

North Salem Planning Board Minutes

October 2, 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:	NYSEG:	Luke Mangels
		Debra Drake
	St. James Episcopal Church:	Rick O’Leary
		Lucia Ballantine
	Commons at Purdys:	Ken Kearney
		Robert Spolzino
		Fred Wells
		Jeff Contelmo
	Edmonds/141 Baxter Road:	David Sessions
	McCarthy:	Ryann McCarthy
	CAC:	Pam Pooley

Chairwoman Cynthia Curtis calls the October 2, 2013 North Salem Planning Board Meeting to order.

PRE-APPLICATIONS:

- 1. NYSEG: Debra Drake** (owner – NYSEG)
Site Development Plan (location – 5 – 27 Fields Lane)
 - Discussion of Proposed Pre-Application

Cynthia states NYSEG owns about 25 acres on Fields Lane, a piece of property that is allowed to be developed with only one Single Use. Cynthia states NYSEG has submitted a proposal in regards to providing emergency service for the area. Cynthia states that NYSEG is very preliminary with their concept, which is good because the Zoning would have to be amended in order to accommodate this proposal, if the Board thought it was a good idea.

Debra Drake states the property was bought in 1967 and at that time it was Zoned Industrial. Ms. Drake states the property was going to be their Brewster service center at that point, and she has the original prints. Ms. Drake states that was the intended use at that time, and a lot has changed over the years. Ms. Drake states now that we are having a lot more storms, our feeling is to be more pro-active than we have been in the past, which means bringing in crews before the storms hit the area. Ms. Drake states they need to stage crews. Ms. Drake states they are not in an area like Liberty, New York, or Binghamton, NY where they have huge Walmarts, airports, or fairgrounds which could be utilized as spots for staging. Ms. Drake states in Westchester it is very difficult, they have two Town Parks which were utilized during Hurricane Sandy, but feel it is necessary to find one location to dispatch from. Ms. Drake refers to the property and states it is owned by NYSEG, even

though, it had been put up on the market a few times. Ms. Drake states they are looking to utilize the property to house crews during storm emergencies. Ms. Drake states they wanted to come before the Board to see what they need to do, and what the requirements are in order to start with an in and out driveway. Ms. Drake states the original plan for the service center showed the road where it is now, on the outside of the property line. Ms. Drake states they feel that the road would still work well as an in and out because they can use the middle area for security, parking of trucks, loading and unloading of materials, and housing of buses. Ms. Drake states they are interested initially in doing a long driveway, and a couple of parking areas with Item 4. Ms. Drake states there is access to I684 close by, and I84. Ms. Drake states the trucks may be automatically dispatched to Westchester County where there are more frequent outages. Ms. Drake states they do have a staging area towards the top of Putnam County towards Dutchess County. Ms. Drake states they do not have areas where they can house a lot of crews to do what they need to do.

Cynthia states that IBM has cut back on their employees and they have a huge facility. Cynthia asks Ms. Drake if they have been able to work anything out with them. Ms. Drake states no. Cynthia asks Ms. Drake if the proposal would be temporary. Ms. Drake states no, it would be permanent for storms. Cynthia states that the driveway and staging areas would be permanent, but not the storage of materials or equipment. Ms. Drake states exactly. Ms. Drake states crews would be arriving 24 hours ahead of time to the location and there would be security there to receive them; this is a tight ship. Ms. Drake states the crews would arrive and park in order to be dispatched to a specific location. Ms. Drake states usually the rotations start about 5:30 a.m. or 6:00 a.m., and end at 8:00 p.m. Ms. Drake states the crews would come back the following morning. Ms. Drake talks about having a 50 foot material trailer so the trucks may be loaded at night with whatever materials they need. Ms. Drake states they have a location area at Reis Park in Somers where they staged hundreds of poles. Ms. Drake states they are trying to maximize the time that crews are working, and make sure the trucks are fueled up before they are parked, and loaded up during the night with materials. Ms. Drake states once the storms wind down, the crews will start to leave, the Site will be cleaned up, and that all the materials would go back to their store room. Cynthia asks if there would be a guarantee that all materials would be off the Site in terms of trailers and poles. Ms. Drake states they don't plan on it, but she can't say they wouldn't possibly stage poles there. Ms. Drake states this proposal is in its infancy stage. Ms. Drake states they would not store transformers or a trailer. Once the storm is over, the trailer would leave and go back to where it is housed. Ms. Drake states the poles at Reis Park were moved. Cynthia states the reason she asked about this is because if they are using someone else's property, at the end, the materials have to be taken out, but in this case, the property is owned by NYSEG. Cynthia asks if there would be a guarantee that at the end of the storm everything would be taken out. Ms. Drake states she doesn't know whether she would be able to guarantee it. Ms. Drake gives an example of having 50 poles delivered, and only using 10, leaving 40 left over, and states it may not be worth their while to move the 40 poles. Cynthia states there may be security issues. Ms. Drake states that during storms, they would have security on the property, as well as lights; it would be an emergency operation. Ms. Drake states that two years from now, after the driveway, circle, and parking areas are in, they may come back in order to put up a pole barn, to have a place where the crews may sit and wait. Ms. Drake states they are not at that stage yet. Ms. Drake states that the crews are arriving 24 hours ahead of time, and would want to go someplace to sit and have a cup of coffee. They would not be sent anywhere else except the staging area.

Cynthia asks the Board whether they have any questions. Robert states it is a good idea. Gary states other than transformers, most of the items that would be parked there such as telephone poles, would be more expensive for someone to come and get them, than they are worth. Ms. Drake states they have to move their inventory around. They are not looking to keep a high amount of inventory on any of their properties. Robert confirms it will not be a supply depot. Ms. Drake states there may be a case when they have 40 poles, especially if they are in the season when there are a lot of storms, they would probably leave the poles. Ms. Drake states that storms occur at all times during the year, not only September through October. Ms. Drake

states it would be on a case by case basis. Ms. Drake states they wouldn't leave wire on the property either. Gary states the property is in the southern most point and asks Ms. Drake why this is being proposed there, as it doesn't really seem convenient. Ms. Drake states it is perfect, as it is right in the middle of their service territory. Ms. Drake states this property is on the top of Westchester and this is an ideal spot because from here we can head over to North Salem, Somers, Bedford, and Lewisboro. We can hop on I684 and go down to Route 35 to go to Lewisboro or Yorktown, or keep going and hit the bottom of Bedford. Cynthia asks if that is how far their area goes. Ms. Drake states she has been in this division a long time and this location is ideal. Gary states from a tax perspective this wouldn't add much to the tax rolls because there are no proposed improvements. Ms. Drake states correct, unless they put up a pole barn. Gary states that one advantage of having equipment there is the assessed value would go up significantly, and at least there would be tax revenue. Ms. Drake states even if they were to put up a pole barn or a butler building, materials still wouldn't be stored there, so there would be a tax base only for the structures. Roland states we can't get real estate revenue from personal property so if they were to store transformers there we wouldn't be taxing transformers. Gary talks about gaining tax revenue if a structure were to be put up. Ms. Drake states that is probably very feasible. Ms. Drake states they have a Driveway Permit Application which they plan on filling out, and would like to find out what else they would need to do with the Town if they were to put in the road and a couple of parking areas.

Cynthia states the short answer is there would need to be an Amendment to the Zoning Ordinance in order to permit something like this, probably as a Conditional Use Permit of the Planning Board, which would also require Site Plan Approval. Cynthia states the Applicant is talking to the right Board in so far that that they are currently reviewing Special Permit Uses, so the timing is good, and the Board may take into consideration whether they would want to recommend this as a temporary Use as opposed to an as of right Use for warehousing of materials. Cynthia states that on Fields Lane the Board is working on more flexible Uses. Cynthia states that one of the reasons she inquired about whether this would be temporary or not, which she may have spoken with Mr. Mangels about, is that it is a lot easier to sell this as something that is temporary, and when the emergency is over, everything would go away. Ms. Drake states that is really what it is. Cynthia talks about having a limited amount of poles and talks about building in buffers, landscaping, fencing, and lighting and states these are all issues that would be dealt with. Ms. Drake states that the property cannot be seen from the road, and they would not take out the tree line.

Cynthia states the other biggest Permit will be for stormwater as there will be a lot of disturbance, and a major SWPPP will have to be done, as there will have to be stormwater control for all of the impervious surface. Ms. Drake asks the Board to walk her through the steps. Cynthia states that at the next Planning Board Meeting, the Board will start to outline some of the Uses they want to tackle. Cynthia states it is good that the Applicant has given the Board an idea of what they want to do because they will be able to factor in items such as allowing lighting, and setbacks, etc.

Cynthia asks Will if he has any questions. Will states even though this proposal is in the early stages, it would be helpful if the Applicant would provide something in writing which details their proposal, such as the types of items that would be stored temporarily, as well as how much area the poles would take up. Will states he doesn't know the property as well as the Board and asks what the character is. Ms. Drake states it is fairly flat and it used to be an apple orchard. Ms. Drake states that nothing has been done with it since 1967. Will asks if there are trees there. Ms. Drake states yes, and there is also an open field. Cynthia states this is part of the same property which went through an assessment for pesticides which triggered lead, arsenic, and mercury deposits on the other parcels of the same working orchard. Cynthia states there may be a pesticide issue, but considering what they are doing, it may not be an issue. Will states it depends on how deep the disturbance is and states if it isn't capped, it is continual. Cynthia states that we are not talking about residences or wells which would trigger an issue. Will states putting pavement down may cap it. Ms. Drake states she doesn't

know whether they are looking to put pavement down. Will state he isn't suggesting they should. Cynthia states there may be a little bit of a concern with the land disturbance itself and states when the other property was being considered, the heavy metals sat in the soil but didn't go through the hard pan. Cynthia states the DEP was concerned about the disturbance and whether it would flow into the stormwater. Cynthia states that issue may come up.

Will states he doesn't get the concept of the driveway as far as having an in and out as opposed to having a driveway. Cynthia talks about driving into the middle and have everything branch out. Ms. Drake states they are going with the original Site Plan, and states they will be utilizing a flat area for going in and out. Will asks if they are envisioning two separate driveways. Ms. Drake states no, maybe having something in the middle.

Gary asks whether fuel would be stored on the property. Ms. Drake states there would be no fuel and no storage of fuel. Gary refers to the power going out, as well as gas stations running out of fuel. Ms. Drake states they bring in trucks and manually pump. Gary confirms there will be no storage tanks.

Cynthia states that Mr. Mangels had motioned that they may be interested in putting up a large tent. Ms. Drake states yes, they may consider doing that. Ms. Drake states a tent wouldn't be something they would need to get Board approval for. Cynthia states yes it would. Cynthia states a Building Permit would be required as well. Will states that anything that is done on the property requires a Permit. Cynthia suggests the Applicant think of every way they might possibly want to use the property so the Board may take everything into consideration. Ms. Drake states they will list what they initially want to do, as well as what they would like to do in the future. Ms. Drake talks about bringing in a trailer. Will states that the Applicant needs to think it out a bit as far as the short-term and the long-term. Will states if a Permit is given, and something else needs to be done, the Applicant would have to come back. Will states the more the Applicant thinks ahead in terms of how they would like to utilize the property both now, and in the future, the easier it will be to write something, and the easier it will be to get the approvals. Ms. Drake talks about getting Site Plan Approval in order to have a tent, and a portable trailer, and confirms she would get that Approval ahead of doing other work. Robert states that anything that she can think of should be talked about up front.

Cynthia asks if anyone has drilled a well on the property. Ms. Drake states not that they know of. Cynthia asks if that is being considered. Ms. Drake states maybe in the future, and talks about getting the road in first to see how it works for a year or two. Robert states they should be at this location instead of Brewster. Ms. Drake states that Brewster is tough. They were utilizing the lots near Home Depot and Kohl's and states they get jammed up. Ms. Drake states it would be a really good fit for them to utilize the property, especially since they own it. Will states the stormwater will be 365 days a year. Will states that maintenance has to be thought about and built into the Plan. Cynthia states the Board doesn't usually permit a Use unless there is something permanent on the property and everything else is an accessory to it, so this is an exception to the rule. Cynthia states the Board will think hard about this, and the Applicant should to. Will states there may be a Principal Use without a building. Will states there are parks which have no buildings. Ms. Drake states this will be an emergency operation, and this is what it is all about for us. Ms. Drake states it's not going to be a service center, or an operations center, such as in Mahopac, Bedford, or Pawling; this is going to be our location for emergencies.

Cynthia states we are going to try to maintain the word temporary, especially when it comes to any materials left on the Site in terms of them being small. Cynthia states the Board doesn't want this to become a collection area for all of the materials to be exposed outside. Cynthia states if the property is going to be used for more than a temporary function, the Board will expect the Applicant to come back as a Principal Use for a structure. Will states the Applicant needs to define when the property would be used in terms of emergencies. Will states everyone may not be immobilized for a one day storm. Ms. Drake states the property would be

used every time there is a one or two day event. Ms. Drake states this will be NYSEG's staging area, and the last time we brought crews in a month ago, we brought them in 24 hours ahead of time, and they just staged. There were approximately 20 or 30 crews; not a lot. They were staging, and the storm never hit. Roland refers to another Sandy event and asks Ms. Drake how many crews would be here. Ms. Drake states they would occupy all of their staging areas if they had to. Ms. Drake states during Sandy, they utilized Reis Park, as well as a park off of Route 35. Ms. Drake states they occupied a lot of places on an emergency basis, and received County help for that. Ms. Drake states if they have a problem, they make a call into the Governor's Office and it would work down from there. Ms. Drake states we would tell them what we need, and they would respond in approximately 30 minutes to let us know where to go. Will asks if there is a threshold utilized in terms of severity when crews are mobilized and on call. Ms. Drake states every time there is a thought of a storm, the chatter starts 24 to 48 hours ahead of time, in terms of who is available. Cynthia talks about predictions in regards to high winds. Ms. Drake states it doesn't matter what type of storm, and whether the winds are 40 or 50 miles an hour; if NYSEG feels there is a potential for outages, they will dispatch, and be extremely proactive. Cynthia states this would be a heavily used Site. Mr. Mangels states the crews may never get dispatched anywhere. Ms. Drake states it is difficult to tell how many days crews will need to be immobilized for. Sometimes we may think they will be finished in three days, and it ends up being ten. Ms. Drake states NYSEG is preparing, they have a Site with 25 acres and want to put it to good use for the whole NYSEG Brewster area.

Charlotte asks whether the crews exit in stages when the storm starts. Ms. Drake states there is an exit strategy and protocol.

Cynthia states the Board has received a good enough picture tonight and she recommends the Applicant follow the Work Sessions of the Planning Board. Cynthia states that anytime the Applicant sees there will be a Zoning Amendment discussion, call Dawn to confirm whether this potential Use will be discussed. Cynthia states the Applicant may assist the Board with what they are writing and seeing whether it will work for them. Ms. Drake states they will put a Plan together which lays out what they are thinking, and as this starts to evolve, they may begin to think about a location for a pole barn. Cynthia states the Applicant's engineer has to think about long term as far as whether septic will ever go in, and whether a well will ever go in. Cynthia refers to the stormwater and states that has to be analyzed sooner than later. Ms. Drake asks who Cynthia is referring to. Cynthia states the engineer for NYSEG. Ms. Drake states she agrees.

Cynthia states Ms. Drake mentioned that someone did draw up a Site Plan and it would be helpful to submit a copy of it. Cynthia states it would be helpful for Will to see it and envision the Site.

**2. Saint James Episcopal Church: Rick O'Leary (owner – Saint James Episcopal Society)
Site Development Plan (location – 296 Titicus Road)**

- Discussion of Proposed Pre-Application
- Consider Waiver Requests

Cynthia states St. James is starting a renovation project on their Parish Hall Building. Cynthia states St. James has been in front of the Planning Board on other occasions and sometimes has completed what they wanted to do, and other times have not completed what they started. Cynthia states the Board is sensitive to the fact that in this case, they are raising money for a specific Project, which is to work on one building, and a little bit of exterior work which trigger elements of Site Plan. Cynthia states they are in front of the Board to ask for Waivers of those elements of Site Plan. Cynthia states that Rick O'Leary is here tonight, and Mr. O'Leary met with her and Robert and briefed them on the Project. Cynthia states as the Board may see from the Draft Resolution, we are recommending that based on what has been told to us, it appears St. James would qualify

for a Waiver of Site Plan. Cynthia asks Mr. O'Leary to give the Board a brief overview of what is being proposed.

Mr. O'Leary states essentially the Project is to bring up to date the Parish Hall with two principal elements, such as providing handicapped accessibility, and increasing energy efficiency. Mr. O'Leary states the building had been worked on in the 1950's and 1980's and it has come to a point where it needs more work. Mr. O'Leary states there will also be general maintenance which goes along with the energy conservation and accessibility. Mr. O'Leary states there are minor footprint changes because they are providing an elevator and moving a stairway in order to provide additional handicapped bathrooms. Mr. O'Leary shows the Plan and states the work is generally on the back of the building. Mr. O'Leary states the Site is surrounded by woodlands. Mr. O'Leary states on the front of the building they are moving the entry over slightly. Mr. O'Leary states that is the extent of the scope; they are renovating the building, and adding a new footprint which triggers a Site Plan submission. Mr. O'Leary states they submitted Application materials requesting a Site Development Plan Waiver. Mr. O'Leary states they meet the criteria in the Town Code for a Site Development Plan Review Waiver.

Cynthia states the Applicant has applied separately for a Wetlands Permit, and that is not listed on the Plan. Cynthia states that most of the Parish Hall Building happens to fall within a 100 foot buffer of a wetland on a neighboring property, but even that does not trigger Site Plan Review if we grant the Waivers first. Cynthia states if the Board didn't grant the Waivers, the Applicant would have to go through Site Plan Approval because the wetlands would trigger our activity. Will states if the Board didn't do the Waivers as part of Site Plan that would require the Wetland Permit Application to come to the Board as opposed to staying with the Building Inspector. Cynthia states the Applicant is in front of the Building Inspector for the Wetland Permit and may stay there for a Minor Wetland Permit.

Cynthia refers to the lighting element and states she knows from using the building for various organizations that there is a massive floodlight and she asks Mr. O'Leary what is being proposed for lighting since the Board is very sensitive about that. Cynthia states that Mr. O'Leary submitted a very nice Plan which shows where they will be adding some decorative lights on the building and lights under the soffits, directed downward. Cynthia states that one item she tacked on to the Conditional Waiver is that the lights will be on timers or a sensor. Mr. O'Leary states they are agreeable to that. Cynthia asks Mr. O'Leary which way they would go. Mr. O'Leary states hopefully they would have both, such as to have a timer when lights would go out after 10:00 p.m., the motion detector would put the light on, and then it would go off within a minute or so. Cynthia asks if all of the lights would be on. Mr. O'Leary states no, just at the doorway, or any area that would require lighting for convenience. Cynthia confirms there will be no lights on during the evening unless someone came to use the building, they would turn the lights on, but there will be one by the front door on a sensor. Cynthia states it would be helpful if Mr. O'Leary would identify on the Plan which lights will have a sensor. Cynthia inquires about the location of the elevator. Mr. O'Leary states when people go through the front door there is a center hallway, the Parish Offices are to the left, the Nursery School is to the right, along with three handicapped bathrooms, a handicapped elevator, and new stairway. Cynthia talks about the lighting in the back. Mr. O'Leary states there are emergency exits off the back, but there would be no purpose for turning the lights on unless there was an emergency. Mr. O'Leary states there will not be people going out that way, as there is nothing out there. Cynthia confirms the relocation area for the stairs. Mr. O'Leary states the stairs will be shifting over, the elevator will be to the left side, as well as the emergency exits, which will have motion lights.

Cynthia asks the Board whether they have any questions. Robert asks when they plan to get started. Cynthia asks the Board whether they have any concerns in terms of the requested Waiver of the Site Plan elements. Gary states it is fine with him.

Cynthia states another item which was discussed is the fact that there was an abandoned Site Plan Project. Cynthia states she spoke with Bruce Thompson today and they are hoping the Applicant will come in with an as-built and get that finished. Cynthia states she did caution the Applicant in the Conditional Waiver that if they were to do anything else on the Site, the as-built will have to be finished at that point. Cynthia states that right now everything is contained within ten feet of the building. Cynthia states that if the Applicant came in with other minor elements, they may also apply for a Waiver if it is appropriate, but at some point, the Board would love to get the Site Plan finished. Mr. O’Leary states that is part of the master plan to take care of the open items.

Cynthia asks Mr. O’Leary if he has any questions with the Draft Resolution. Mr. O’Leary states no. The conditional elements specific to what is shown make sense. Cynthia states she will modify No. 3 on Page 2 to state that Mr. O’Leary will indicate on the Plans which lights will have motion sensors. Cynthia states she will add a condition stating the Chair will be authorized to sign the Resolution once No. 3 has been satisfied, after Mr. O’Leary comes in with a modified Plan indicating which lights will be on timers and have motion sensors.

Chairwoman motions that the Planning Board Adopt the Request for Waivers of Site Development Plan Approval Resolution for St. James Church. Robert Tompkins seconds. All in favor. No opposed.

REGULAR MEETING:

3. **Sprint Spectrum LP:** (owner – 4 West Cross Street Realty LLC)
Cond. Use/Site Development Plan (location – 4 West Cross Street)

- Referral to Town Board

Cynthia states this is a very simple Referral to the Town Board for the increase in the Removal Bond. Cynthia states the Board has a Draft Resolution to consider tonight. Cynthia states the North Salem Planning Board hereby recommends to the Town Board that the Removal Bond for the Telecommunications Facilities located at 4 West Cross Street be increased from \$31,615.00 to \$38,000.00 for Sprint Spectrum, L.P., based on our Consulting Engineer’s recommendation.

Chairwoman motions that the North Salem Planning Board Hereby Recommends to the Town Board that the Removal Bond for the Telecommunications Facilities located at 4 West Cross Street be increased from \$31,615.00 to \$38,000.00 for Sprint Spectrum, LP., based on our Consulting Engineer’s recommendation. Charlotte Harris seconds. All in favor. No opposed.

After the motion Cynthia asks Roland if everything is in order. Roland states yes.

4. **Bridleside/Salem Hunt:** (owner – June Road Properties, LLC)
Site Development Plan (location – June Road & Starlea Road)

- Consider Draft Resolution of Approval

Cynthia states the Applicant attended our last Meeting, and all of the details have been worked through. Cynthia states that Will prepared a Draft Resolution for the Board to consider tonight. Cynthia asks the Board if they have any questions or concerns on the Draft Amended Conditional Approval. The Board states no.

Chairwoman motions that the Planning Board Adopt the Amended Conditional Approval for Bridleside. Robert Tompkins seconds. All in favor. No opposed.

After the motion Cynthia states there have been some inquiries about the trails on Bridleside and she is happy to report that the North Salem Bridle Trails Association (NSBTA) is taking over that project, so any future questions from residents about the status of the trails may go to Charlotte Harris, or Jack Manes. Charlotte states there is a meeting planned on Friday in regards to starting some of the trails which are not in the construction zone. Cynthia states the biggest issue is to make sure that safety comes first.

5. Edmonds/141 Baxter Road: David Sessions (owner – Baxter Road & Baxter Road II)
Wetland Referral (location – 141 Baxter Road)

- Consider Report From Wetlands Inspector and Planning Consultant

Cynthia states this is a Wetlands and Stormwater Permit that should have come to the Board a long time ago and has taken a long time to get here. Cynthia refers to two items she picked up in the cover letter Mr. Sessions submitted. Cynthia refers to Page 4 where it is stated “It is noted that the proposed drive has the endorsement of the Town Planning Board, ZBA and North Salem Open Land Foundation (NSOLF), all of which reviewed the project as part of the Special Permit review process”. Mr. Sessions confirms that the Town Planning Board should not have been listed there. Cynthia states Mr. Sessions has presented to the Board a Stormwater Pollution Prevention Plan (SWPPP), which has been signed off by the Town Engineer. Cynthia states she doesn’t know how this happened, but the SWPPP has to go through a Planning Board Process and Approval, so technically there is no approved SWPPP until the Board gets through this process because the amount of disturbance is over the threshold which automatically triggers Planning Board Referral. Mr. Sessions states he read that in Will’s Memo and frankly wasn’t aware of it. Mr. Sessions states this has been a long process; they started with the New York State Department of Environmental Conservation (NYSDEC), and received all the Permits. Mr. Sessions states this is the first time he is hearing about this. Cynthia states Mr. Sessions may be working on other Wetland Permits in Town, and has done some before and states we now have a revised Wetlands Ordinance. Cynthia states if Mr. Sessions sees there is a trigger and the Wetland Permit has to go before the Planning Board he may make a request right away to the Building Inspector to let him know you are hitting the threshold and need to go to the Planning Board sooner than later. Will asks Mr. Sessions when he received the Referral Memo and states there was a Referral to the Planning Board, dated May 22, 2013. Will states the Building Inspector is supposed to send the Memo to the Applicant so an Application may be submitted to the Planning Board. Will states this took place back in May. Mr. Sessions states they made a submission back in 2012. Mr. Sessions states they knew they had to go before the Planning Board but not because of the stormwater, because they exceeded three thresholds. Mr. Sessions states that is when they realized they needed to go before the Planning Board for a Wetland Permit. Mr. Sessions asks Will if the Referral Memo mentioned stormwater. Will states yes, they always mention the stormwater issues in their Referral Memo. Will states they also mention items such as tree cutting and excavation if that is being proposed. Will states regardless, the Code states this information. Mr. Sessions states he completely missed it. Cynthia states that it is alright, the Building Inspector missed it too. Cynthia wants to bring it to Mr. Sessions’ attention so there won’t be an issue next time. Cynthia states Mr. Sessions has been out on the property with the Wetlands Inspector, Building Inspector, and CAC, without being before the Planning Board. Cynthia states the Planning Board has to go out to make a Site Visit.

Mr. Sessions refers to their Plan and states Matt Edmonds owns the piece which is the subject of this Application, as well as the internal piece which has an existing house on it which went through a Subdivision process in order to modify some of the lot lines with the specific reason of ultimately developing the rear northern portion of the Site with Baxter Road, which is the whole reason for doing the Subdivision. Mr. Sessions states the Subdivision was ultimately approved and filed. Mr. Sessions states they are coming in now to develop the rear portion of the Site to have a 16 stall horse barn for horse breeding, a maintenance garage with five bedrooms, improvements to an outdoor sand ring, as well as having an access drive up to the

developed area. Mr. Sessions refers to the existing Plan and states the existing driveway is highlighted in yellow, which has been there for decades and has always provided access. Mr. Sessions states this is an agricultural property. Cynthia asks if there is a driveway or a trail. Mr. Sessions states it is not a driveway, as it is not paved, it is a trail way. Charlotte confirms it goes behind the kennel barn. Mr. Sessions states there is another access drive which goes to the barn. Mr. Sessions states they have always had intentions of utilizing this driveway to access the rear of the property which is why they shifted the lot lines way back when. Mr. Sessions states the intent was always to develop this piece. Mr. Sessions states it has been a long road, as they had to obtain a NYSDEC Wetland Permit. Mr. Sessions shows on the Plan where the State wetlands are located and states the small strip is a local wetland, not a State wetland, which Joe Bridges has confirmed. Mr. Sessions states they secured their NYSDEC Wetland Permit for buffer disturbances and no direct wetland impacts are proposed. Mr. Sessions states they have received the Town Engineer's signoff on the SWPPP, and received Westchester County Health Department Approval for the septic. Mr. Sessions states it was his mistake, because he thought they were at the end of the line. Mr. Sessions states he wasn't sure if he had a Planning Board Referral until they found out a few months ago, in regards to the wetlands. Mr. Sessions states he was under the impression that tonight, since the Planning Board knows the Site, and technically he has to come before them for the Wetland Permit, hopefully it would be kicked down to an Administrative Permit as the Board has the discretion to do so. Mr. Sessions states he has learned that this will be bigger than what he was hoping for, especially since they are about three years into the process and at the end of the line, or so he thought.

In regards to the Project, Mr. Sessions states they have approximately 1 ½ acres of wetland buffer disturbance, and over 7 acres of actual Site disturbance which they are phasing so that at no point will they be working with five acres during each phase. Mr. Sessions states that the driveway up to the developable area will be one phase, and then the next phase would be the buildings. Cynthia states before Mr. Sessions continues, he should explain why the Board should even consider a Wetland Permit and this disturbance when there is access from the other way. Cynthia states the Board should be convinced that the alternatives would not work. Mr. Sessions states that was a specific question NYSDEC had 1 ½ years ago. Cynthia refers to the Town Code in terms of there being another way of getting there. Mr. Sessions states there is, and he shows an existing driveway and home. Mr. Sessions shows on the Plan a narrow drive which goes up and passes a few barns around an indoor riding ring. Mr. Sessions states there is a narrow drive which comes back and hooks up with a dirt drive. Mr. Sessions states this is an extremely steep slope, and access to the building pad physically wouldn't work due to the slopes and approach to the developable area. Mr. Sessions states that was the main reason they took photographs for the NYSDEC. Mr. Sessions states that Bruce Thompson and Joe Bridges were out on the Site and they understand the situation, in addition, this is a residential property. Mr. Sessions refers to the 16 stall horse barn and states there will be more equestrian-type activities, as well as a little more truck and trailer use. Mr. Sessions states that is their reasoning. Robert asks if there are two owners. Mr. Sessions states there is still one owner. Mr. Sessions states there were questions about moving the proposed driveway further to the west so there is no wetland buffer disturbance. Mr. Sessions states there is already an existing drive in place, and the slope gets more severe the further west they go. Mr. Sessions states he was out there twice with Bruce Thompson, Joe Bridges, and a member of the CAC. Mr. Sessions states they all agreed in the field that this is a very reasonable alternative and going any further to the west would be very detrimental. Cynthia asks Mr. Sessions to explain the second part of the route and points out where there is proposed disturbance. Cynthia shows on the Plan where the drive easily could be located. Cynthia asks Mr. Sessions what is going on with the stormwater which is causing this. Cynthia states she understands the first part, but is questioning the second part. Mr. Sessions refers to the Plan and states the slopes are more severe as they get close to the existing trail. Mr. Sessions states the only reason for the swale is to use it as a cut out swale to take drainage and not collect it in their proposed drainage system, so they are actually diverting existing offsite drainage around their stormwater practices. Mr. Sessions states the swale is developable as they go downhill, but as they cut into the hillside for the driveway, there is a lot more cut and fill that would

have to be done. Mr. Sessions states it is easy for a swale to continue down parallel to the contours. Mr. Sessions states that is why the swale is located where it is. Mr. Sessions states he has walked the property five times, and Bruce Thompson and Joe Bridges have walked it twice. Mr. Sessions states there is no other reasonable alternative; this is the most reasonable alternative. Mr. Sessions states the path is already in and they are proposing to follow the path for a good length of its existence.

Cynthia states it would help if the Board could get out there and see this for themselves. Cynthia talks with the Board about doing a quick Site Walk either this weekend or the following weekend. Cynthia states she knows Robert is traveling, but he is familiar with the property. Gary states he is not available the next two Saturdays. Cynthia states she can't do Saturday either, she could do this Sunday or anytime the following weekend. Cynthia talks about the Board going on their own. Charlotte states she is familiar with the property as she has ridden her horse on the trail. Cynthia states she isn't familiar with the property and would like to get out there. Gary states he would go on his own if it were allowed. Cynthia asks Mr. Sessions if the center line is still staked. Mr. Sessions states he hasn't been out there in a couple of months, but assumes it is. Mr. Sessions states in a perfect world it would be better if we were all out there, with either Bruce Thompson, or Joe Bridges. Pam Pooley, CAC Member states she walked the property once and it is a long walk. Pam states she walked the property in the fall of 2012. Pam states someone should be there with the Board due to the length. Cynthia states this is key in order to convince us that there is no alternative except to go through the controlled area. Cynthia states she is having a tough time when looking at the map and can't understand why the swale cannot be in a different area. Mr. Sessions states it is also important to note that the control area for the beginning part of the driveway is associated with the very low quality, low functioning strip wetland, and then we get out of the buffer. Mr. Sessions states there are two locations where the existing trail is closer to the wetland, which is highlighted in yellow on the Plan. Mr. Sessions shows a portion of the driveway which is in a controlled area. Cynthia states it is in that portion where she wonders why the Applicant is not up where the swale is. Mr. Sessions states it is literally too steep and there is a lot of earthwork that would have to take place for the driveway construction and the property line is there. Mr. Sessions states they couldn't move the property line realistically any further over otherwise they would be squeezing the existing house. Cynthia refers to the contours on the map and states she sees a steep area at the end, except in another area, they would be running along with the contour. Mr. Sessions states the Board will see it out in the field. Mr. Sessions states once out on the trail, it makes sense to use the trail, or there would be about 200 feet of complete tree removal, encompassing approximately 50 to 100 trees. Mr. Sessions states there would be a combination of slopes, trees, and overall disturbance. Cynthia states that in the Report from Will he mentions that the Board needs to see an explanation of alternatives. Will asks Mr. Sessions to show the locations and limitations which demonstrate the alternatives and point out the reasons why they are less feasible than the proposed alternative. Mr. Sessions states they can do that. Mr. Sessions states at the time, they didn't realize they were going to have to come back before the Planning Board. Mr. Sessions states they walked the Site twice with Bruce Thompson and Joe Bridges and the second walk was done to specifically determine whether a full tree survey needed to be done, and whether they need to look at alternatives. The consensus of both Bruce Thompson and Joe Bridges was that it wasn't necessary to prepare a tree survey, since they saw the limits of disturbance and the types of trees to come down. Mr. Sessions states he was asked to put together a tree list. Mr. Sessions states Will is right, there are 109 trees coming down, not 99. Mr. Sessions states he was told he didn't need a tree survey and didn't need to look at alternatives. Mr. Sessions states the most recent Memo from Joe Bridges talks about them providing a tree survey, as well as alternatives. Mr. Sessions asks at what point will his client reach the end of the road. Mr. Sessions states the Planning Board review is a different story as they might want additional information and he respects that. Will states he isn't sure about the trees, but refers to the alternatives and states he doesn't think Joe was convinced that having the internal roadway go past the existing house was not possible. Will states that is the sense he gathered. Will states it is also partly to demonstrate the other alternatives to rule them out because it is necessary in order for the Board to rule in favor of the proposal. Mr. Sessions states they submitted information to the NYSDEC responding to that

exact question. Mr. Sessions states they submitted a narrative on the alternatives which listed why they chose to do it this way. Will states maybe it would be simple to take the narrative and annotate the drawing more in order to point out specifically where the slopes and grades are. Will states the Applicant is grading the driveway behind the barn, so it is passable. Mr. Sessions states there is an existing very small path, almost a bridle trail, which is very steep and close to the wetland. Mr. Sessions states they wouldn't put trailers there, and all they are doing is improving it. Mr. Sessions states the Board will understand it better when they get out there. Will states it will be good for the Board to see the narrative, and it may help them to determine why this Applicant may be able to do what they are proposing whereas someone else may not. Cynthia states the Board needs to make that finding that they looked at it and agree that this may be a better alternative.

Charlotte refers to the existing bridle trail and states that a gate is being proposed. Cynthia asks what will happen to the people who ride through there, as it is a vital connector to the Bloomerside parcel which goes on the other side of the paddocks into the woods. Mr. Sessions states the gate is only a little bit wider than the driveway so people could go around it. Mr. Sessions states his client doesn't want certain deliveries coming through this way. Charlotte states she does not want to see the trail disappear. Will asks whether that would be the driveway. Charlotte states yes, that is fine. Cynthia asks Mr. Sessions if he is suggesting the trail will go around the gate on the outside and states it is in a controlled area so he should show that as an improved pathway. Mr. Sessions states the bridle trail will mimic the ultimate driveway and the gate is just for vehicular traffic. Cynthia asks how horses will get through. Mr. Sessions states they will walk around it. Mr. Sessions states he will show that on the Plan. Cynthia states Mr. Sessions is in a wetlands buffer, so it should be shown as a re-routed horse trail. Will asks Charlotte if the bridle trail gets used. Charlotte states it gets used a lot.

Cynthia talks about the Board going out to the Site to help them better understand this proposal. Cynthia states if they walk the Site this weekend they won't have Robert, and she can only participate on Sunday. Cynthia talks with the Board about the following weekend which is Columbus Day weekend and states that is fine for her. Cynthia asks Robert if he will be back. Robert states he will be back from his trip, but away. Cynthia talks about the following weekend, which is 10/19 and 10/20, or visiting the Site during the week. Robert states it would be better for him to go during the week if it could be arranged. Gary can't go during the week. Mr. Sessions talks about going out twice if four of the Board Members can make it during the week, he will go out again on the weekend. Mr. Session states that five individual trips would probably not be productive. The Board discusses the week of October 15th. Robert states he is open Monday through Thursday. Cynthia talks about a time in the morning, such as 9:00 a.m. or 10:00 a.m. Cynthia states she will send out an e-mail and we will pick a day during the week. Pam Pooley states her colleagues from the CAC have expressed an interest in going. Cynthia states absolutely. Cynthia states we will see how to get Gary out there on a weekend.

Will talks about processing in terms of whether this will be kicked back, and if it isn't kicked back, whether there will be a Public Hearing or not. Cynthia states she believes the Board has to be convinced that this alternative is the only feasible one and she isn't sure the Board will be able to decide that until they go out to the Site and see it. There is discussion about whether the Public Hearing may be waived. Cynthia states we will research that in the meantime. Cynthia states the easiest thing would be if the Board were to be totally convinced that this is the only way to go, then this could run rather quickly. Cynthia states she doesn't know how to deal with the SWPP, but if there is no change, and the Town Engineer has already signed off on it, we would at least need a copy, as we didn't receive one. Mr. Sessions states the Building Department has it. Cynthia states an electronic copy would be fine.

Cynthia states as far as the additional material goes, she assumes Mr. Sessions will be able to take care of all the minor issues. Cynthia states Mr. Sessions should not do any type of tree list until the Board goes out to the Site and makes an assessment. Cynthia states that Will did ask for an annotation in regards to alternatives, and Mr. Sessions may want to wait to do that as well until after the Site Visit.

Mr. Sessions confirms Cynthia will initiate the e-mail.

**6. Commons at Purdys: Jeff Contelmo (owner – Seven Springs Farm I, LLC)
Site Development Plan, Subdivision (location – 537 Route 22)
Wetlands and Stormwater Permit**

- Consider Change in Traffic Consultant
- Consider Draft Scoping Outline

Cynthia states we sent the Draft Scoping Document off to our three Consultants; Will Agresta at MDRA, Frank Annunziata at Hahn Engineering, and Russell Urban-Mead at Chazen. Cynthia states the Board will not be able to use their Traffic Engineer at Maser Consulting due to a conflict of interest. Cynthia states that luckily the Town was able to use a different Consultant Firm, Fitzgerald & Halliday, Inc. for the Comprehensive Plan and just before leaving for vacation, she was able to make an arrangement with them.

Cynthia states we also received comments from the New York City Department of Environmental Protection (NYCDEP), Watershed Inspector General, and Riverkeeper. Cynthia states what we need before us tonight to work with are four documents. Cynthia states that Will was able to pull in the comments from Chazen, Hahn, and the NYCDEP, as well as his own comments working off the Draft we received from the Applicant. Cynthia states that document is now highlighted in blue with Will's recommended changes. Cynthia states the second item is from Fitzgerald & Halliday, which has not yet been incorporated into the Draft, the third item is from the Watershed Inspector General, and the fourth item is from Riverkeeper. Cynthia states before she forgets, she would like the Board to vote on the hiring of Fitzgerald & Halliday.

Chairwoman motions that the Planning Board Authorize the Hiring of Fitzgerald & Halliday, Inc. as a Consulting Firm for the Traffic Portion of the EIS for the Commons at Purdys Project, as per the Proposal Submitted by their Consultant, Drew Draper. Charlotte Harris seconds. All in favor. No opposed.

After the motion, Cynthia states the Applicant, Ken Kearney is here with us tonight, as well as his attorney, Robert Spolzino, Jeff Contelmo from Insite Engineering, and Fred Wells from Tim Miller Associates, Inc. Cynthia confirms the Applicant's Project Team has copies of the previously mentioned documents. Cynthia states it would be easier to put aside some of these documents. Cynthia confirms with Will that he has incorporated the comments received from the NYCDEP dated October 1, 2013 into his Draft. Cynthia states the NYCDEP letter may be put aside. Cynthia refers to the comments from the Watershed Inspector General and states even though it is four pages long, it basically asks for one item, which is to use updated data, utilizing the Northeast Regional Climate Center (NRCC) January 2011 document, for the up to date climate data for New York State when developing all of the stormwater calculations. Cynthia asks the Applicant's Project Team whether they are in agreement that this is the document which should be used. Mr. Contelmo states he is going to say no, they do not have a substantive issue. Mr. Contelmo states on the surface, they have an issue by the fact that the New York State Design Manual issued by NYSDEC on behalf of New York City gives them runoff data to use and now New York State is telling them there is better and newer data. Mr. Contelmo states they have been through the argument for many years with NYCDEP and others and what the Manual says is to use the data in the Manual unless the designer feels otherwise. Cynthia states this has come up on some of the Board's other Projects. Cynthia states we have to start using more up to date data especially considering all of the storms we have been having. Mr. Contelmo states he feels it is a poor reflection on New York State, but they do not have a problem with it. Mr. Contelmo states it is not necessarily better in every case. Cynthia asks Will if he has a recommendation one way or the other from his office. Will states no. Cynthia suggests double checking with Frank. Will states that is Frank's area, not his. Cynthia asks what the

Board thinks in terms of going with the Watershed Inspector General or run it by Frank. Gary states it would be safer to run it by Frank. Cynthia states in his Footnote on Page 3, the Watershed Inspector General talks about the soil types to use. Cynthia states she thinks we use the Westchester County Soils Survey (SCS), so that is not an issue and we can put this document aside. Cynthia refers to the letter from Riverkeeper and states it was all about alternatives, and that will be discussed later when the Board talks about alternatives.

Cynthia talks about doing a walk-through of the Draft Scoping Document. Cynthia refers to Page 1 and states Will has clarified the distinction between the Generic and the Site specific, and will update the date on every page.

Cynthia refers to Page 2 and states Will did some editing, and also in the second paragraph, there is a clarification that the water system is public, and the sewer system is private. Mr. Contelmo refers to the paragraph above and states there is actually an error. Mr. Contelmo states Lot 1, consisting of 14.54 acres supports the assistive living facilities, and Lot 2, consisting of 23.56 acres supports the senior housing development and caretakers residence; so those have to be reversed. Will confirms the acreage is correct, but the Use has to be switched. Cynthia states the next paragraph clarifies that the PD-CCRC is the 27 acre portion. Cynthia states the next paragraph has been changed to reflect doing a Site specific analysis. Cynthia states the word “preliminary” has been deleted. Cynthia states under the General Scoping Considerations the words “limited scope” were deleted.

Cynthia states Pages 3 and 4 are clear.

Cynthia states that on Page 5, Will has incorporated a comment from Hahn’s office to provide profiles and horizontal alignment data. Cynthia states she is skipping over the traffic comments for now. Will states he agrees.

Cynthia refers to Page 6, Item E1b in regards to describing the phasing to comply with SPDES GP-0-10-001 requirements. Cynthia states this has to do with the construction phasing sequence, and she wants to make sure that we are going to receive a Comprehensive Phasing Plan which looks at everything; the construction and the stormwater to make it clear that they both are going to work. Cynthia asks the Applicant if it is clear that the Board will receive a Comprehensive Phasing Plan which addresses everything. Mr. Contelmo states yes. Will states he thinks that is covered later on under the Geology and Soils Section.

Cynthia refers to Page 7 and states Will has reminded us in terms of the impacts that there is an order and emphasis on avoidance, minimization, and mitigation. Cynthia refers to the Geology, Soils and Topography Section and states that the words “rock outcrops” have been added. Mr. Wells asks if there is a local regulation in regards to rock outcrops and states we have been asked to map them and then talk about them, and there are no parameters on which to evaluate an impact which has no regulatory value. Cynthia states it is one of the environmental issues we want avoided. Mr. Wells states he understands, and talks about identifying and mapping rock outcrops. Will states it is pretty typical that you would have to do that. Mr. Wells states he was not aware it was a requirement. Will states he doesn’t have the Code in front of him, but it has been done in this Community on every Project he knows of, and there may not be that many rock outcrops out there. Mr. Wells states they have a fair amount. Cynthia talks about the Applicant requesting a Waiver of doing the analysis in areas where they totally will not be in. and not disturb, as something the Board may consider. Cynthia states in the areas where the development is being proposed that information will be needed. Cynthia asks Will if that is reasonable. Will states yes. Mr. Contelmo refers to the Map and shows areas where there are rock outcrops and states there are three or four major areas and we are affecting two of them. Mr. Contelmo states that is a small item for them to provide. Cynthia refers to A1d and states that has been added per the Report from Chazen. Mr. Contelmo states they have a bit of an issue, not only with A1d, but the other

references and requests for studies and mitigation relative to the Sunset Ridge Water District. Mr. Contelmo states they are fully aware of the situation in the Water District. Mr. Contelmo states that early on in the Project they did submit a Report on how they were going to address stormwater, sewer and water. Mr. Contelmo states it is their view, that the Water District, as a Municipal District, has an obligation to deliver water and we know that there have been several issues related to the Water District that have been lingering for quite some time. Mr. Contelmo states they are fully committed to working in a collaborative way with the District by doing their fair share. Mr. Contelmo states the issues with the District are being dumped on them in the Scope. Mr. Contelmo states that is the way he reads it, and he is being frank about it. Mr. Contelmo states to tell them to study radiological contaminants in wells for a two mile radius is not a matter of a Site specific analysis of impacts relative to connecting to a water system which has reputed capacity based on the Town's Permit to operate. Cynthia states she takes exception to that statement in regards to the capacity. Mr. Contelmo states he is going by the record. Mr. Contelmo states there are two documents that he is going to refer to. Mr. Contelmo states that one document is the Water Supply Permit which states a capacity of the system, and based on the information they have turned up, it is not accurate, based on how they are currently operated. Mr. Contelmo states that the second document is the Water Quality Report which states everything is within the parameters of the limits established by the State. Mr. Contelmo states those are the two documents the District is obligated by. Mr. Contelmo states they see this as an attempt to burden this development with an analysis that not only will be costly and far-reaching, but is very unfair to an Applicant who is in the District with reputed capacity. Mr. Contelmo states this is the only real undeveloped Lot in the District. Cynthia asks Mr. Contelmo whether it was clarified that the document he is using capacity shows that wells that were shut down. Mr. Contelmo states the Water Supply Permit should be amended. Mr. Contelmo refers to the Water Supply Permit from the Westchester County Department of Health dated 2012 where it states "According to the Sunset Ridge Water District Westchester County Department of Health Permit to operate public supply states the water systems permitted with six wells a total production capacity of 86,400 gallons per day, an average daily consumption of up to 48,000 gallons a day, and a water distribution storage capacity of 60,000 gallons a day". Cynthia states that is the theoretical capacity. Mr. Contelmo states that is a Permit capacity. Cynthia states she understands it is a Permit, but that does not say that those six wells are in production. Mr. Contelmo states it says is that the District is claiming those capacities and the District has an obligation to do one of two things; operate it within that and make it work, or amend it and make repairs. Mr. Contelmo states that is the way public water supply works. Mr. Contelmo states his client is aware of some of the issues that exist, and are willing to collaborate with the Town, but are not willing to bear the entire load of analyzing wells within two miles, and pump testing wells. Cynthia states she doesn't think anyone is asking the Applicant to go above and beyond what is not readily available as far as information goes. Cynthia refers to the first item and states she believes there is readily available information out there, and suggests it be pulled together in order to help analyze this. Cynthia states the Chazen Aquifer Groundwater Study which was done for the Town would be available for the Applicant to utilize which already has some of this information in it. Cynthia states there are two other Water Districts in the Town and the Applicant may easily obtain the Reports of those Districts which are within the two mile radius. Cynthia refers to the other public water supplies and states the Applicant may go online and gather some of this information, so she doesn't think the Board is asking a lot, except to pull together in one place the available information. Cynthia states we are not asking the Applicant to go out there and create the information, but to gather it. Mr. Contelmo states they do not think this is applicable to the assessment of their impacts. Mr. Contelmo states this is a District issue and if it is readily available, the District should pull it together. Cynthia states that Mr. Contelmo's comments have been noted, she will hold this item aside for now, and we will return to it. Roland asks whose comment this from. Cynthia states Russell Urban-Mead of Chazen.

Will confirms that rock outcroppings are a requirement of Site Plan in the North Salem Code.

Cynthia states we should continue and then focus back on the areas where we may have a major disagreement.

Cynthia refers to A2b on Page 7 and states a sentence “Relate to proposed construction sequencing and phasing” has been added. Cynthia reads A2c in regards to processing of soil and/or rock onsite and states this has come up on a different project and our Zoning doesn’t allow it as a Use, but we understand that as part of a construction project, often this is the best way to go. Cynthia states we are trying to get a good handle on the reuse of the excavated material and how much it will be used, as well as location, duration and hours of operation.

Cynthia refers to Page 8 and states based on comments from Hahn, we are adding the Town and the NYCDEP. Cynthia states there were comments from the NYCDEP to add in stormwater control requirements and design criteria. Cynthia states that part of what we are trying to do is make it very clear what we are looking for so we don’t go through these back and forth completion issues. Cynthia states as these items are being discussed, if Mr. Contelmo knows he is going to do something in a certain way, he should ask his questions now to make sure the way he is putting information together will be acceptable to the Board. Cynthia states the more we all agree and understand what is being asked for the easier this will go.

Mr. Contelmo asks to go back to Page 7, Item A2c in regards to the suitability and reuse of excavated materials and the processing of materials onsite and states there are sometimes Air Permits associated with this, which they can clearly talk about in terms of crushing rock. Mr. Contelmo states the idea of processing materials starts with topsoil which is always processed on large jobs by screening it, as well as getting into processing other sub-soils which no one may ever know about. Mr. Contelmo states the processing of rock is a bit more contentious at times because of the noise and the dust. Mr. Contelmo states their Plan is to process all the necessary materials from topsoil, through the sub-soil if necessary, and through the rock, which is a huge environmental benefit when you stop and look at what is being eliminated in terms of truck traffic. Mr. Contelmo states that one of the other things they do when designing a site is balance the earth work with the rock, top soil, and sub-soil to specify what is necessary to make it workable so it may stay on the site. Mr. Contelmo states that is what they will be doing. Will states they see the merit in that, but he thinks the disconnect is that the Code isn’t so sensitive to the rock crushing part of it. Cynthia states the Board truly wants to understand, and maybe by listing location and duration of hours, we may get there. Cynthia states the Board really wants to understand the quantities that might be involved. Mr. Contelmo suggests adding the word “quantities” in. Will talks about adding it in relation to cut and fill. Mr. Contelmo states that when looking at gross cut and fill, that doesn’t separate where the rock is. Mr. Contelmo states if the Board wants them to give quantities, in full disclosure, state it. Will refers to phases. Mr. Contelmo states they will look at it in phases and may be able to give estimates as to how much rock is there. Mr. Contelmo states if that is something they are going to be asked to do, it should be in the Scope. Will states the important thing is that if there will be phasing, and there will be the storage of material, that has to be made known. Will asks Mr. Contelmo what he thinks would make this clear. Mr. Contelmo suggests adding the word “quantities”. Cynthia suggests adding “phasing”. Mr. Contelmo states the NYCDEP has become very strict and want them to disclose on their Plans what their phasing earth work is, with the whole idea that if there is a surplus of materials to be stored for a future phase, we show where are we will be storing it. Will states that the phasing part is covered in A2b.

Cynthia refers to Page 8, Mitigation Measures and asks if anyone has questions or comments on the edits. Cynthia refers to Existing Conditions and states this came about from some of the NYCDEP’s comments as well as Will’s comments. Mr. Wells refers to the vernal or woodland pools and isolated wetlands. Will states those are all wetlands and are regulated by the Town. Cynthia refers to B1c and states comments were added by Hahn, and the NYCDEP in regards to quantity and quality. Cynthia states we are trying very hard to be on the same page when the first Completeness Report comes back as far as what information we are asking for. Cynthia refers to B1d in regards to a quantification of existing wastewater treatment plant discharge and related water quality. Mr. Contelmo states that comment is from the NYCDEP which he finds elementary on

their part. Mr. Contelmo states their TMDL's take into account the permitted effluent from all weight surface discharging water treatment plants and the regulated specified phosphorus limit depending on the size of the plant; that is all modeled in their TMDL and has already been dealt with from a water quality perspective. Mr. Contelmo states there is a Permit for the plant, the plant must meet the Permit, and the phosphorous limit for that plant at that flow establishes a certain amount of pounds of phosphorous. The amount of pounds is in the TMDL model and the amount of reductions being sought outside that are a byproduct of that. Will states when he added the comments into the Draft he was thinking this would be a spring board to the Section in regards to the Wastewater Treatment Plant. Mr. Contelmo states it is about capacity and Permits. Cynthia states this was probably addressed when the upgrade was done.

Cynthia states the Board will now get back to the Chazen comments and reads Item f on Page 9 in terms of the Applicant summarizing operational records from the Sunset Ridge Water District, focusing on the history of well drilling, water pumping rates, radiological sampling and sampling results and trends, any radiological remedial efforts and investments, and any relationships between pumping rates and radiological detections for all water district wells used in any manner during the past five years. Cynthia states she thinks we have all of this data. Cynthia states there was a very comprehensive Report done by Hahn on the well drilling and water pumping rates. Mr. Contelmo refers to Item f on Page 9 and states this is clearly something the District is obligated to do if things are not right and he doesn't see how it gets put back on them. Mr. Contelmo refers to supplying the current peak water supply capacity in that District and states that is stated in the Water Supply Permit. Mr. Contelmo states we could talk about that, as well as the recent trends in usage in the District and what is available to us. Mr. Contelmo talks about them getting under the hood of the District and states those are obligations that lie with the District. Cynthia states she believes these are items which have to be part of this review and this hard look. Cynthia states to the best that we can, we can provide to the Applicant whatever material we have, and the Applicant has to somehow get it incorporated in the Scope because it has to be part of our analysis of what the potential impacts are of this development. Robert Spolzino states the development is not creating any of these impacts. Mr. Spolzino states these impacts and situation exist, it is not an impact created by this development and therefore it is out of bounds for the EIS. Cynthia states we have a District that was created at a certain point in time and when the first nursing homes came on they had to increase the capacity then and drill more wells, so obviously something happened at that point to create more capacity. Cynthia states we know that over the years some of the wells have been abandoned and some are producing bad water so they have to be shut down. Cynthia states we have a situation that doesn't reflect the true generic statement. Roland states he doesn't see how the Applicant would not study the available water quantity and quality as part of the DEIS. Cynthia states that is exactly what it comes down to, the available water quantity and quality. Mr. Contelmo states he can't see how the District has not addressed their Water Supply Permit obligations from a quality and quantity standpoint. Mr. Contelmo states he read data from the Town's documents from 2012, and there are issues that the District has ignored. Roland states none of that helps you. Cynthia states that Mr. Contelmo is missing something here. Cynthia states the Applicant is focused on a number that doesn't really exist. Cynthia states what we should look at is what the District is using right now. Cynthia states the District is giving to the residents and the two nursing homes the amount of water that they are drawing and that draw is not the big number the Permit sites. Mr. Contelmo states he is not missing anything. Cynthia states that number was generated a long time ago based on the six wells. Cynthia states the district is providing quantity because the people are only drawing so many thousand gallons which is not the full potential capacity of all the six wells which are actually not all in use. Mr. Contelmo states the District is established geographically and the properties in the District are taxed for the cost of that District. Mr. Contelmo states the District has an obligation to ensure all the people there who are using water and all the people who are being taxed who are not using water yet will have water. This particular piece of property is in the District and has a right to the water in that District, just like the people who are already connected to the District. Mr. Contelmo states he knows the numbers and how much water is being used. Mr. Contelmo states he has looked at the last several years of records, and he knows there are wells off line. Mr. Contelmo states

what is being ignored here is that there is an obligation on behalf of the water District to supply water to all the properties in the district, including their property. Mr. Contelmo states they recognize there are issues, and are willing to collaborate and work together but are not going to take the burden on their own. Mr. Contelmo states the Town's Water Quality Report from last year stated there were no water quality violations or concerns. Cynthia states that is because they took a well off line that was generating too many radiologicals. Cynthia states if there is a deficiency and if the District has to drill more wells, who pays for it. Mr. Contelmo states the District does. Cynthia states maybe or maybe not. Cynthia states the District may not have the money, and may vote not to spend the money. Cynthia states this development may go in, and there may be water issues when people turn their tap on, as they may have no water. Roland states generally in his experience, when a problem like this is identified, an Applicant could wait a long time for their approvals if they are depending on a Town to figure out how to fix the problems, or help fix them so as to get a timely approval. Roland states the Applicant is being asked to gather the necessary documentation. Roland refers to a Meeting which was held with the Supervisor and states the Applicant was there. Roland states the Supervisor outlined tremendous issues the District is facing with the County and states if we don't resolve them, and study them, the County is going to set this Project back light years. Roland states he doesn't know why we are talking about this. Mr. Spolzino states because there is no legal obligation on them to fix this problem, and Roland, respectively, there is case law which says you cannot do what you just said. Roland states it is legal versus practical and he knows the cases exactly. Roland states the issue is practicality. Roland states if the Applicant wants to get through this process by December 31st of next year, the only way to do it is to work collaboratively. If the Applicant is going to start raising issues of what they are not going to do, it is only going to hurt them down the road. Mr. Spolzino states they are willing to work cooperatively. Roland states it does not appear that way. Mr. Spolzino states what they are not willing to do is to assume the entire obligation for all of these studies. Cynthia states we have asked the Applicant to pull together the information. If they come back and say they cannot find this information, we will deal with it then. Roland states it has to be in the document to be deemed complete. Mr. Kearney states, to reiterate what Mr. Contelmo said earlier, the first Meeting they had with the County in May or June of 2011, the first thing that came out at the Meeting was that the Sunset Ridge Water District had issues. Mr. Kearney states the County said they would help us. Mr. Kearney states they will include some of the improvements into the budget with the County. Mr. Kearney states he interprets it as being a long arduous two miles of testing which is time consuming. Mr. Kearney states he doesn't see it being a matter of them collecting data and assembling it. Mr. Kearney states it is their intent to work with the Town as he has done in other Towns. Mr. Kearney states when he read the comments and the Report, that is not how he interpreted it. Mr. Kearney states he wants the Board and the Town to know that it is not their intent to run away from the original intent, and to work collaboratively, hopefully using funds from the County. Mr. Contelmo refers to f on Page 9 and states he doesn't have a problem summarizing, if the Town provides them with all the records, they will go through them. Cynthia states she doesn't know if all the data is going to come from the Town, some information may come from the Westchester Department of Health (WDOH). Roland states most likely VRI, as the Water District operator will have information. Mr. Contelmo states they have a thick file, but they don't have everything. Mr. Contelmo states that some of the items he has heard the Supervisor talk about they have never seen. Cynthia states she had previously mentioned this to Mr. Contelmo, but a year ago, when Hahn did their first major Report, she went through the Town Clerk's records and made a copy of everything. Cynthia states she has two notebooks. Cynthia states she has documentation from the formation of the District to the Hahn Report. Cynthia states about four months ago, she asked for more documentation, and received a flash drive which she copied and put in two more notebooks. Cynthia states she has a large box of documentation which is relatively complete and she will work with the Applicant to pull out the documents if they will agree to summarize the operational records. Roland suggests adding a sentence to f, such as "the Town will work cooperatively with the Applicant to provide available data". Mr. Contelmo states that is great. Mr. Contelmo states the same qualifier would apply to g and h.

Cynthia refers to Page 7, Item a1d and states she will give the Applicant the Aquifer Report. Cynthia states when we did the Comprehensive Plan we pulled information into it so there may be additional data.

Cynthia refers to Page 9, Item 2a. Mr. Contelmo states the whole idea of alternating peak flows has to do with water going down stream and they are not changing the rate of the flow. Cynthia asks if the quantity will be changed. Mr. Contelmo states they are talking about speed, not miles. Mr. Contelmo talks about going down stream and states there is no reason to do it. Cynthia states this is a comment from Frank. Will inquires about stormwater leaving the Site and asks if it will be no different than before the development went in. Mr. Contelmo states that is the idea. Mr. Contelmo states the idea of this region is to take runoff and get it safely to somewhere where it can spread out. Mr. Contelmo states that sizing of stormwater improvements are based on the rate of flow. Will confirms improvements are retaining it, so the rate goes up. Cynthia states the Applicant drafted this language, where it states “potential impacts anticipated from any change in these rates will be provided”. Mr. Contelmo states it is highly irregular and should not be included. Gary asks if it is hard to do. Mr. Contelmo states it is time and money. Gary asks if it will cost \$100,000 and take six months. Mr. Contelmo states no. Cynthia states we are talking about existing stormwater conveyances from this Project and beyond. Cynthia states what if it fails; maybe that is what Hahn is trying to find out. Mr. Contelmo refers to a pipe that fails and states if there is no increase in flow, should be responsible for replacing it? Mr. Contelmo refers to a pipe under Route 22 which may fail and states it is the NYS DOT’s obligation to fix it unless this Project is increasing the flow. Roland states a lot of these conveyances are on private property and asks how an investigation would be done? Cynthia states this came up with another Project with a public road in terms of flooding and icing. Cynthia states she will follow up with Frank about this comment. Mr. Kearney asks if language may be added in. Cynthia suggests speaking with Frank first. Cynthia suggests adding in language so as “if any changes are being proposed then the analysis will be provided” and states she will run this by Frank.

Cynthia refers to Page 10 and asks Mr. Contelmo if he has any issues. Mr. Contelmo refers to 3d and states he is fully aware of what was done on Bridleside in regards to phosphorus. Cynthia states she thought this was agreed to at a Meeting. Will states this is the City’s comment. Mr. Contelmo states they did not have this language in there; they put in methodology information. Mr. Contelmo states the TMDL issue is a multi-pronged program to reduce phosphorous. There are many programs, and one is the retro-fit program which takes developed areas and puts practices in place to reduce phosphorous. Mr. Contelmo states that new developments are not held to that standard, they are held to the standard under the Design Manual under the Construction Activities Permit to put practices in place to meet obligations. Mr. Contelmo states it is all laid out in a TMDL Implementation Plan. Mr. Contelmo states that developers have to comply with a Construction Activities Permit and put post-construction practices in which meet heightened requirements, and that will be their reply. Cynthia states we had this discussion and we said we understand what the regulations through the permitting process expect. We also said under SEQR and under the hard look, Applicants will give us a certain amount of information on phosphorous. Cynthia asks if that is included in 3a on Page 9, in regards to mitigating impacts associated with post-construction changes in stormwater or is it elaborated someplace else. Cynthia states she will compare that statement to what the City has asked for. Cynthia states the Applicant is meeting 3d on Page 10 and asks if their objection is to the last part in regards to an evaluation of the Towns ability to meet the TMDL requirement for phosphorus. Mr. Contelmo states they have standard language they will put in which the NYS DEP has accepted on a dozen other projects. Mr. Contelmo states he doesn’t want the Town to think there is going to be some magic where they are going to show up and throw money at a phosphorus reduction. Cynthia states we are asking for information on the changes in the phosphorus. Mr. Contelmo states they agree to provide that. Mr. Spolzino confirms they are objecting to the last part of 3d. Cynthia states she believes the critical part of 3d is probably covered in a, and she will ask Frank that question. Cynthia refers to Page 10, Item C2d and states the City wanted an assessment of the impacts associated with stormwater and wastewater discharges on terrestrial and aquatic ecology and natural resources.

Cynthia refers to Page 11, Item 3e and states we have asked for an Invasive Species Management Plan to prevent and eradicate invasive species to the Site and wetlands/watercourse resources. Mr. Wells asks if it would be reasonable to do a Management Plan on invasive species for a limited time like five years, since after construction this is open ended without any clue as to what invasive species will be a concern in five or ten years down the road. Will states that is what the Draft will do, an analysis of what there is, and what the planned proposal will be. Will states it is difficult for him to confirm whether three or five years would be better, or which plant to look for. Mr. Wells states they are being asked to submit a Management Plan. Cynthia states the program could have a timeframe associated with it. Cynthia states Mr. Wells' office has done this on other projects before the Town.

Mr. Wells refers to Page 12, Item D1d in regards to land uses and zoning and asks if there is something specific the Town is looking for. Will talks about incorporating the entire wetlands and subdivision, which are intertwined. Mr. Wells refers to environmental wetlands and states they are handled in the appropriate section. Will states there may be an interrelationship between these chapters. Mr. Spolzino asks if the word "Town" could be added to define it better.

Cynthia suggests skipping the traffic portion for now. Gary asks where Purdys Road is. The Board has a brief discussion about roads and Cynthia states when they go through the Fitzgerald & Halliday Memo there may be different intersections to discuss.

Getting back to the Draft Scope Cynthia refers to the Community/Services/Socioeconomic Section on Page 14 and states she believes that is covered using available data.

Mr. Contelmo refers to Page 15, Item F5b in regards to doing an assessment of the existing conditions and capacity of the Sunset Ridge Water District to provide water service to the Project and states if the Town provides them with the information, they will comment on existing conditions and capacity. Will states he will add in the sentence previously discussed. Cynthia refers to F5g on Page 15 and states the second sentence is standard. Will talks about making that a separate item. Cynthia agrees. Mr. Spolzino asks if this is gaged based on existing information. Cynthia states no and re-reads the sentence. Mr. Spolzino states he is referring to f and g, and both should have the sentence previously discussed added. Roland states if we give the Applicant the data, they have to assess how it will work for them. Cynthia refers to Item 6d on Page 15 and states that comment is interesting. Mr. Contelmo states someone dug deep to come up with that item. Cynthia states if radiologicals are elevated the potential impact has to be analyzed. Mr. Contelmo states the water that will be delivered to the District will meet the MCL's for radiological substances. Cynthia states she believes Item d may be eliminated.

Mr. Contelmo refers to Page 16, Item G3d in regards to stone walls. Cynthia states the intent is to try and use the stone on the Site and to keep a natural stone look rather than man made.

Cynthia refers to the Alternatives on Page 17 and states during the first circulation, Westchester County suggested we look at a non-age restricted development, which pushes it over to a totally different development. Cynthia states that one of the alternatives could be 10% affordable as opposed to 100% affordable. Cynthia states that Riverkeeper has suggested a smaller development which might not be a bad idea, and it could be dealt with rather simply, because it may not be economically feasible to build something smaller. Cynthia states the nature of these developments is that a certain number need to be built to be able to do it. Cynthia asks Will if it makes sense to list it as an alternative. Gary refers to retail discussed in V3 and asks if we want retail there. Cynthia talks about getting services closer for people who don't drive and states it is listed to look at as an alternative. Cynthia refers to an area near the caretaker's cottage in terms of having a

bank of professional offices such as dentists or physical therapists. Mr. Spolzino states their suggestion in response to the Riverkeeper letter is to do 108 units of affordable housing which they proposed initially. Cynthia talks about keeping people in place, and letting them move from one facility to another and states it would require assisted living in between. Will talks about the way the Code is written and states he suggests doing what the Code says and not pick an arbitrary number. Mr. Spolzino states that is not their proposal, and it doesn't accomplish their goal, which is to provide affordable housing. Cynthia states we understand, but we have to look at alternatives. Mr. Spolzino states alternatives are limited by the proponent's proposal and goals. Mr. Spolzino states the goal here is not to provide market housing, it is to provide affordable housing. Will states the Zoning Regulations are not written to provide all affordable housing. Mr. Spolzino states he thought they agreed the Zoning Regulations permit what they are proposing. Will states when it was written, there was no vision of having 100% affordable units. Mr. Spolzino states it is permissible and it is their goal, and that is what defines alternatives. Mr. Spolzino states they cannot be given an alternative which isn't their goal. Cynthia refers to the no action alternative. Mr. Spolzino states no action is required by statute. Cynthia states why not say one alternative should be exactly what the Code provides for. Mr. Spolzino reads the regulation description in regards to alternatives which talks about having a range of reasonable alternatives which are feasible considering the objectives and capabilities of the project sponsor. Roland states an alternative could be to ask for a lesser density development. Cynthia talks about having a lesser number studied. Cynthia refers to V4 on Page 17 and asks whether that is the number without going for variances. Cynthia asks if V4 is what the Zoning allows. Will states he doesn't know. Mr. Contelmo states it was the intent to get close to the 106 unit number. Roland states he is going to suggest that it not all come off the assisted living count because we have been told by numerous people, including the Applicant, that anything less than 70 is unrealistic. Roland states the Applicant is just studying the differences between the impacts of a lesser number. Mr. Spolzino states he thought this was already discussed. Will states he is not going to say it wasn't, but he doesn't recall the whole discussion. Will asks the Applicant how we landed at this number. Mr. Spolzino states he doesn't remember how. Mr. Contelmo states he thinks V4 was a suggestion by Will and the idea was to get close to the whole 160 magic number and introduce the 6 acre parcel which is an as-of-right Use. Will states he understands that. Mr. Kearney talks about the financial feasibility aspect. Will talks about whether variances will be needed. Cynthia talks about design alternatives if there are not three buildings. The assisted living building is discussed. Mr. Contelmo states that has to be operated as a central unit because it has central facilities. Roland discusses being zoning compliant. Cynthia states Roland's suggestion might not be a bad one in that someone else may want to do the 90 assisted living units. Mr. Spolzino states we would be working against ourselves. Cynthia refers to V4 and states it could be listed as 160 units and we won't list how it should be divided up. Will talks about having a separation. Mr. Contelmo states it is 162 when they run the math. Roland states he still doesn't think it should all come out of the assisted living portion. Mr. Spolzino talks about the unique situation given the negotiations with the County. Mr. Kearney asks what language may be added to make everyone happy. Cynthia suggests leaving V4 as it is, and add a V5 which will have both numbers go down proportionately. Mr. Contelmo states he has no problem with that and 162 as a total number.

Cynthia confirms the Board agrees to her having a separate discussion on the traffic portion with Will and both the Town and Applicant's Traffic Consultants. Mr. Contelmo states Tim Miller is their Traffic Consultant. Mr. Contelmo states there are a lot of potential impacts, and he is not sure traffic is one of them, and it is being made more of an issue than it needs to be. Cynthia states a concern with the internal intersection, as well as Route 22 and Hardscrabble Road.

Will talks about going back through the Draft Scope to revise it based on the discussions tonight and confirms the Applicant will work the Traffic Section in. Mr. Wells will provide information to Will to incorporate in the revisions.

7. McCarthy: (owner – Ryann McCarthy)
Land Exc., Fill, Chapter 189 Permit (location – 205 Hardscrabble Road)

- Status Report

Cynthia states Mr. McCarthy is here tonight to give us a status report on the work in progress. Cynthia states she had a brief conversation with Bruce today and he has been to the Site at various moments in time to see the work in progress, and he did go out today, and will generate a Report to us in two weeks. Cynthia asks Mr. McCarthy for an update of where he is at.

Mr. McCarthy hands out a Memo to the Board from his landscaping company and states they are just about done. Mr. McCarthy states the trees at the bottom of the slope will be planted at the end of this month. Mr. McCarthy states they are seeding and haying now. Mr. McCarthy states they still have bushes to plant, but were advised by their landscaping company that they would not survive the winter so they will wait until spring to plant them. Cynthia asks Mr. McCarthy to communicate this information to Bruce so he knows which bushes he is waiting to plant so this way Bruce will confirm whether he agrees or not in his Report. Cynthia states that Bruce told her there are seeding issues in the back and front and he asked Mr. McCarthy to do more seeding. Cynthia asks Mr. McCarthy to let Bruce know whether there are any other outstanding items so Bruce may include those in his Report. Cynthia states that Mr. McCarthy was supposed to come back before the Board and do this in stages, which is why the Board did not require him to post a Bond. Cynthia states this Report from Bruce will be very important. Cynthia states Bruce is also dealing with the parking of trucks which have to go, as well as no parking near the wetlands.

Cynthia asks the Board whether they have any other questions.

Robert asks Mr. McCarthy how he made out with his neighbor. Charlotte confirms that trees were taken down on the neighbor's property. Mr. McCarthy states he has not been communicating with his neighbor. Mr. McCarthy states he made them an offer and they threatened to sue him for \$300,000. Mr. McCarthy states his neighbor gave him a list of trees and prices and he doesn't know how to respond. Cynthia states this is a neighbor to neighbor issue.

Charlotte inquires as to whether the plantings behind the house are in. Mr. McCarthy states they are all in. Mr. McCarthy states that one of the trees may not make it and one is questionable, but he has a one year warrantee. Mr. McCarthy states an extra tree was planted. Mr. McCarthy states that all of the trees along the parameter are in, as well as along the driveway.

Cynthia inquires about the stormwater basin. Mr. McCarthy states that all of the drainage is in.

Cynthia states we will be in touch with Mr. McCarthy when we receive the Report from Bruce.

8. Financial Reports:

- August, 2013
- September, 2013

Chairwoman motions that the Planning Board Approve the Financial Report for August, 2013. Charlotte Harris seconds. All in favor. No opposed.

Chairwoman motions that the Planning Board Approve the Financial Report for September, 2013. Chairwoman seconds. All in favor. No opposed.

9. Next Meetings:

- Work Session – October 16, 2013
- Regular Meeting – November 6, 2013

10. Resolution:

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