and when she thinks about the education they have received, and how well-rounded they are, a lot of it has to do with the teachers, and being in a place where they can be productive and learn about their environment, which is something they would really like to offer to these young people who are in the Harlem Children's Zone. Mrs. Isom states that as a community, the way that they have always done this, is to have the community here be involved with helping them think about what could happen at this learning center and also have their children be a part of it and work together. We would also love to have you come down to the Harlem Children's Zone to visit us and to spend some time and see us in our element. We think we are a little different than not for profits because we are working on a big scale, we really do think it is important to get it right for every single kid every single time so we do that by being hands on with our young people. Mrs. Isom talks about the great educational experiences her children had over the summer and talks about wanting children to be safe and sound; safe in order to be able to navigate all of the situations they have to go through, and sound so that their bodies, minds, and spirits are well so that they can be good citizens. Mrs. Isom states that is really what the Harlem Children's Zone is all about. Mrs. Isom states they have great data, and information, but have kept the presentation small for today. Mrs. Isom states she is happy to be here today and the drive up from the City was peaceful and relaxing. Mrs. Isom states that the good feelings that she has are something she would love to share with her three children and more importantly the children they serve in the Harlem Children's Zone.

John Sullivan states they brought a number of poster boards with them tonight. Mr. Sullivan states the Board is pretty familiar with the location of the Site and refers to an aerial photograph where I-684, the Titicus Reservoir, and the 85-acre proposed Site are shown. Mr. Sullivan states there has been previous activity on the Site. Mr. Sullivan shows additional aerial photographs which were taken after the previous work had been done and states they served as a nice initial model for them to understand the parameters of the Site. Mr. Sullivan states they have been able to utilize this property, particularly as it will be an environmental Site, to be very sustainable. Mr. Sullivan states whatever they propose to do on the Site will be sustainable and as green as they can make it. Mr. Sullivan states they are not to the point where they are ready to talk about certifications, but obviously that is on the radar screen as well. Mr. Sullivan shows the Site location colored in green and states, as the Board is aware of; there is an existing driveway that navigates up to about the center of the Site. Mr. Sullivan states their Plan is to utilize the existing road with no changes to the road. We do not need to find another means to get in here. Cynthia asks Mr. Sullivan what the road width and grades are for the driveway. Mr. Sullivan states that Mr. Aiello could probably respond to that question better. Mr. Sullivan states the width of the road varies. Cynthia states it was built as a driveway, not as our road specifications.

Mr. Aiello states the road is 14 feet wide and the maximum grade in spots is 14%. Cynthia asks if the Applicant realizes this is not up to our road specifications. Mr. Sullivan states they are utilizing what exists and that is how they approached this proposal. Mr. Sullivan states the darker green highlighted areas are heavily wooded. Mr. Sullivan states that predominately the Site is fully wooded with the exception of what has been cleared which they are showing in the lighter green highlighted areas. Mr. Sullivan shows the location where the previous residence was proposed and where it had started to be. Mr. Sullivan states they are proposing to place their building in that same location. Mr. Sullivan states they are proposing to place their caretaker's cottage in the same cleared area as the previous caretaker's cottage had been proposed to be. Mr. Sullivan shows an arts barn and another cleared area on the Site as well as a field which will remain touched, along with an oversized gazebo and green house. Mr. Sullivan shows an area on the Plan in the

northeast corner of the property where they are proposing small cabins, of approximately 1,200 square feet. Mr. Sullivan states the rest of the Site will stay untouched with the exception of walking trails and items such as that. Mr. Sullivan states they will need to cut down two or three trees to implement this Plan. Mr. Sullivan states the buildings sit right in the grades. They are very low-profiled buildings, most of them with one story. Mr. Sullivan refers to one building which will be two-story due to the nature of the grade. Mr. Sullivan states they have brought images with them tonight, such as the main building which would be seen when driving in. The road coming up is also shown, as well as an aerial. Mr. Sullivan shows a car path which would be a way for people to get to the cabins, and also be used for emergency vehicles. Mr. Sullivan shows images of other similar building types they propose to utilize for this project. Mr. Sullivan states they will use natural products, natural materials, glass, an open concept, and be in touch and part of the environment. Mr. Sullivan shows grey water usage and states that perhaps they might be able to utilize solar PVC panels. Mr. Sullivan states that is the goal of this project. Mr. Sullivan states that their Plan fits nicely into the Site and meets the Applicants needs and goals for what they would like to do with the property. Mr. Sullivan states he has kept it short and sweet and hopefully in the future will be able to get into more details.

Adora Mora, Project Manager states that Mrs. Isom talked a little bit about who we are and what we do. Mrs. Mora states that they have put a lot of thought into the type of utilization of the property. Mrs. Mora refers to the Armory they have which offers a lot of recreational activities for their kids all year round. Mrs. Mora states they would like to use the proposed property for something more, and feel that their model will be enhanced by utilizing the property as an environmental learning center. We thought about what would go into the center and we thought about the fact that the class room is really at the heart of what we do. We want to make sure we are extending the class room outdoors. We want our educators through experiential learning and guiding instruction to teach our kids about nature, natural sciences, conservation, and environmental issues which we think are equally as important to the issues that are related to living out of an urban space. Secondly, we really thought that it was important for our kids to cultivate that sense of curiosity. Mrs. Mora states that not knowing what lies beyond here and wanting to try and figure that out, they felt that being in an open space, and utilizing the property to help encourage kids to think about what is around them, is something they really want to highlight. Thirdly, we thought that being out there in the open space and utilizing the property as an environmental learning center is important for our kids to build bridges and deepen social ties amongst their peers. Mrs. Mora states that over the summer we brought small groups of kids from our Promise Academy Schools to come up and they experienced the property as it was and it was really interesting. Mrs. Mora talks about the kids getting emotional from seeing worms after it had rained, as well as seeing tall grass which they hadn't seen before. Mrs. Mora talks about showing the kids the difference between trees and bushes. Mrs. Mora states that these are little things that went a long way for our kids who came to visit over the summer to experience. Mrs. Mora states they are very excited to have the opportunity to continue doing this for the kids at the Promise Academy. Mrs. Mora states she wanted to talk about how they plan on using the camp, their environmental learning center, and how they are really excited to have it turned into the proposal Mr. Kirkpatrick had mentioned.

Mr. Kirkpatrick states that what they have shown is they have a large piece of property which they can use very lightly in a very respectful and appropriate way, and in a way which is likewise respectful and appropriate for the neighbors. We have also shown the Board that we have an organization prepared to do that, having a very unique goal, and can use this property in the right way, and be a good neighbor for the neighbors and Town as a whole. Mr. Kirkpatrick states that what they have shown and talked about is, of course, preliminary. We understand we may need to amend and adjust and are certainly prepared to do that. Mr. Kirkpatrick states they would like to hear comments and questions and start a discussion.

Will states there was a discussion tonight in regards to the physical Site, and the goals and aspirations, but the one piece not described which would be helpful for the discussion would be to talk about the program in terms

of the numbers as far as how many participants, as well as schedules.

Mr. Kirkpatrick states that is something they are working up. Mr. Kirkpatrick states they have an idea of what it might be ultimately, but as Mrs. Mora stated, they would like to start with field trips and go from there. Mrs. Mora states the smaller the group the better. They are very focused on small class room learning, as well as the ratio between adults and children. Mrs. Mora states that over the summer, they had 10 to 15 young people come up at a time. Mrs. Mora talks about utilizing vans and their philosophy about how young people best learn and states that 50 kids at one time wouldn't really work. Mrs. Mora states they were thinking about having activities all year round, that there would be something to learn in the summer, spring, and fall when the seasons change. Mrs. Mora states they talked about having these activities happen a couple times a week if possible. Mrs. Mora talks about seeing if something works, and then do more of it, but they would really be careful at the beginning in terms of how much, and how often to make sure they have something that works for the Town and the children.

Mr. Kirkpatrick states that John Sullivan and John Fry will talk about their Master Plan. Mr. Kirkpatrick asks Mr. Sullivan to talk about what the capacity could be if the Harlem Children's Zone were to build the whole thing. Mr. Sullivan states they do not have an exact fixed number, but the maximum that could probably sleep at this facility would be from 120 to 130 people, if all the cabins and the lodge were fully occupied. Mr. Sullivan states the dining room seats about 140 people. Mr. Sullivan states that obviously in addition to children, there would be counselors and staff. Mr. Sullivan states that is about the size in terms of occupancy of this facility. Mr. Sullivan states there will be no swimming pool, no baseball field, or football field. Mr. Sullivan states it is not part of the proposed model or program. Mr. Sullivan shows on the Plan where the recreation facilities will be located such as the outdoor facilities, and glass greenhouse for growing plants. Mr. Sullivan states that he will ask Rob Aiello, who was also the Engineer for the previous Applicant to speak, since he is familiar with the Site and did a number of the septic systems for the property. Mr. Sullivan states they will be balancing the previous designs for the system in order to accommodate them with the number of people, so there will be a little bit of a balancing act. Mr. Sullivan states the number of children and adults that would occupy this facility is in that ball park.

Cynthia states the Board received a small package of material which did mention a recreational field. Cynthia asks if that is still on the table. Mr. Sullivan shows an open field on the Plan and states it exists today. Mr. Sullivan states he doesn't know whether the grass will be kept tall as it is today. Mr. Sullivan states this facility will be for children; if they kick a ball around, that is fine, but it will not be an organized sporting event.

Mrs. Mora refers to the activities and states they have thought a lot about the activities that could be done at the environmental learning center and they are really excited. Mrs. Mora states that over the summer they were able to do activities such as orienteering, and identifying bugs and insects. Mrs. Mora states that their Promise Academy science teachers had laid out a curriculum that they were going to implement at their learning center and then take it back and continue to reinforce it in the class room. We found that our kids were so enthralled with experiencing wine berry picking, and running around catching bugs, that we realized we needed to start very slow. We thought about the number of people who would be coming to the camp at any one time and, as Mrs. Isom had mentioned, it was important for them to come in small groups because they can experience it one on one with their peers.

Cynthia states the idea and concept is fabulous for children to come up and be educated and experiment with the environment. Cynthia states that what has given the Board some pause is that their Zoning calls for Recreational Grounds and Facilities and what we are hearing and seeing tonight would be on the level of camps which means people are coming and staying over, which is not what they envisioned as what was

encompassed as part of our Zoning. Cynthia asks Roland to weigh in in terms of an interpretation. Roland states he keeps hearing the words “education center” and “learning center” and asks if it is a licensed facility with State Education Licenses? Roland states he doesn’t quite understand what this is. Roland states it doesn’t seem to fit into being a recreational facility.

Mrs. Isom states when she has a parenting course, she calls it a Baby College. It is not a College, but they call it a Baby College because they want people to think about this as a place where they are learning and starting their kids on a positive beginning. Mrs. Isom states to them, an environmental learning center is a place where kids are outside, with learning going on in a lot of different ways. Mrs. Isom states they want the kids to have fun as they learn. Mrs. Isom states the language is important to them and states they don’t want this to be thought of as just a camp. Mrs. Isom states it will be a place that will be an extension of holistic experiences. Roland asks if it will be an educational center. Mrs. Isom states it is a place where they are going to learn. It is not a school. Roland asks if it will be licensed as a school. Mrs. Isom states no. Robert confirms it will not be part of a charter school. Mrs. Isom states they have 1,500 young people who are in a charter school and the majority of the young people that she serves live in their neighborhood and go to other public schools. Mrs. Isom states that they are not proposing to have another school up here. Cynthia asks how the facility would be used during the regular school year. Mrs. Isom talks about having field trips. Cynthia confirms that would mean coming up for the day and then going back. Mrs. Isom states yes. Cynthia states that sleeping facilities will not be needed for the majority of the year. Mrs. Isom states that is correct except only if there were an overnight trip that had to happen. Mrs. Isom states they have a senior staff and talked about this being a nice place to go for an overnight retreat. Mrs. Isom states their students have no summer time off, they are with them all but three weeks in August, so they are in school all day long, and they will not be pulling them out all the time. Mrs. Isom states this will be a supplement to the work they are doing.

Roland states there is a disconnect going on in his head. Roland states he has heard a proposal to have 12 to 15 kids in small vans at a time coming up for field trips, and also having 120 kids utilizing sleeping quarters, and 140 people utilizing a lodge to eat. Mrs. Isom states she will sit down for a second and states she thinks the Master Plan is where they would eventually get to or build for which to her would be a couple of years away as opposed to what they were thinking they would like to start with. Mrs. Isom states she hopes she sounds honest when she talks about wanting to do something that will work for both them and the community. The idea of having 150 kids at one time isn’t something we necessarily want to do, or will be the best use. Mrs. Isom talks about the potential for the people to attend a retreat or gathering in order to get out of the City.

Cynthia states the Board pays close attention to the fact that this property is a four acre Residential Zoning District. Cynthia states that as they found out when they finished the Comprehensive Plan recently, there are several Uses which are not fully defined, and which do not have Standards. Cynthia states there are general standards which state the need to keep with underlying zoning. Cynthia refers to a Site like this, and states that even though there is a lot of acreage, the potential for a subdivision with a number of homes is very limited. Cynthia states to jump to the possibility of having a lodge or a camp really is not in keeping with the intent of Recreation Grounds and Facilities in the Town of North Salem with this kind of zoning. Cynthia states she would like to focus on the driveway and states that anytime access is allowed for more than two homes, or any large numbers of people, the standards do not recognize a narrow driveway with steep grades as being a safe and appropriate access for a lot of people. Cynthia states that in itself is really going to limit the amount of people who could safely be up there at one time because we have to make sure it is safe for our fire and ambulance vehicles to make it up there. Cynthia talks about the possibility of a car coming down very fast, while an ambulance is trying to get up in order to pick up someone to get them to the hospital and states a 14 foot driveway with 14% grades is not going to work for large numbers of people.

Mrs. Isom states the issue of safety is very important to them and talks about how to get up to the Site,

possibly by hiking, and states there is a lot they need to hear from the Board about what would work and what would be appropriate.

Cynthia asks the Board whether they have any questions.

Bernard states that having a class room experience was mentioned tonight, he would like to know whether there is a syllabus of some sort which would be used. Mrs. Mora states that over the summer, one of their science teachers put together a detailed syllabus, which is why they are so excited to run through these lesson plans with them. Mrs. Mora states there are activities that may be done during the summer and the fall, such as stargazing, and a lady bug project looking for a particular lady bug which only exists in New York. This lady bug project was done in conjunction with Cornell University. We also have activities such as leaf identification and bug identification. We have a core of teachers from our Promise Academy Schools who are really focused on building that knowledge base out. Bernard asks whether those teachers will be present and part of the trips. Mrs. Mora states yes, they come on every trip. Bernard states he would like to see the syllabus. Mrs. Mora and Mrs. Isom state they will follow up with that information.

Gary states he has concerns about having 130 people up there 24 hours a day, 7 days a week in terms of the amount of traffic and trucks servicing that size of a community, and the size of the septic fields that would be required as far as the amount of clear cutting that would have to happen because septic fields may not be located under forested areas. Gary talks about the water supply needed, especially since the property is up so high, and states that it will be necessary to drill down a long way to get the necessary water for 140 or 150 people. Gary states even if the Applicant may not be thinking of utilizing this facility year round this year, next year, or possibly until 2015, his main concern is that the road will not work, as there is just no way a major truck will be able to get up and down it. Gary states the septic and water requirements for that size community on that type of property would be quite onerous.

Cynthia states if the children want to the camp experience, has the Applicant looked into Mt. Lakes Camp here in North Salem because it might work together with what is being proposed tonight. Cynthia states we already have in North Salem a 900 acre park with camping facilities, so that might be something to take advantage of and then come over and do hiking on the piece of property being discussed tonight. Cynthia states that quite honestly the passive activities of hiking and exploring what is in the woods is more in keeping with what they had envisioned as recreational uses in North Salem.

Mr. Sullivan states his firm knows Mt. Lakes Camp well because they were the architects for Westchester County. Mr. Sullivan states his firm is working on another area of the camp for the County, in a section called Merry Wood. Mr. Sullivan states it is a massive site. Mr. Sullivan states he used to know how many acres there are. Cynthia states there are 900 acres. Mr. Sullivan states that he has spoken with the Applicant about this previously and there is some difficulty with having a private enterprise like this occupy the camp in conjunction with the programs that the County runs, particularly during the summer. Mr. Sullivan states he believes the Board may be aware of some of the activities and the amount of kids that are there during the summer. Mr. Sullivan states the roads that exist in there may not all match up to what has been stated tonight either in terms of some of their grades. Mr. Sullivan states there isn't enough of a facility to continue to expand. Mr. Sullivan states he doesn't know that this Site would be conducive to it, but with 900 acres that doesn't mean it can't be found. Mr. Sullivan states there may be a problem with marrying a private enterprise with a public facility. Mr. Sullivan shows images of the yurks and states they were quite interesting when they first introduced them but they are not turning out to be as wonderful as everyone had hoped. Mr. Sullivan states they are in a bit of disrepair. Mr. Sullivan states they have referenced many other camps and are familiar with Mt. Lakes, but he isn't sure if the Board is suggesting that the Applicant get something going with Mt. Lakes and the County. Cynthia states she brought it up because it is an existing camping area, and if the

students wanted to experience it, maybe there is something they may do there to understand the experience of camping. Cynthia states that camping is not what they envisioned as part of Recreational Grounds and Facilities, so there is an issue here. Mr. Kirkpatrick states that the summary of what they are hearing tonight is that the Board is looking for a type of a Use which would be more like what they are utilizing the property for now, which is for day trips. Mr. Kirkpatrick states they need to explore how they may do that with some shelter for inclement days. Mr. Kirkpatrick states they are hearing tonight that there is a density problem as far as the road is concerned, and a potential utility problem. Mr. Kirkpatrick states that Mr. Aiello has taken a look at that and we don't think it is as terrible as the Board may suspect. Mr. Kirkpatrick states they do not have a final proven Plan to present tonight. Mr. Kirkpatrick asks if there are other areas where the Board has concerns.

Bernard states he would be concerned about the ages of the youngsters utilizing the property and gives an example of having 80 people there. Bernard asks the ages of the children would be, and how much control would there be for them to be on the property because the road they would be on, if they decided to explore the area, is very, very dangerous.

Mrs. Isom states she loves the word control because it is her expertise in terms of being the person in charge of maintaining control of this community. Mrs. Isom states they are very conscious of putting mixed aged groups together, so if they were to have little ones, such as four year olds, they would probably come up around 11:00 a.m., take a little nap, and eat a sandwich, so we would probably have a small age group together. Mrs. Isom states they are very conscious with mixing elementary, middle school, and high school kids together. Mrs. Isom states they take the whole idea of ratios very seriously in terms of how many adults have to be with the kids. Mrs. Isom states that even in their neighborhood in terms of keeping control and keeping order they are very particular about that. Mrs. Isom states they took 1,000 kids to Great Adventure on August 19th and she made it clear the adults had to be with their groups and if she saw any kids running around by themselves going on rides, she would want to know which Site the child is from and who is responsible for them. Mrs. Isom states they are a high optical organization and are very clear about the idea of order. Mrs. Isom states that each adult is responsible for young people, which we take very seriously. Mrs. Isom states that is something they wouldn't play with which is why they would be very careful about the numbers and the amount of adults that would be there to make sure that they didn't have anything not within our standards, let alone the Town standards.

Cynthia asks whether the Applicant is subject to any other regulations such as State Day Care Regulations. Mrs. Isom states they do have health regulations, and Department of Community Development Regulations (DYCD). Mrs. Isom states that she worked for the Government for 13 years. Mrs. Isom refers to the regulations that Geoff Canada has to abide by in terms of what needs to happen in order to keep kids safe and to make sure they are surrounded by adults that can control their environment and make sure they are learning at the same time. Cynthia states aside from the Applicant's own regulations, is there anything which states what the adult to student ratio. Mrs. Isom states when it comes to trips most of their after school contact is with the DYCD, so if their regulations require 1 adult per 15 children, we would double that and have 3 adults to 15 kids. Mrs. Isom states that in their class rooms, they have 20, 3 and 4 year olds, with 5 adults in the room because they really feel it is necessary in order to make sure the children get the attention they need.

Mrs. Mora states that for their summer trips, they had 10 to 15 kids, and 2 to 3 adults. Mrs. Isom states they also have their own security staff.

Cynthia states going back to the density factor, we are aware that there is an underlying Agreement or Settlement with the New York City Department of Environmental Protection (NYCDEP) which states there can only be six homes there. Mr. Kirkpatrick states there may be six, six bedroom houses and one caretaker's

cottage. Cynthia asks Mr. Kirkpatrick how the Applicant's Plans fit into the Agreement. Mr. Kirkpatrick states they have had discussions with NYCDEP about working out terms in regards to actual traffic, water use and septic needs, and they we can meet that on an equivalency basis. Mr. Kirkpatrick states they imagined that they could build six, six bedroom houses, and a caretaker's cottage, with 100 gallons per bedroom, water use, and sewer, as well as what the runoff would be, and how they would be able to build essentially the equivalent to that. Cynthia states she understands looking at it in an equivalent fashion, but on the basis of the Agreement, how can one reopen that, as a lot of the people depended upon that in terms of the conflict with the neighbors as far as what would be there. Cynthia asks Mr. Kirkpatrick if the City has lead him to believe that this may be changed. Mr. Kirkpatrick states yes. Cynthia asks who Mr. Kirkpatrick has been talking with from the City. Mr. Kirkpatrick states they have been talking with the legal counsel at the NYCDEP and he will provide Cynthia with a name.

A neighbor states she believes there was a restriction in the Agreement which made it clear that there could be no inns or bed and breakfasts on the property. Cynthia states she is not sure. Mr. Kirkpatrick states that sounds correct. Mr. Kirkpatrick states he thinks that what they are hearing from the Board tonight is that they also have separate concerns about access. Cynthia states even if the Agreement allowed for six homes, when looking at the driveway, she doesn't understand how someone would be able to do a six-lot subdivision. Cynthia states she is not picturing it, especially since she knows that the driveway would have to be changed, as well as the drainage. Mr. Kirkpatrick states it would be serious and expensive construction and the driveway itself is serious and expensive enough, as that was quite an undertaking to put in. Mr. Kirkpatrick refers to the prior discussion about controls and states that most of the time when people talk about a facility with kids, a youth camp; we talk about parents bringing their kids to camp, as well as having visitors. Mr. Kirkpatrick states this is never going to be that kind of a facility. Mr. Kirkpatrick states the Site will be accessed via the vans from the Harlem Children's Zone. The kids would be brought up from New York City to the Site. If we have an adult gathering for a teacher's retreat, they would come up the same way. Cynthia asks if public transportation would ever be used, or vans, small buses, or large buses. Mr. Kirkpatrick states if they could ever get to the point where they could convince everyone to take the train, they would have the vans meet the train and bring them up to the Site. Mr. Kirkpatrick states he believes they have to stick with the vans, as that is the best way.

Gary refers to the comments from Roland and asks Mr. Kirkpatrick if this is a corporation or a tax exempt organization. Gary states a concern that the project may get started, and run out of money. Gary states we could be left with a half-finished project and talks about how the Board can be confident on the nature of the organization and the ability to see these plans through to fruition, as well as successful maintenance.

Mark Moyer states he is the Chief Financial Officer. Mr. Moyer states they are a 5013C; actually, collectively, they are three 5013C's and a non for profit organization. Gary asks if one of them would own this property. Mr. Moyer states yes. Their two schools are separate entities, but collectively they are about a 100 million dollar organization. About 1/3 of that is funded through New York City Department of Education as well as other State, City and Federal grants. The other 2/3 comes from their donor community who is also supporting us in building up a large endowment that will eventually be able to fund this as well as our programming. Gary asks if the finances are public. Mr. Moyer states yes. They are audited by Grant Thornton, and the audited statements are available on their website. Gary asks whether there would be any property taxes paid on this property. Mr. Moyer states they would look for the same exemptions that other non-profits of their type receive. Mr. Kirkpatrick states that currently there are no taxes paid for this property as it is a non for profit.

Cynthia asks the Board whether they have any other specific Site Plan questions.

Cynthia states the Board will allow one or two questions from the audience, even though this is not a Public Hearing.

Don Rossi states he represents several of the neighbors near the property and he knows several of the members of the project team very well. Mr. Rossi states he believes it is safe to say that the Board's threshold issues here are not so much how to shape this Use, but rather whether it is the type of Use permitted in this district. Mr. Rossi states his clients are extremely impressed with the laudable nature of the organization and the need for it. There is no question that it is a wonderful organization with wonderful goals. Mr. Rossi states they are a little bit more concerned about the neighborhood and the impacts that will come from this project. Mr. Rossi first states he believes the threshold issue is whether this project should be considered while the NYCDEP restrictions are still in place. Mr. Rossi states that their understanding through discussions with the NYCDEP is that there is not an Agreement in place and they are not aware of any changes to it. Mr. Rossi states they consider themselves the parties benefited by that decision because clients relied on that decision and these restrictions when they purchased the property. Mr. Rossi states that is a threshold issue for which he believes prohibits the Board from processing this Application without it being resolved, as the Project is not permitted. Secondly, what is the nature of this Use? This is not a recreational facility. This is an environmental, inn/conference center facility. Mr. Rossi states that 120 to 130 people staying overnight possibly scratches the surface of how many people could be there on any given day. Mr. Rossi states it would be a waste of resources not to have field days or other events down the line, which we all know can be strictly regulated by way of conditions. Mr. Rossi states that on any given Sunday, there could be something vastly different there. Mr. Rossi states he does not think the Use is in character with the neighborhood. Mr. Rossi states he is limiting his comments such as engineering details tonight, and driveway width and grade which also have to be considered. Mr. Rossi states we have a Use here which is not pigeonholed into the Use category of the Ordinance and not consistent with the Town's Master Plan. If it was in fact a Recreational Use, the Town's Comprehensive Plan contemplates recreation which would be open to the public and Town Residents, which is not being proposed. Mr. Rossi states there is no inn/conference center Use provided for in this District.

Cynthia confirms Mr. Rossi didn't actually have a question.

Cynthia states the Planning Board is in the process of going through all of its Special Use Permits and writing Standards and Definitions. Cynthia states she was a little ambitious and thought this work could be done in a short period of time, but it isn't going to happen. Cynthia states the Board did quite a bit of work in the Research Office Zone. Cynthia states the Board is now in the process of tackling all the other Uses. Cynthia states the Applicant should continue to pay attention to that. Cynthia states this Use isn't fully defined, but it will be defined soon. Cynthia thanks the Applicant for giving the Board their thoughts on what they want to do. Cynthia asks Mr. Kirkpatrick whether they have a timeframe under which they are working. Cynthia states the Town Board is considering a moratorium and she wanted to bring that to the Applicant's attention. Mr. Kirkpatrick asks whether that would be on Applications or Approvals. Cynthia states on Applications. Roland states the Law drafted is on Approvals. Cynthia states she thought it didn't apply to people who already have Applications in. Roland states it does allow an Applicant to go forward if they agree in writing that they acknowledge that by the time they are ready for Approvals the Use may be vastly changed and the Standards may be vastly different than what they proposed. Cynthia states it would be for the Applicants to proceed at their own risk. Roland states exactly, and it would be in writing with all the safeguards in place. Roland states to Mr. Kirkpatrick that there is a way to proceed, but it would be at their own risk. Mr. Fitzgerald states yes, he understands. Don Rossi states he would like to make a statement. Cynthia states that debate should be at the Town Board level because the Town Board is just considering a Draft and going into a Public Hearing. Mr. Rossi states that is the point he wanted to make. Cynthia states the Town Board is about to hold a Public Hearing on the moratorium and Mr. Kirkpatrick should pay attention to the Town Board level part of it.

Cynthia states she didn't ask the Planning Consultant to do any type of a review as she thought it would be premature, and if she understood Mr. Kirkpatrick correctly, he wanted to come here and feel out our Board and think more as to whether he would modify his Plan, or take the next step, or not. Cynthia states she didn't think Mr. Kirkpatrick wanted a review at this point, but he should tell her if she is wrong. Cynthia asks Will if he has any questions or comments. Will states no. Mr. Kirkpatrick states they will get back to the Board.

REGULAR MEETING:

2. Sprint Spectrum LP: Douglas Warden (owner – 4 West Cross Street Realty LLC)
Cond. Use/Site Dev. Plan (location – 4 West Cross Street)

- Consider Report From Town Engineer
- Consider Draft Resolution of Approval

Cynthia confirms that Doug Warden is here tonight from Snyder and Snyder to represent the Applicant and states that even though this Application for renewal was very late, we are entertaining it. Cynthia asks Mr. Warden to let his clients know that they have to start the process six months before the expiration. Cynthia states the Building Inspector didn't take any action so the Board is processing the renewal, unless the Town Attorney says otherwise. Cynthia states the Board shouldn't have gone through the procedures of requesting extensions until they got to this point. Cynthia states the Board has confirmation from the Applicant that there are no changes and this is just a simple renewal of what is existing. Cynthia states there was a fire there recently and asks Mr. Warden if that affected any of the equipment. Mr. Warden states he was not aware of the fire and because of that he would assume there was no negative impact on the equipment. Mr. Warden states the equipment is on the roof. Cynthia states she knows the equipment is on the roof, but there is interior equipment, as well as equipment in the attic, and she believes the fire was on the top floor. Cynthia states that a hole had to be cut through the roof. Cynthia asks Mr. Warden to check with his client and she will check with the Building Inspector. Mr. Warden states in the event there is a requirement in regards to equipment changes, they will go through the proper channels. Cynthia states she assumes that may only be maintenance, not changes which would affect this Approval. Cynthia states the Board pays close attention to the appropriateness of the Removal Bond. We do have a Report from our Town Engineer and he has recommended a slight increase. Cynthia asks Mr. Warden if that is alright with his client and states the Town Engineer has recommended the amount of \$38,000 for the Removal Bond. Mr. Warden states he believes his client would understand it is the Town's jurisdiction to set the Removal Bond amount. Cynthia states the Removal Bond has to be submitted soon, as it goes over to the Town Attorney and the Planning Board, and we make the Referral over to the Town Board. Robert asks Mr. Warden if he has a copy of the Memo. Mr. Warden states yes. Cynthia refers to the second whereas in the Draft Resolution and states she didn't put in the owner's name. Cynthia states she confirmed with the Tax Receive that the owner is 4 West Cross Street Realty, LLC. Cynthia states she will make that change. Cynthia asks the Board whether they have any questions. Robert refers to the fire and asks Mr. Warden if his clients will make everything hole if indeed anything needs to be changed. Mr. Warden states yes.

Chairwoman motions that the Planning Board Adopt the Draft Resolution Authorizing the Permit Renewal for Conditional Use and Site Development Plan Approval for the Sprint Spectrum Facility at 4 West Cross Street. Gary Jacobi seconds. All in favor. No opposed.

After the motion Cynthia refers to the Removal Bond and states she doesn't know if Mr. Warden wants to prepare an additional Bond or a brand new Bond. Mr. Warden states he will work with Mr. Baroni. Mr. Warden asks if he may go ahead and request the Bond be renewed for his client or if there is a requirement for a review at the Town Board level. Cynthia states the only review is to the satisfaction of the Town Attorney.

Roland states the form and sufficiency have to be confirmed to be correct, as well as the new amount. Cynthia confirms the amount is \$38,000. Cynthia states the Planning Board should also stay in the loop in regards to the Bond. Mr. Warden confirms he will forward the documentation to the Planning Board for referral to the Town Board whereas the Town Attorney will then provide his review.

**3. Bridleside/Salem Hunt: John Bainlardi (owner – June Road Properties, LLC)
Site Development Plan (location – June Road and Starlea Road)**

- Discuss Proposed Field Change
- Consider Reports from Planning Consultant and Town Engineer

Cynthia states John Bainlardi and Scott Blakely are here tonight. Cynthia states that unlike some of the other Field Changes, she did not feel comfortable doing this one on her own, so she did utilize Will from MDRA. Cynthia states this will cause charges against the Inspection Escrow and confirms the Applicant doesn't want to set up a separate Escrow, and the bills may continue be sent to the Building Department. Cynthia states in this instance we have two requests in front of us. The first item is about the tanks above ground and the second, more important item, is about the Loop Road and the inability to complete it due to the five acre disturbance factor. Cynthia states a Report from Will has been circulated and the Applicant may want to respond to some of the comments by giving the Board an overview of the Loop Road and the expectations. Mr. Bainlardi states they have submitted a Plan asking for relief from two of the Conditions of Site Plan Approval in regards to the issuance of the first Certificate of Occupancy (COO). Mr. Bainlardi refers to Building No. 1 on the Plan and states that is the first building they will be seeking the first COO for some time in October. Mr. Bainlardi states that currently, they have tenants slated to move in November 1st if they can achieve the COO. Mr. Bainlardi states there were a number of Conditions, most of which they will satisfy. Mr. Bainlardi states the building has to be completed, and all of the landscaping and amenities, such as sidewalks which will service that building will be completed. Mr. Bainlardi states the parking area in front of the building and the access road out to June Road will be completed with the exception of the top course because that was a permitted exception. Mr. Bainlardi refers to the Plan and states the emergency access drive is completed and the stormwater basins are substantially completed, and there are some other stormwater treatments such as the rain gardens which will all be completed. Mr. Bainlardi states the proposed clubhouse is framed and the interior is being worked on. Mr. Bainlardi states the water system will be 100% complete including the entire collection system which runs throughout the property. Mr. Bainlardi states the storage tank for the portable water control building, the wells, the fire storage tanks and all the hydrants and everything that go along with that will be completed. Mr. Bainlardi states the entire SSDS area will be completed and should by that time be seeded as well. Mr. Bainlardi states the Wastewater Treatment Plant will be completed and they will have their signoff's which will permit them to turn on both the water and the wastewater systems.

Cynthia asks Mr. Bainlardi to give the Board a quick summary of the other buildings. Mr. Bainlardi states that Building No. 2 is fully framed, with windows and doors. Mr. Bainlardi states that the roof is going on Building No 3 as we speak. Mr. Bainlardi refers to Buildings 4 and 5 and states the foundations are in. Mr. Bainlardi states within the next few days they expect to hopefully have permission to go into the next area of the phasing for the remaining buildings, rest of the road, and the water. Mr. Bainlardi states their expectation is that at the time they are moving people in on November 1st, Buildings 4 and 5 will be fully framed, and the foundations will be in for Buildings 7 and 8. Cynthia refers to Buildings 7 and 8 and asks whether the foundations are tied into the current site disturbance or the next phase. Mr. Bainlardi states they have been going in phases and refers to receiving input and an agreement with the NYCDEP, the Building Department, and the Town Engineer. Cynthia asks Mr. Bainlardi to explain then why the one section of the Loop Road is not cut yet. Mr. Bainlardi refers to a portion of the Loop Road on the Plan and states it is in a phase which

they haven't disturbed yet. Mr. Bainlardi states it is substantially to grade because as they go from building to building in order to put in the foundations, they need to get the road to sub-grade. Mr. Bainlardi refers to the rest of the water line which loops the entire Loop Road and states it will have to be a Condition for them to receive any COO and operate the water system. Mr. Bainlardi states for the first COO, the entire road will be to sub-grade at a minimum. Cynthia confirms that the grading and most of the earth movement will be done. Mr. Bainlardi states it is their expectation that the majority of the earthwork will be completed. Mr. Bainlardi refers to the Plan and states there will be piles of material that will be in an area of the development to be used for shaping and finishing which will all be operated and addressed with equipment that is on the Site. Cynthia states at the time of the COO for Building No. 1, what earth movement will be left to be done. Mr. Bainlardi states very little, maybe a little earth movement for the last building. Cynthia talks about when it is time for the COO and asks whether heavy machinery will be utilized, or whether it will be sitting there. Mr. Bainlardi states, from a site work standpoint, there will be excavators, and backhoes on the Site. Mr. Bainlardi refers to deliveries and states if they are not framing a building yet, they may have a delivery for that type of material. Cynthia asks how that vehicle will get there. Mr. Bainlardi states they will utilize the road, or the emergency access, as either one is available to them depending on which one they prefer. Mr. Bainlardi states they would bring the delivery in, load and unload in the area, and then send the truck out on its way. Cynthia asks how the trucks will be able to get to the last building if the Loop Road is not finished, or will they be able to drive over the sub-grade. Mr. Bainlardi states yes. Cynthia asks whether the trucks will be going over the finished driveway. Mr. Bainlardi states that no trucks of any significance will be on the finished driveway. Cynthia confirms that the trucks would not have to take the emergency access to come up to the other side they may travel the Loop Road, even if it isn't yet finished. Cynthia states that personally, she would like to see the use of the emergency access road limited, as the neighbors have enough disturbance now and they don't need to see construction equipment traveling on that road if they don't have to. Cynthia states she did want to make sure the trucks will not be going through the finished parking lot. Mr. Bainlardi states that will not happen, nor do they want it to happen. Cynthia asks whether the parking lot will have a finished coat. Mr. Bainlardi states no. It will just have the binder.

Cynthia states she doesn't have a problem with the concept, but wanted to know how to tie it in in terms of how much time and what the next expectation is. Cynthia states if everything continues on schedule, how much longer before the Loop Road is completed. Mr. Bainlardi states his hope would be that they would have either the binder down on the majority, or on the entire Loop Road before the asphalt plants close on or around Thanksgiving. Mr. Bainlardi states it will be passable by the time they start occupying, as it will be at sub-grade and may be used if necessary, but not for the residents. Will states that will be before the Applicant receives the COO for the second building. Mr. Bainlardi refers to the next two Buildings on the Plan and states that right now, they are a month apart. Mr. Bainlardi states they are looking at an October COO for November occupancy and then so on and so forth. Mr. Bainlardi refers to the parking for the buildings and extending it down. Will states he thinks we need to look at what will be assigned for the substantial completion of the road. Will refers to the buildings and the completion of the Loop Road. Mr. Bainlardi refers to the Plan, and where they are in the year and states he would like to be able to get through Buildings 1, 2, 3, 4, and 5 before having to be committed to 100% substantial completion. Mr. Bainlardi refers to an area on the Plan and states if, for any reason he can't pave before the winter, he will be stuck. Will talks about having four buildings done, without a lot of the Loop Road finished. Will talks about a lot of the loop happening before the middle buildings. Will talks about the relationship of the parking and the permanence of the loop for the four buildings. Mr. Bainlardi states they would have to do the same thing they did with prior buildings. Will states if the Board goes beyond the fifth building, it would have to be defined so we know how much will be needed. Scott Blakely states they have to supply an adequate amount of parking for those units and an extension for vehicles to have the ability to turn around. Will states that part of the reason for the Loop Road was to have the major piece done, and the safety for the loops. Mr. Blakely states he is assuming they will be able to have it passable for emergency vehicles through the winter. Cynthia asks whether the Board

will be setting the parameters for the next COO's and status of the roads. Will states yes; currently it is for the first COO, so it has to be reassigned to something else. Mr. Bainlardi states if the Board agrees, they will commit to the parking necessary and the binder for the section of road in order to service the specific buildings and create the turnaround. Mr. Bainlardi states it is his hope that they all will be done, but he doesn't know for sure. Mr. Bainlardi states at a minimum, it will all be passable, and maintained and plowed. Cynthia talks about there being COO's up through Building No. 5. Mr. Bainlardi states that will get them into the spring, and if they miss the paving, they will be able to begin again March 15th. Cynthia asks if Item 4 will be used. Mr. Blakely states yes. Cynthia asks if sub-grade is the same term as Item 4. Mr. Bainlardi states there is sub-grade, sub-base on top of that, which is Item 4, then binder and top course.

Cynthia asks the Board whether they are comfortable with the rough Plan. Will states if the Board is comfortable, he will prepare a Draft Resolution, and asks Mr. Blakely to provide him with a diagram to make sure he has the language correct. Mr. Blakely states he will provide a PDF Plan. Cynthia states we will forward the electronic over to Will. Cynthia asks Mr. Bainlardi if it is critical to have this resolved by next Wednesday, or may we hold it over to the first Meeting in October. Mr. Bainlardi states he doesn't see why it can't wait until the first Meeting in October.

Will states he doesn't have the Resolution in front of him and asks if someone could remind him what 34E was. Mr. Bainlardi states 34E was for the stormwater management basins. Cynthia states that Frank did have a reminder that it is substantially complete, but not finished. Mr. Blakely states correct, because they are using them as temporary sediment basins, they have to go in, clean them out, and put in the permanent soil in the bio retention basin, which comes at the end. Will states in reality this Condition didn't work anyway. Mr. Blakely agrees. Mr. Bainlardi states not that they ever want to have to resort to it, but there is a Performance Bond in place.

Cynthia states that there may be piped natural gas, so in preparation for that, temporary surface tanks may be going in. Robert asks where the tanks will be. Mr. Bainlardi shows on the Plan where they are proposing to put above ground tanks on a pad in an enclosure and states they think this is a good location because it will not be visible to the neighbors. Mr. Bainlardi states when the propane trucks come for deliveries, they can pull into the driveway and easily have access. Mr. Bainlardi states in anticipation that NYSEG will be awarded franchising, we will bring the gas down fields. Mr. Bainlardi states they had NYSEG spec out their main requirements and laterals and then they dovetailed that with propane providers, and went ahead and installed the gas mains in with the electrical and communication lines in the common trench. Mr. Bainlardi states this will serve as a master distribution for propane which will allow us to eliminate the individual tanks. Mr. Bainlardi states the tanks will feed that distribution and service the entire development. Cynthia asks if it will change the frequency for filling up the tanks. Mr. Bainlardi states yes, instead of the propane provider coming once a month, they will probably have to come twice a month, or maybe once a week. Cynthia confirms that will be for all of the buildings. Robert confirms that 2,000 gallon tanks are proposed. Cynthia asks if the underground doesn't happen with NYSEG, would the two above ground tanks stay. Mr. Bainlardi states that if it is amenable to the Board, it would be acceptable to them. Mr. Bainlardi states if the Board preferred to have the tanks buried, they would just move them to the other side of the driveway and bury them. Cynthia asks if long-term the Applicant would stay with two tanks. Mr. Bainlardi states he believes they would stay with the two, and come back before the Board if they needed to add more. Cynthia confirms with Mr. Bainlardi that they are not going to fall back on what was originally planned. Mr. Bainlardi shows on the Plan where the gas main loops and states the system is in place. Robert asks how far the main is in at this point. Mr. Bainlardi shows on the Plan where the main is located from the entrance over to the proposed location. Will asks if this change will cause the need for meters. Mr. Bainlardi states no, they are providing heat and hot water. Cynthia confirms that fencing is proposed to be installed around the tanks. Cynthia states maybe we want to add a provision such as if they become permanent, we would want an opportunity to revisit it. Cynthia states it is

her opinion that the fencing is fine if it is in an area where no one will see it except for the residents if the door were to be open. Robert states he would rather see the tanks buried. Will agrees. Cynthia states a provision will be added so that the Applicant has to come back before the Board if the tanks become permanent. Cynthia asks how much of a temporary timeframe should be given. Cynthia asks Roland if he has a sense of how long the process with NYSEG will take. Roland states he has never done this before. Cynthia asks Roland if the Town Board has given their okay yet. Roland states they had a Public Hearing and he believes they voted on it. Mr. Bainlardi confirms the Town voted on it, and NYSEG has not taken it to the Public Service Commission to approve the franchise yet. Roland states that is what the delay will be. Mr. Bainlardi states that even if they were able to do that tomorrow, digging would not begin until the spring. Will asks if the Public Service Commission is involved with the line. Mr. Bainlardi states no, the Public Service Commission has to approve the franchise. Mr. Bainlardi states there are contributions they will make, as well as the school district.

Cynthia asks Mr. Bainlardi when he thinks they will receive the COO on their last building. Mr. Bainlardi states hopefully next May. Cynthia suggests that before the COO is given on the last building, the Applicant come in and give the Board a status report on the tanks, and at that point the Board may decide if a further extension is required. Gary states that seems to be a good plan because it will be late spring and there should be some sense as to whether there is an Approval by the Public Service Commission.

Robert refers to the construction at the Site and states that this morning the roof trusses were going up Hardscrabble Road at 6:00 a.m., and it was very dangerous, as there was no way to get around the corner. Mr. Bainlardi states that shouldn't be happening, they shouldn't even be starting at that time. Mr. Bainlardi states he will follow up on that. Robert states maybe it was after 7:00 a.m.

Will refers to the approval process with NYSEG and asks whether there will be any physical improvements that would have to be done other than the change over to the tanks. Mr. Bainlardi states no. Will refers to the location for the temporary and states a huge trench is shown on the Plan for the utilities and asks if there is any impact for putting them on top. Mr. Bainlardi states no. Mr. Blakely states the water lines will be buried approximately four feet, and there will be a concrete slab. Mr. Blakely states the fence posts only go in 30 inches. Mr. Blakely states that Frank had a comment in his Memo in regards to our adding notes on the drawings. Mr. Blakely states the fence posts will be dug by hand to make sure nothing is hit. Mr. Blakely confirms that a posthole digger will be utilized to dig the holes for the fence posts.

Cynthia asks the Board whether they are comfortable with these changes. The Board agrees. Cynthia states that Will will have a Draft Resolution ready for the October 2nd Meeting.

Cynthia states she had an opportunity to go onto the Site, with permission from Mr. Bainlardi. Cynthia states no one should go onto the Site without permission, as it is a dangerous place. Cynthia states it is very safe for the people who know what they are doing there. Cynthia states if the Board wanted a Site Visit, we could ask Mr. Bainlardi. Cynthia states it is really incredible to see the Site taking shape. Mr. Bainlardi states if the Board happens to be in the area, his Project Manager would be happy to take them around. Cynthia states the Board should let her know, and she will e-mail Mr. Bainlardi. Cynthia states the architecture is looking very nice and she loves the changes of the rooflines.

**4. BP/Joe's Getty/Fuelco): Paul Sirignano (owner – Joseph Bryson)
Amended Site Development Plan (location – 2 Fields Lane & Hardscrabble Road)**

- Consider Reports From Planning Consultant and Town Engineer
- Consider Site Plan Amendment for Fencing

Cynthia states the next item on the Agenda is no longer Fuelco, it is now BP. Cynthia confirms that John Sinis and Bryan Orser are here tonight. Mr. Orser asks Cynthia why she thinks the Project is no longer called Fuelco, as Fuelco is their Company. Cynthia states that was going to be her first question. Mr. Orser states that BP is just the fuel brand. Cynthia refers to the Plan and states the name was changed, which confused her. Mr. Orser states the architect may have done that. Cynthia states the Plans have to be consistent and confirms that Fuelco is still the Applicant. Mr. Orser asks Cynthia to show him on the Plans where the name is listed. Cynthia shows on the Plans where North Salem BP is listed. Mr. Orser isn't sure why it is listed that way, as Fuelco is the Applicant and BP is the brand of fuel. Mr. Orser states he will make sure that is changed. Cynthia states it should be changed on the next submission. Cynthia states she wasn't going to send this to the Consultants to review because we have been telling the Applicant that a lot of parts and pieces are missing, but she decided to send it to Will at MDRA so he could put prepare a Memo and list all the parts and pieces that are needed in black and white. Cynthia states that the Board has not circulated for Lead Agency under SEQR, and that was the very first step that should have been done a few years ago, but we are not there yet because we don't have a couple of the critical documents. Cynthia states the Board does not have a revised Environmental Assessment Form (EAF). Cynthia states the Applicant may want to prepare the revised EAF soon because the State has just changed the nature of the form and they don't want to get caught up on having to use the new form. Mr. Orser asks Cynthia if they should be submitting the Long Form, and states they did submit the Short Form. Will states a Long Form had been submitted as it was commented on by his Firm. Will states the last time we met was in 2009, and at that time the Board had indicated their intent to want to be Lead Agency, except a Revised EAF needed to be submitted in order to do that. Cynthia states another critical piece is the Stormwater Pollution Prevention Plan (SWPPP), which is not a huge undertaking, because she believes the Applicant is just doing soil and erosion control, but it has to be in the form of a SWPPP. Cynthia states the Town Engineer has mentioned it time and time again that this has to be done. Cynthia states the Applicant is going to have to revisit the applications they are going to need with the Zoning Board of Appeals (ZBA). Cynthia states that Will has touched upon the issues that are triggering them, but the Applicant has to sit down with the Building Inspector. Cynthia states, at this point, she isn't sure if the Applicant will have to reapply to the ZBA. Cynthia states the Applicant probably does because there are changes to the original Variance request that was put in back in 2008. Cynthia states there are probably some changes to the Use Variances too that were applied for. Will states the key is that it is comprehensive and covers all of the issues so the Applicant does not have to go back and forth to the ZBA. Mr. Orser asks if that is something they should speak with the Building Inspector about. Cynthia asks whether the Applicant has to sit down with the Building Inspector when applying to the ZBA. Roland states yes, unless this Board is going to refer them. Cynthia states this Board is going to refer them, but she doesn't want to get into the specifics of the Use Variance. Roland states the Building Inspector can actually write the Planning Board a Memo indicating the specifics so the Board does their referral with those specifics in mind. Roland states that whatever Variances the Applicant had have expired. Will states they never received the Variances. Cynthia states the Public Hearing had been kept open. Will states that the ZBA did send out a letter at one point in regards to this matter continuing to be carried over on their Agendas, and basically considered the activity withdrawn. Cynthia states that Will has triggered all of the areas in his Memo which require some kind of action or Variance from the ZBA. Cynthia suggests the Applicant sit down with Will's Memo, and the Building Inspector. Mr. Orser asks Mr. Sinis if he met with the Building Inspector this week. Mr. Sinis states he spoke with the Building Inspector's Assistant and left a message.

Mr. Orser states he spoke with Rebecca Laporte at the Department of Health, and Vincent Silva, and they are waiting for one document from Vogler Brothers from the Septic System. Mr. Orser states he spoke with Mary Galasso with the New York City Department of Environmental Protection (NYCDEP). Cynthia states she would like to stick with the Department of Health for a second and asks Mr. Orser if they are utilizing what is there because they are just having the one bathroom that is not for public use. Mr. Orser states yes. Mr. Orser states he dropped off a set of Plans with the NYCDEP for their review and Mary Galasso said she would give

Mrs. Curtis a call. Cynthia states she may be waiting for the SWPPP as well. Cynthia states she hasn't received a call yet, but she needs a complete package.

Cynthia refers to Will's Memo and states he has outlined a lot of items for the Applicant to give attention to. Cynthia states she wants to start by saying the Applicant is doing a really good job in moving in the direction the Board asked them to go in, especially in regards to the sign and the lighting. Cynthia states there are some other issues which Will has highlighted, and maybe we could talk about them. Cynthia states that one issue is the access. Cynthia states the Applicant is cutting in and making the access very wide, and from the latest Plan, it doesn't look like it is necessary to have the access that wide. Cynthia states the Applicant could probably utilize the width that our Code recommends. Mr. Orser states he believes the issue was that trailers drive across the grass when they come in. Mr. Orser states he believes they had brought in photographs. Mr. Orser states that people with horse trailers come in and drive over the corner when turning in, so that is the reason we recommend widening it. Cynthia states if she is reading the Plan correctly, it shows the largest vehicles can make it without the need for widening. Cynthia states the problem with having it too wide is that it will be impossible to enforce the one way system because two cars will be able to easily pass, versus striving for a one way system, which is important. Mr. Sinis states that most of the time, people still go in the wrong way. Cynthia refers to the Shell Station and states that 90% of the time people follow the one way system, and every once in a while someone drives in the wrong way and has to back up. Mr. Orser states he is looking at the turning template right now. Cynthia states the Applicant should revisit this, as it is all spelled out in Will's Memo. Cynthia states that is one of the items that is rather important. Cynthia refers to the landscaping and states she highlighted the areas where Will has suggested additional landscaping. Cynthia talks about possibly having landscaping around the sign. Cynthia states the sign is nice, and the size has been reduced. Cynthia states that Will suggested plantings in the front. Mr. Sinis asks where. Cynthia states Will mentioned planting near the island. Will states that is not their property, they may need an easement, as it is the Town right of way. There is a discussion about planting shrubs. Mr. Sinis suggests having a three foot Boxwood on either side with a two foot plant in the middle. Will states he would suggest something more natural and less urban.

Will states the issue he thinks is more critical has to do with the way the gas pumps are laid out in the front row and asks if there is room for someone to get by if someone is at the end pump. Mr. Orser states that people pull in all the time, they can go in between. Mr. Orser confirms that people drive in between the pumps. Cynthia asks the Applicant to show it on the Plan that there is a safe area for the by-pass. Mr. Orser states that normally people are more courteous and pull all the way up to the front pump. Will states that people have different size tanks, and it may take longer for some people to fill up than others. Mr. Sinis states that some people may use the bathroom. Mr. Orser states they are not using the bathroom here. Mr. Sinis states he thought the bathroom would be public. Mr. Orser states no, it is only for employees.

Mr. Sinis asks the Board if they noticed the roof design for the canopy. Cynthia states yes. Cynthia asks if the lights are underneath. Mr. Orser states yes. Cynthia refers to the lighting on the sides and states she noticed something about a motion detector. Mr. Orser states there is a motion detector on the back corner. Cynthia refers to the Plan and states she is questioning five of them. Mr. Orser states those lights are 10 foot poles. Will states those details are missing from the Plan. Cynthia refers to two lights on the building and states they look like flood lights. Mr. Orser states he believes they are existing. Cynthia states the language on the Plan states there is an existing wall mounted flood light to be removed, but then there are two proposed additional lights to be added. Mr. Sinis refers to the floodlight in the back parking area which goes on when someone pulls in and then shuts off. There is a discussion about having the lights be on a sensor. Cynthia confirms the floodlight in the front is not needed. Will states the Applicant needs to be very specific and add the lighting to the Plan. Cynthia states she understands the Site has to be lit for safety reasons, and requests sensors wherever possible.

Cynthia asks Mr. Orser if he understands that the next time a submittal is made that one person will make a complete submission, instead of piece by piece. Mr. Sinis states he understands. Mr. Orser states they haven't had very much luck with Mark Kornhaas as far as getting the Plans done. Mr. Orser states that when he came to see Dawn he noticed that Mr. Kornhaas only gave her part of the items, not everything. Mr. Orser states they were thinking about hiring John Meyer Consulting to finish the Project off. Cynthia states she doesn't have an opinion as to who is hired, as long as there is one complete delivery to Dawn. Cynthia states that each consultant should not hand in a different part of the submittal. Will states that whoever the Applicant uses, they need to be clear that only one package should be submitted at a time. Cynthia asks who the overall coordinator of this Project is. Mr. Orser states Paul Sirignano. Cynthia states that Mr. Sirignano should make the submission, and his cover letter will list the items that were asked for. Cynthia states the submittal will be based on the two latest Memos from the Consultants, and somewhere in the middle is the Traffic Report which the Applicant has to get out today. Mr. Orser states he spoke to Richard Pearson in terms of writing the Board a letter. Mr. Orser states that Mr. Pearson stated to him that nothing has changed. Mr. Orser states that Mr. Pearson has revisited the Site and has submitted a revised Plan. Cynthia states she did not send the revised Plan out for review because that was an item we received separately. Cynthia states she didn't want to send it out and refers to the Memo from Will. Cynthia states since Mr. Pearson submitted the revised Plan she doesn't believe that Bridleside or any other developments which have already happened have been listed. Cynthia suggests Mr. Orser call Mr. Pearson and give him a copy of the Memo from Will that highlights the Traffic Report. Cynthia states if Mr. Orser can confirm that the 2011 Traffic Report that we are sitting on incorporates the items Will has asked for, she will send it over, but she doesn't want to send it over and waste the Applicant's money if it needs to be updated. Cynthia states in the cover letter from Mr. Sirignano, we will expect to see either a new Traffic Report being submitted, or a Supplemental Traffic Report.

Cynthia asks Mr. Orser if they have any questions about the Memo from Will. Mr. Orser confirms with Mr. Sirignano that they have no questions.

Cynthia states she drafted a Resolution for the Board to allow the fencing to go in, but there is one issue. Cynthia refers to the Plan Joe Bryson submitted and states he needs to have fencing for the towing business, as well as a gate. Cynthia states that someone wants a second gate and she would like to know why. Mr. Orser states that is a service gate to get around back. Mr. Orser states they may be relocating the well, and it would be a way to get back there. Cynthia shows the location of the well on the Plan. Cynthia states there are trees there now and if a gate is put there then trees will have to come down. Mr. Orser states there is already a walkway there going into the woods. Cynthia asks why a big gate is needed. Cynthia states she is concerned that it means the walkway will be cut into. Cynthia states if the gate is needed, the Applicant will have to show the disturbance, and what they are doing. Gary states the Applicant should also explain why. Gary states it is not like the Board doesn't want it. Mr. Orser states that discussion was had during a time when we were thinking about relocating the septic, when we met with the Health Department. Cynthia states she prepared a Draft Resolution allowing Mr. Bryson to put the fencing up, and replace one gate, but not have a gate on the other side. Cynthia states if Mr. Orser needs a gate there, he should incorporate it into his Plan. Cynthia confirms with Mr. Bryson that he would like to construct a six foot high black vinyl coated chain-link fence. Cynthia asks the Board if they had a chance to look at the Draft Resolution and whether they are comfortable with it. The Board states yes.

Cynthia asks the Applicant if they are aware of the submission dates and states the Board wants to see this Project get finished. Cynthia states it is most important to get the submission in so Will may review the SEQR documents and we can make the circulation. Cynthia states that the Fire Department and the County will receive the circulation.

Chairwoman motions that the Planning Board Approve the Amended Site Development Plan Approval

to Allow the Fencing for the Bryson (Former Getty Service Station) Operation. Gary seconds. All in favor. No opposed.

After the motion, Cynthia states she hopes the ZBA is of the mind that everything may move forward as it was before. Cynthia states she read the minutes of the ZBA and they are very interested in the look of the building which is not an issue this Board gets into. Cynthia states we do have an Architectural Review Board (ARB), and if a complete package is submitted very soon, we can get it over to them, so the Applicant may make a presentation to them. Cynthia advises the Applicant to see Janice and ask for a copy of the Minutes of the ZBA Meetings.

5. Old Salem Farm: Viktor Solarik (owner – Old Salem Farm Acquisition Corp.)
Amended Site Development Plan (location – 190 June Road)

- Discussion of Proposed Amended Site Plan Application
- Consider Report From Planning Consultant
- Consider Draft Resolution of Approval

Cynthia states Old Salem Farm has been in front of the ZBA for its horse operation Special Permit which basically allows for what has occurred at all of the horse shows. Cynthia states the Applicant came before this Board for the Site Plan for all of the temporary structures and the parking for all of the horse shows. Cynthia states she believes there were two Amendments after that. Cynthia states, unfortunately, since the last Approval they have actually done things differently on the Site and it has been brought to our attention, and now is the time to rectify it. Cynthia states she doesn't know how they got their Building Permits, but they did. Viktor Solarik is here tonight to represent the Applicant. Mr. Solarik states that a lot of this has to do with the temporary structures related to the horse show. Mr. Solarik states there are vendor areas. Mr. Solarik states he went over everything with the Manager and identified all the areas where the tents and the bleachers are. Mr. Solarik states that over the last two years there has been a VIP tent installed which actually has a concrete foundation and paved patio. Mr. Solarik states this tent goes up for the show and then is taken down. Mr. Solarik states this year there was a decision to expand the tent size in order to make it a 50 x 100 foot tent and make it a two story structure. Mr. Solarik states when that happened Bruce Thompson realized it was not something he could just sign off on. Cynthia states more importantly, it should never have been there in the first place because it was never on the Site Plan. Mr. Solarik states no comment. Will asks Mr. Solarik if, when he talks about two stories, whether he is talking about height, not actually having two stories. Cynthia states it has two stories. Mr. Solarik states there are two levels, one is at grade level, and there is a staircase going up to the second level. Will asks what the second level is for. Mr. Solarik states it is rented out to VIP's. Cynthia states to Mr. Solarik that one of the basic things he has to do is to take the last Approved Site Plan and re-label everything as new.

Cynthia talks about the issue with the as-built in regards to the parking lot and states she noticed the parking lot wasn't built in accordance with the Site Plan, but she thinks it went through review by Frank Annunziata. Mr. Solarik states he was able to get a copy of the as-built Site Plan which was prepared in 2011. Mr. Solarik states it was submitted to the Building Department twice in 2011 and was never pushed through. Mr. Solarik states he believes that Hahn Engineering has it. Mr. Solarik states he verified that the Plan exists. Cynthia asks Mr. Solarik to get three copies to Dawn. Mr. Solarik states he will, with the next submission. Mr. Solarik states the Building Department has it.

Mr. Solarik states the horse stabling tents are all where they have been since 2007 and 2008. Mr. Solarik shows on the Plan where the VIP tent is located and states it will be five meters wider going towards the Grand Prix Annex Field. Mr. Solarik shows a pole barn on the Plan and states it is an existing structure which is used

for temporary stabling during the horse shows and for storage in between shows. Mr. Solarik states as part of the Special Use Permit, they have turned it into permanent stabling in order to increase the number of horses. Cynthia states the Site Plan items the Board deals with are for the shows.

Will states it would be good if Mr. Solarik could get these drawings on a Plan, and if we could keep that record as the Plan, in case there is another change next year, it will be simple. Cynthia states she had to spend time searching for these in order to forward them to Will and he shouldn't have to spend time reading them. Mr. Solarik talks about compiling a list all the prior variances and special use permits. Cynthia states the front yard is 100 feet, and she noticed the area behind the neighbors was changed to 100 feet, but on the previous Plans, that was 75 feet. Cynthia states it is the Board's interpretation that once there is satisfactory frontage than any other lines of the lot that run parallel to the road are not restated as frontage. Cynthia states she knows the Building Inspector changed something. Mr. Solarik talks about obtaining clarification. Will looks on the Plan and points out the street frontage and the side yards and the rear line and states if they are picking that as their 75 foot that means they have to get the balance somewhere else. Mr. Solarik talks about swapping it. Mr. Solarik states that the discussion with Bruce Thompson had more to do about his thinking this was a flag lot. Will states it is only a flag lot when there is no frontage that complies. Cynthia states they have frontage that complies. Cynthia states if Mr. Solarik shows Bruce Thompson the prior Plan, it shows 75 feet.

Cynthia states she doesn't think this will be done in time to have it on the Agenda next week since it has to go over to Frank. Cynthia states the tents are already up for the show. Cynthia states the Applicant was supposed to come back in right after getting the Special Permit because the Special Permit states the Applicant should go to the Planning Board and get these items taken care of. Cynthia states she doesn't think we should all knock ourselves out in order to get this all done next week since the tents are up. There is discussion about doing it right, talking to Bruce in regards to the yards, get everything over to Frank to sign off on the as-built changes, and shoot for the October 2nd Meeting, which means the Applicant has to get everything in in two weeks anyway.

Cynthia asks the Board whether they have any questions or issues. They do not.

Cynthia asks Mr. Solarik to remind his client that signage is not supposed to be along the front road. There is plenty of room in the back to put all the signs up that he did last time for his participants to see. Charlotte confirms Cynthia is talking about the sponsors. Cynthia states a suggestion that if they are put into the property then the Board doesn't view them as signage subject to the Regulations, and they can be viewed by the 12,000 people coming to the show rather than the people driving by. Cynthia states a concern about the school driveway being right there and she wants the drivers paying attention to the road and not trying to read the signs.

6. Executive Session:

- Discuss Pending Litigation

Chairwoman motions that the Planning Board go into Executive Session to Discuss Pending Litigation. Charlotte Harris seconds. All in favor. No opposed.

7. Next Meetings:

- Work Session and Joint Meeting with Town Board – September 11, 2013
- Regular Meeting – October 2, 2013

8. Resolution:

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