

North Salem Planning Board Minutes

January 8, 2014

7:30 PM – Annex

PRESENT: **Cynthia Curtis, Chairwoman**
Charlotte Harris, Board Member
Bernard Sweeney, Board Member
William Agresta, AICP

ABSENT: **Roland A. Baroni, Town Attorney – not required to attend**
Gary Jacobi, Board Member

ATTENDANTS:

Sprint Nextel Corp:	Adam Moss
Sprint Nextel:	Adam Moss
Fuelco/BP (Getty):	Richard Pearson
Hawley Woods:	Peter Gregory
	Steve Bliss
	Patrick Bliss

Chairwoman Cynthia Curtis calls the January 8, 2014 North Salem Planning Board Meeting to order.

REGULAR MEETING:

- 1. Sprint Nextel Corp.:** Adam Moss (owner – 4 West Cross Street Realty, LLC)
Cond. Use/Site Dev. Plan (location – 4 West Cross Street)
 - Consider Draft Resolution of Approval

Cynthia states Adam Moss is here tonight to represent the Applicant. Cynthia states the Board considered looking at this as an Exception, but after the last Meeting we all agreed to move ahead with this as an Amended Site Plan Approval. Cynthia states that Will prepared a Draft Resolution of Approval. Cynthia confirms Mr. Moss received a copy. Cynthia asks Mr. Moss if he has any questions. Mr. Moss states he doesn't believe so as everything seems to have been addressed that was discussed at the prior Meeting. Cynthia states that she left language in so as the color would be consistent with the color that is already there. Cynthia lets Mr. Moss know that the color that is there now works. Mr. Moss states the color will be the same as the color of the equipment already up there.

Chairwoman motions that the Planning Board Adopt the Resolution of Approval for Amended Site Development Plan as Drafted for Modifications to the Existing Communications Facility at 4 West Cross Street. Charlotte Harris seconds. All in favor. No opposed.

- 2. Sprint Nextel:** Adam Moss (property owner – Heziha Sulcevski)
Cond. Use/Site Dev. Plan (location – 73 Crosby Road)
 - Procedural Discussion

Mr. Moss states that he had been before the Board approximately three months ago in regards to the Sprint Site at 73 Crosby Road. Mr. Moss states there is a lattice tower of approximately 150 feet tall. Mr. Moss states

that the last time we talked about this Site with Will we talked about an Exemption. Mr. Moss states that this has dragged on and there have been issues in terms of our confirming that we could meet the Exemption criteria. Mr. Moss states that they have been unable to make that confirmation. Mr. Moss states there have been issues in regards to obtaining information from American Tower. Mr. Moss states that similar to the Application the Board just discussed for 4 West Cross Street, perhaps we could come back for an Amendment. Mr. Moss states this is a similar Site, as they are proposing to reduce the antennas from six to three. Mr. Moss talks about shepherding this Application the same as was done for 4 West Cross Street, given that the number of antennas will be reduced. Mr. Moss states the antennas are approximately 116 feet tall. Mr. Moss states that while the antennas are a little larger, the overall visual bulk would probably be the same. Mr. Moss requests the Board have the same discussion next month for an Amended Site Plan Approval.

Cynthia states she doesn't know whether the Board Members had a chance to go up to Joe Bohrdrum Park to see the tower from there. Cynthia states she brought in pictures that she took so the Board could see the visual impact from our only parkland. Cynthia asks the Board whether they are comfortable with waiving the Public Hearing. Bernard states yes. Cynthia states there is a consensus that this may be treated the same way as 4 West Cross Street in order to move forward.

Mr. Moss asks whether there is anything else they should plan to submit for the next Meeting. Cynthia states that Mr. Moss does have Will's Memo and the bulk of it was all about the five percent bulk calculation.

Cynthia states this will be set up as an Amendment and she will ask Will to prepare a Draft Resolution.

Cynthia reminds Mr. Moss to take a look at the Removal Bond for 4 West Cross Street. Mr. Moss confirms he did see that in the Draft Resolution. Cynthia states that Mr. Moss will have the same request for the Crosby Road Site. Cynthia states if Mr. Moss submits the materials they will be forwarded to the Town Engineer for his review. Mr. Moss states he will reach out to Sprint.

3. Fuelco/BP (Getty): Rich Pearson (owner – Joseph Bryson)
Amended Site. Dev. Plan (location – 2 Fields Lane & Hardscrabble Road)

- Consider Report From Planning Consultant
- Consider Report From Town Engineer
- Consider Report From Traffic Consultant

Cynthia states that Rich Pearson is here tonight to represent the Applicant. Cynthia asks Mr. Pearson if he received copies of the three Reports. Mr. Pearson states yes. Cynthia states the Board should take the time to go through some of the issues even though the Applicant is anxious to get over to the Zoning Board of Appeals (ZBA). Cynthia states that the ZBA is also very interested in some of the aspects which are mainly Planning Board Site items such as the lighting and the canopy. Cynthia states the Board doesn't have all of those details. Cynthia states the Board will be meeting again in two weeks and if Mr. Pearson wants to concentrate on the Referral and provide those aspects that will be talked about tonight, the Board could consider talking about this in two weeks.

Mr. Pearson states he is with John Meyer Consulting. Mr. Pearson states he is a Partner with the Firm and has been there for 30 years. Mr. Pearson states he is a licensed Professional Engineer and a certified Traffic Operations Engineer. Mr. Pearson states that his firm had previously been involved with preparing the Traffic Studies for this Project several years ago and now we have been asked to be involved not only with the traffic but take over on the civil engineering as well. Mr. Pearson states that his Firm got involved about a month and a half ago. Mr. Pearson states that they made a submission addressing comments from both MDRA and Hahn

Engineering. Mr. Pearson states they received the latest three Consultants Memos and will address them. Mr. Pearson shows the Board an overview of the Site on Hardscrabble Road and Fields Lane. Mr. Pearson states the existing property is very long and narrow. Mr. Pearson states that one of the recommendations from Will at MDRA was for us to go back to a 20 scale drawing instead of a 30 scale drawing. Mr. Pearson states the current drawing shows the proposed landscaping around the area. Mr. Pearson states they were not sure whether they would need a new well. Mr. Pearson states that they have had discussions with the Department of Health and we have been told that we do need a new well which will be part of our revised submission to the Board. Mr. Pearson refers to a blow-up of the layout Plan which shows Hardscrabble Road and Fields Lane in addition to the parking areas. Mr. Pearson states that Will had comments in regards to parking and bypass lanes. Cynthia confirms that Mr. Pearson only has to discuss the comments that he has questions about or would like more direction on; otherwise we will assume he will follow Will's lead. Mr. Pearson refers to the location of the canopy, the two pump islands, and the 12 foot wide bypass lane and states one of the comments had to do with us not having a bypass lane around the front most fueling pumps. Mr. Pearson states their proposal is an approved condition as compared to the Shell Station on the other side of I-684. Mr. Pearson states he believes that Fields Lane is not quite as busy in terms of stacking. Mr. Pearson states they were proposing, based on Will's previous recommendation, to have landscaping in the Town right-of-way. Mr. Pearson talks about having a bypass lane and shift the plantings down. Mr. Pearson states that most people driving by will not know where the right-of-way line is and if the Town is more comfortable from a practical basis to have the bypass land there even if it is in the Town right-of-way we could mitigate that by providing landscaping along that area. Cynthia states that a License Agreement with the Town would be needed in order to have the lane on the Town's property. Cynthia states that an agreement would be required for the landscaping. Cynthia refers to having vehicles on Town land and states she would like to run that by the Town Attorney as he wasn't able to attend tonight when the Meeting date changed. Cynthia asks Will if he has any comments about this. Will states the liability issue should be checked out.

Mr. Pearson refers to the variances and states he knows they will need setback variances for the canopy and the fuel pumps. Mr. Pearson refers to the Use Variance and states the Applicant feels that would not be needed because if this had been a gas station and they have continued to provide gas from the property. Mr. Pearson states it is his understanding that five gallon containers have been consistently supplied even though they are not providing the pumps as they had in the past. Cynthia states she doesn't know the specifics but does know from conversations she had with the Building Inspector that based upon the Application when it first came in, the Use Variance that he is sending the Applicant over to the ZBA for is not the continuation of the gas, it is for the convenience store. Cynthia states she checked with the Building Inspector again and confirmed that is his opinion. Cynthia states as far as the main building there would be one single Use Variance for the convenience store. Cynthia states she is not sure whether the cinder block building will generate another Variance. Mr. Pearson asks Cynthia if she is referring to the existing cinder block building. Cynthia states yes. Cynthia states the Applicant went to the ZBA for an interpretation on that but at the time the Use was identified as something different than what is being proposed now. Cynthia states she believes now it is going to be solely used by the current occupant for the towing service and their offices. Mr. Pearson states that is his understanding. Cynthia states she does not believe it will generate a question of a Use Variance. Cynthia asks Will whether the Board should consult with Bruce about this. Will asks how the building is used now. Cynthia states that now there is a Use in there which is non-conforming. Cynthia states that someone is doing repair work. Cynthia states that person was told the Use wasn't allowed, and has been asked to vacate, but haven't yet. Will asks what the building was approved for initially. Joe Bryson is with us tonight. Cynthia asks Mr. Bryson if he knows what the building was initially approved for. Mr. Bryson confirms that it was used for repairs. Cynthia states she believes the current use now is okay and asks for a confirmation that the Use will be for the storage of towing vehicles and the office. Mr. Pearson states that is his understanding. Cynthia asks Mr. Pearson if any bump outs are being proposed to the main building. Mr. Pearson states that there are no modifications proposed to that building.

Cynthia states that one of the items we are lacking on this set of Plans, which the ZBA will be interested in is the actual look of the canopy, as well as the lighting that will be associated with it. Cynthia states that those are the type of details she would like to see before the Applicant is referred to the ZBA. Cynthia states she doesn't know if Mr. Pearson has heard this before, but the Board wants the lighting as low as absolutely necessary. Cynthia states the lighting should go down to the minimum that is needed to keep everybody safe. Cynthia states the Board appreciates that the lighting has been brought down in regards to the poles being shown. Cynthia asks Mr. Pearson whether all five poles will be needed or is it possible to only have one on the left and one on the right in the middle of the parking areas. Mr. Pearson states they will work with the Board. Mr. Pearson states his Firm recently looked at the lighting the previous engineer had proposed and there were dark spots so we tried to address the dark spots by adding a couple of lights. Cynthia states if someone will not be walking in a particular area or getting to a car, is it possible to bring the lights down to bollards. Cynthia states that all of the macadam doesn't need to be flooded as the vehicles have headlights. Mr. Pearson states that one of the comments from Will was to also change the look of the lighting. Cynthia states there is also lighting on the building which will take care of the entrances and exits. Cynthia states the Board hasn't seen details which they would like to see of the lights that are proposed to be on the building and under the canopy. Will refers to the LED lights under the canopy and talks about the lights targeting exactly where the light should go.

Cynthia refers to the proposed sign and asks Mr. Pearson whether it will have indirect lighting. Mr. Pearson states he will have to coordinate the sign details with the Applicant. Cynthia states the last design the Board had seen which included a stone wall was more in keeping with what they are looking for. Cynthia refers to the size and the height of the sign. Mr. Pearson states that nothing has changed and he will provide more details. Will states lights that integrate from the top down would give the sign a nice look. Cynthia states she doesn't know whether it goes along with the architecture of the building but a lot of people in North Salem tend to use the goose neck lights. Cynthia asks Mr. Pearson if the same architectural finish will be kept on the outside of the building and states that was a ZBA question. Cynthia states the Planning Board doesn't get too involved with this, and the Applicant will be referred to the Architectural Review Board (ARB), but initially the Planning Board had been told the exterior would stay the same. Cynthia states at this point there has been a lot of deterioration so some type of sprucing up will be needed. Mr. Pearson states he hasn't seen the actual elevations yet. Mr. Pearson states he will coordinate with the Applicant and the architect and provide details about the elevations. Cynthia states having this information will help Mr. Pearson with his presentation to the ZBA as they are very concerned about the way the building will look, as well as the ARB. Cynthia states that the fencing details that had been approved have to be provided in addition to the details about the additional gate. Cynthia asks Mr. Pearson if he has a copy of the last Resolution of Approval in regards to the fencing. Mr. Pearson states he hasn't seen the Resolution, but knew fencing was being installed. Cynthia states that Dawn will e-mail the Resolution to Mr. Pearson.

Cynthia asks Mr. Pearson if he has any further questions about the MDRA Memo. Mr. Pearson states no. Cynthia asks Mr. Pearson if he has any questions in regards to the Town Engineer's Memo or the Traffic Consultant's Memo. Mr. Pearson refers to the Traffic Consultant's Memo and states the Consultant thought there was an incorrect projection regarding pass-by traffic. Mr. Pearson states he believes their volumes are correct and he will explain this to Maser's Office and do the sensitivity analysis which was requested to revise the percentages of the traffic and also to adjust the pass-by traffic. Cynthia states that Mr. Pearson should prepare his Report and submit it to the Planning Board. Cynthia states there is no direct communication with the Consultants without permission from the Board. Cynthia suggests Mr. Pearson work up his responses and call her if there is something specific he has questions about. Cynthia states that often if there is something specific, the Board will provide permission and Will sits in as well. Mr. Pearson states most of the comments are straight forward. Cynthia states the Board is very sensitive to the clock running for their Applicants.

Mr. Pearson refers to the septic and states he did mention that a new well would be needed. Mr. Pearson states the septic is proposed to remain a private septic. The possibility of expanding in order to have public bathrooms had been looked at but that didn't seem to be feasible based on the discussions with the Department of Health, as they seem to be comfortable with our leaving it as a private bathroom for the employee.

Cynthia asks Mr. Pearson to remind her where the proposed retaining wall will be. Mr. Pearson shows the wall on the Plan and states it is proposed to be about four feet high and it drops off so it is not a wall which would be very visible except for the backside. Mr. Pearson states he will provide information on the anticipated type of wall and states most likely it will be segmented. Mr. Pearson states typically the construction details and construction would be done as part of the Building Permit process. Cynthia states the Planning Board would like to see it now. Cynthia states while she appreciates that there is vegetation there now, it is not the Applicant's property and it could disappear and the wall will be exposed. Will asks Cynthia if there are height restricts in this District or only in Residential Districts. Cynthia states she believes the height would be four feet in the front and five in the rear, but she will double check. Mr. Pearson asks if the Board would like to see the aesthetics but not necessarily the design type for the wall. Cynthia states she believes the Town Engineer will want to see both. Mr. Pearson reads the comment from Frank Annunziata and states he interpreted it as being a requirement prior to construction. Cynthia suggests it be done now, as part of the proposal before the Planning Board. Mr. Pearson states this is not a big wall. If it were a big wall he would probably have an issue, but in this case he will work with the Board.

Mr. Pearson states relative to the EAF, they would like the Planning Board to declare their intent to be Lead Agency if they are comfortable with initiating that process tonight or possibly at the next Meeting. Cynthia asks whether there are revisions that have to be done to the EAF. Mr. Pearson states the revisions are relatively minor and refers to the planting easement. Cynthia states there may be more than a planting easement. Cynthia confirms with Will that there isn't any reason for the Board not to declare their intent to be Lead Agency and to the Circulation upon receipt of a revised EAF which is acceptable to the Planner. Cynthia states it may take a week or two or more for the revised EAF to be submitted, but the Board will do the motion tonight so everything will be ready to go. Mr. Pearson talks about making a resubmittal and states that some of the materials will be coming from their architect and the Applicant so he isn't sure about the timing as far as when materials will be submitted. Cynthia states the Planning Board has deadline dates and if the Applicant were to meet the deadline they would most likely be placed on the first Meeting in February which is the 5th. Cynthia states she doesn't know how quickly the Applicant wants to get over to the ZBA so that is why she was suggesting that if some of the details were submitted, the Applicant may be placed on the Planning Board Agenda in a couple of weeks so they may help get the Applicant over to the ZBA. Cynthia states the ZBA also has deadline dates for their Meetings and suggests Mr. Pearson speak with Janice Will in regards to the deadline and Meeting dates for the ZBA. Mr. Pearson states he did that already. Cynthia asks Mr. Pearson if he were to submit materials within the next two weeks to the Planning Board whether he would meet the ZBA deadline. Mr. Pearson states he will have to check. Mr. Pearson confirms that the Planning Board will be meeting in two weeks so he would have to get something submitted in advance. Cynthia states yes, a little bit in advance and talks with Mr. Pearson about submitting whatever information would be needed in regards to obtaining recommendations from the Board about the variances. Cynthia states the Board would like to see the process keep moving before it gets stale again.

Cynthia asks the Board whether they have any questions or comments. Charlotte states there should be public restrooms. Charlotte asks Mr. Pearson if the Department of Health has raised the comment. Mr. Pearson states that is his understanding. Mr. Pearson states his firm is starting their own conversations about the well and septic with the Department of Health. Cynthia states additional work had been triggered but that was due to the location of the well. Cynthia states if the well is going to be in a different location it may open up an opportunity. Cynthia suggests Mr. Pearson speak with the Department of Health about it. Will confirms the

new well will eliminate the old well.

Will asks whether there is a bathroom in the concrete building. Ann Morley states no. Will asks whether there is water in the concrete building. Mr. Bryson states no. Cynthia states she hopes there is heat. Mr. Bryson states yes.

Cynthia asks Mr. Pearson to prepare a list of the variances so they may be sent over to Will as quickly as possible. Mr. Pearson states yes.

Cynthia refers to the fencing and asks if it has all been eliminated due to the landscaping except for the fencing around the dumpster area and where the towed vehicles will be stored. Mr. Pearson states that is correct.

Cynthia asks if the location of the sign will be where it had been originally proposed. Mr. Pearson states yes; they have not changed the location.

Will asks whether the flag pole is still there. Cynthia states yes. Will asks if a flag is on it. Ms. Morley states they haven't put a flag up in a while because we were told there has to be a light on it. Charlotte states that is right unless it is taken down. Ms. Morley states that flags had been stolen at one point and since they haven't been there permanently, they haven't put a flag up, but she would prefer to have a flag flying. Cynthia states it doesn't have a light and states if it isn't going to be in use maybe it should come down.

Mr. Pearson states there was a comment about the distance of the driveway from the property line on the corner and states 100 feet is what is desired and 62 feet is what they are proposing. Mr. Pearson states that 62 feet is farther away than the previous design and farther away than existing conditions. Will states that could be viewed two ways. Cynthia asks if there is any reason everything can't be shifted down. Mr. Pearson refers to the existing cut and states often the desire for a separation is related to people coming in and making a turn so they don't back up into the intersection. Mr. Pearson states that the majority of the people will be making a right turn. Cynthia states in the morning people will be making a right turn, but in the evening the majority will be going north on Fields Lane. Cynthia states there will be more left hand turns in the evening but they will be spread out.

Mr. Pearson states they will address the engineering comments.

Will refers to the door access. Mr. Pearson states they will work with the Applicant on that as well and shows on the Plan where the existing door is, as well as the location for Will's suggestion. Will talks about safety and the driveway being tight.

Mr. Pearson states the engineering comments refer to our mitigating the increase in impervious surface and states they will work on that and are hoping to get to the ZBA before getting into some of the detailed engineering. Will refers to the parking spaces and confirms there is no curb or drainage proposed and the water will go over the grass into the septic area. Will asks Mr. Pearson if that is a good idea. Mr. Pearson states they will review this and potentially add curbing. Cynthia asks where the snow will be piled up. Mr. Pearson shows the two areas on the Plan. Cynthia states the City gets very persnickety about the snow because it has the salt in it.

Cynthia asks Mr. Pearson to describe on the Plan quickly as to how the fuel tanker trucks will come in. Mr. Pearson shows on the Plan where they did an auto turn simulation and shows the directions the trucks will take. Cynthia states it is important that the tanker trucks do not block the two trucks.

Cynthia talks about the Board providing a favorable letter to the ZBA in regards to the variances.

Chairwoman motions that the Planning Board declare Their Intent to be Lead Agency on a Coordinated Review under SEQR for the Fuelco/BP Site Development Plan, Circulate an EAF Part 1, and Revised Plan Sheet Sets. Bernard Sweeney Seconds. All in favor. No opposed.

After the motion Cynthia states that Will will prepare the cover memos. Mr. Pearson will supply the revised EAF and revised Plan Sheets as soon as possible for the circulation.

4. Hawley Woods: Peter Gregory (owner – Hawley Woods, Ltd.)
Subdivision (location – 396 – 404 Hawley Road)

- Consider Report From Planning Consultant
- Consider Report From Town Engineer

Peter Gregory is here tonight to represent the Applicant. Mr. Gregory states he is here tonight with Steve and Patrick Bliss. Mr. Gregory states they wanted to come before the Board tonight to continue the discussion that was held at a Staff Meeting regarding the Development Envelopes we are proposing. Mr. Gregory states they did receive a copy of the Review Memos in regards to our latest submittal. Mr. Gregory states he agrees that they did submit limited materials, but felt it was necessary to discuss this further with the Board prior to finalizing a complete set of Plans. Mr. Gregory states he feels comfortable that prior to making the latest submittal that was forwarded to the outside agencies, a lot of the comments had been addressed, but we haven't resubmitted in case there are further changes. Mr. Gregory states they have further restricted the areas to be cleared for use by the future property owners to respect the wetlands and vernal pool areas that were indicated on Lot 3 and also agreed to put some form of a Metes and Bounds Description to those areas and limit how much work could be done and maybe put some type of a description as to what the Permitted Uses would be within those restricted areas. Mr. Gregory states that one of the things they did take into consideration was the sizing of the storm water facilities in terms of how much of those areas would be cleared. Mr. Gregory states that they have addressed in the latest Plan that their storm water system is sized to handle the areas that are proposed in the Development Envelope should it ever occur to be included in the change of the characteristics in the storm patterns and be captured and treated prior to be leaving the Site.

Cynthia asks Mr. Gregory when he talks about Permitted Uses in the areas that are outside of the Envelopes of Construction is he referring to Passive Uses such as walking and hiking. Mr. Gregory states yes. Cynthia confirms that Mr. Gregory is not talking about clearing for the pasturing of horses. Cynthia states that is the question which triggered this whole conversation with Bruce Thompson. Mr. Gregory states that one of the concerns had been if we were to clear, and go from a wooded condition to a paddock, there would be storm water implications and we could be limited in terms of mitigation to treat them. Mr. Gregory states they have selected areas which they felt would be reasonable to develop for this type of Project for the individual lots. Mr. Gregory refers to having septic's, wells, and swimming pool areas within the Sites. Mr. Gregory states and then beyond that area there is still some area available should people want to develop further. Mr. Gregory states they are showing a limit of disturbance line within the associated development by putting a further restriction on the development envelope for the parcels. Mr. Gregory states these are all conceptual developments for each of the lots with a limit of disturbance associated for each one. Mr. Gregory talks about having a Metes and Bounds Description which would limit any clearing on each of the parcels.

Cynthia asks Will if the owners wanted to do something outside the limit of disturbance, but within the Envelopes of Construction what the process would be. Will refers to the Plan and states from his understanding what the Applicant is trying to propose the white areas could be cleared and developed and the

grey areas could not be cleared. Mr. Gregory states that is correct. Cynthia states that they are not showing us potential disturbance for all the lots. Will states the storm water is being accommodated as if they were clearing the lots. Will states that clearing for grass and shrubs would be different than clearing for tennis courts or swimming pools. Mr. Gregory states there are areas where swimming pools have been taken into consideration. Will states that would be a regular Building Permit process. Mr. Gregory states it is his understanding that there would not be a need to come back before the Board as long as they were not going beyond the disturbance line. Mr. Gregory talks about protecting each lot. Will talks about providing the storm water management up front does deals with the environmental analysis part of the disturbance. Cynthia refers to the phasing and states it is important not to disturb more than five acres at a time. Cynthia asks Mr. Gregory if he has a Phasing Plan. Mr. Gregory states yes. Mr. Gregory states the first phase would be for the construction of the driveway and the storm water improvements associated with it. Mr. Gregory states the individual lots will have their own storm water features to handle driveway, roof and runoff. Mr. Gregory states they can segment how this will take place and control it. Cynthia asks if the Applicant is proposing to build the driveway or let each lot take care of it as they are added on. Mr. Gregory states there will be a common driveway. Will refers to writing the Draft Resolution of Approval and states he understands the phases of the driveway will be built first, and asks whether this would be done before any Building Permits or Certificates of Occupancy. Steve Bliss states that the road would go in before any Building Permits. Cynthia states it is being treated as if it were a road even though it will be a driveway. Cynthia asks whether the driveway to the beginning of the last lot will fit into one phase. Mr. Gregory states he believes it will, but he confirm. Cynthia states if the last lot is coming in first, it may be necessary to break everything into two phases.

Cynthia refers to the some of the initial drafts of the Easements that were submitted and asks Mr. Gregory who the Attorney for the Applicant is as she was thinking asking the Town Attorney to provide samples of other Easements. Mr. Gregory states that Patrick Bliss is the Attorney for the Applicant and he is here with us tonight. Patrick Bliss states that the comments were absolutely correct and there are no issues. Patrick Bliss states that part of the issue was that he had heard different opinions as to how this would all be structured. Patrick Bliss states he has a working relationship with Mr. Baroni and doesn't have a problem working with him directly. Cynthia states that Roland may have samples and states we have provided samples of Storm Water Easements in the past. Cynthia refers to the common driveway and states that Roland may have a sample easement for that. Patrick Bliss states there had been confusion with his people as to how they wanted the driveway to be put in, as far as whether there was going to be separate. Cynthia asks Patrick Bliss if there will be a Homeowners Association. Patrick Bliss states they prefer not to and states it would create more of an enforceable situation for the Town. Cynthia refers to the area to remain totally undisturbed and asks whether a Conservation Easement has been considered. Steve Bliss states no. Patrick Bliss states the Town will be fully protected by restrictions within the deeds and the Town can also enforce those restrictions within the deeds. Patrick Bliss states if the Town wanted language regarding access similar to what is utilized for the storm water inspection regulations; that is something they could implement. Patrick Bliss states to try and create some sort of an easement situation is going to require bringing in or finding some third party to become involved with the properties. Cynthia states the Town could hold the Conservation Easement. Patrick Bliss states he doesn't think that is what the owners want to do and states the end result is going to be the same. Cynthia states sometimes it helps each of the individual owners knowing that there is that other party out there protecting them so that their neighbor won't cause a disturbance. Will states he is interested to see how the Town can enforce the Deed Restrictions. Patrick Bliss states it is no different than enforcing a Site Plan Approval. Will talks about making it a Subdivision Condition. Patrick Bliss states it would be a Condition of the Subdivision Filed Map and there would also be a Condition referring to the Subdivision and having descriptive language in each individual Deed with the Metes and Bounds. Cynthia states it would be helpful to have a description in order to have Roland review it. Patrick Bliss states absolutely.

Cynthia asks Mr. Gregory if he has any questions with regards to the Reports from the Consultants. Mr. Gregory states no. Mr. Gregory states they are in the process of compiling a formal response to each of the items in the Hahn Memo and MDRA Memo. Mr. Gregory states they will submit an expanded EAF and obtain descriptions regarding the Easements and the Development Envelopes. Mr. Gregory states once they have those materials they will submit a complete package. Cynthia states at that point a Public Hearing may be set. Cynthia states as soon as the materials are submitted for Roland to review they will be forwarded to him. Mr. Gregory asks whether it would make sense to put something together in regards to the Easements first, or should we include that information in with our responses to the Consultants Memos. Mr. Gregory asks whether it would make sense to have Will take a look at the documents first before they are submitted in terms of the language and the samples. Cynthia suggests the materials be handed in sooner rather than later for Roland to review. Patrick Bliss confirms that all the documents should come through the Planning Office. Cynthia states the Board has been very flexible especially with the attorneys in terms of working directly. Cynthia states that Roland hasn't been here and the Board wants to make sure he understands their wishes.

5. Financial Report:

- December, 2013

Chairwoman motions that the Planning Board approve the December, 2013 Financial Report. Bernard Sweeney seconds. All in favor. No opposed.

6. Comments from the Chair:

Cynthia states the Board has a Site Inspection this coming Sunday, January 5th at 11:00 a.m., for the Homeland Towers/Bloomer Road proposal. Cynthia states that one of the main purposes for the inspection is for us to decide how we want the Applicant to approach the visual analysis and pick the view points and view sheds. Charlotte asks whether the Board will pick where the crane will go. Will state the Board cannot actually decide that day as to where the crane will go. The Board has to discuss the outcome of the visual analysis first. Cynthia states the Board will meet at the back bus entrance/exit for the High School/Middle School as she would like to start at the athletic fields and then work their way over to the Site. Charlotte states it is fairly high, but it is wooded. Cynthia states the question will be as to whether the tower would be visible above the tree line. Cynthia states that the Board is supposed to have a Work Session on January 22nd to continue their work on the Zoning Amendments. Cynthia states we will have to see whether we will have a full Board or not. Cynthia asks Will whether he will have anything ready for that Meeting. Will states they haven't talked about it. Cynthia states she will coordinate with Will and advise.

7. Next Meetings:

- Work Session – January 22, 2014
- Regular Meeting – February 5, 2014

8. Resolution:

Chairwoman motions to adjourn the Planning Board Meeting. Charlotte Harris seconds. All in favor. No opposed.