

North Salem Planning Board Minutes

May 7, 2014

7:30 PM – Annex

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

ABSENT: **Gary Jacobi, Board Member**
 Christopher Brockmeyer, Board Member

ATTENDANTS: **Pietsch Gardens Coop./Gizzi:** **Nancy Tagliafierro**
 Gotham Enterprizes: **Don Rossi**
 Hawley Woods Subdivision: **Peter Gregory**
 Steve Bliss
 Kevin McKenna

Chairwoman Cynthia Curtis calls the May 7, 2014 North Salem Planning Board Meeting.

REGULAR MEETING:

1. **Gotham Enterprizes:** Don Rossi (owner – Gotham Enterprizes, LLC)
 Lot Line Adjustment (locations – 741, 749, 751 Titicus Road & 39 Hilltop Drive)
 - Consider Report From Planning Consultant
 - Consider Conditions for Draft Resolution of Approval

Cynthia states Don Rossi and Tim Allen are here tonight. Cynthia states she put the Map up on the wall behind her which basically shows two lots currently owned by the Applicant, as well as two other lots the Applicant is buying. Cynthia shows on the Map where lot lines will be taken out in order to create a bigger lot in one area and a smaller lot in another area. Cynthia states that each of these lots have Special Permits for the keeping of horses. Cynthia states we have a Report from Will and due to the potential to involve the Zoning Board of Appeals (ZBA), in addition to just reviewing what was submitted, she asked Will to provide structure to the Board as to how best to proceed. Cynthia states since there are houses on two of the lots, if the assumption is that they will be coming down, what will the order of procedure be in order to handle this.

Mr. Rossi states technically there are four different owners. Mr. Rossi states these are the Moss and Radley houses and they are each on separate lots. Mr. Rossi states those houses and related improvements will be removed. Mr. Rossi states that Will, quite properly, pointed out that we need to set forth a sequence procedure. Mr. Rossi states that Mr. Allen will take care of this. Mr. Rossi refers to the wells and states they probably will not be abandoned because it is wasteful. Mr. Rossi states there is a driveway that serves the property and there are overhead utility lines which Mr. Allen will handle in terms of setting up the sequence. Mr. Rossi states they will need two Special Permit Amendments from the ZBA. Mr. Rossi refers to the 39 Hilltop Drive property and states this is Joe Pinto's house and barn. Mr. Rossi shows the existing lot line on the Map and states they are taking a portion from the house lot and adding it to the main barn lot, which will leave a lot having 20 acres which is well in excess of what is needed for a horse farm of this type. Mr. Rossi

states he believes they will need to Amend the Special Permit that covers the Hilltop parcel and the Special Permit that covers the main farm parcel to increase the number of acres that are covered by that so there will be 13 acres, and the total of the two lots, which are approximately 4 or 5 acres, will all be added to create one lot. Mr. Rossi states that zoning-compliance wise no violations will be created. Mr. Rossi states that Will had a comment about their showing the Hilltop Drive frontage. Mr. Rossi states they will show that, but it is currently its own pre-existing standalone lot. Cynthia refers to two areas on the Map and asks which part of Hilltop Drive Bruce was calling the frontage. Mr. Rossi states he isn't sure. Cynthia refers to one of the houses on the Map and states it was built under the Ordinance. Cynthia asks Mr. Rossi to check with Bruce Thompson to see when Building Permits were obtained and what qualified as frontage. Mr. Rossi states sure. Will asks whether the upper frontage is being eliminated. Cynthia states yes. Mr. Allen states he believes the Pinto house was built in 2004. Cynthia talks about wanting to make sure that the proper frontage is recognized and it meets the zoning requirements for frontage because the road has an odd configuration. Cynthia states she believes the full 380 or 390 all may qualify as frontage. Cynthia states when there are funny lots such as this it helps to know what the front yards, side yards, and rear yards are. Cynthia suggests Mr. Rossi note it on the Map showing the change in the lines. Will states regardless those are the only two frontages and it doesn't really matter what frontage was used to build the house. Will states the point is that in the end the frontage, in order to create the lot, has to comply. Mr. Rossi states if they are eliminating the frontage for one of the lots they are creating a situation where they would need a variance. Cynthia states she doesn't believe that is the case but it would be nice for Mr. Rossi to verify it. Mr. Rossi states he will. Cynthia asks Mr. Rossi if he has any questions regarding the sequence order that Will has proposed. Mr. Rossi states no, he believes it is appropriate for them to go for the Special Permit Amendments. Cynthia states that Mr. Rossi had originally submitted a letter stating they wouldn't require the Special Permit Amendments. Mr. Rossi states the Plans are being formulated for the property as to what exactly might be done in the future. Mr. Rossi states this will require corresponding Amendments of Special Permits most likely those related to Gotham Farms itself, not Hilltop Drive. Mr. Rossi states the sequence that Will has listed makes sense, because if they need to make any decisions regarding future improvements which will require Special Permit Amendments, they will go to the ZBA and then come back to the Planning Board after that. Cynthia asks Will whether he has any concerns about coordination and whether the ZBA and the Planning Board will each do their own SEQR. Will states he doesn't have concerns and yes the ZBA and the Planning Board may each do their own SEQR. Cynthia asks Roland if he agrees with the ZBA sequence. Roland states he does. Cynthia asks Mr. Rossi if he needs anything else from the Planning Board. Mr. Rossi asks whether this is the type of matter the Planning Board would do a Positive Recommendation to the ZBA on. Cynthia states no because this is all about a Special Permit, and if a variance were to be required in order to create the lot line, the Board would consider it. Cynthia states the Board has never weighed in on a Special Permit. Mr. Rossi states it is fairly straight forward.

2. Pietsch Gardens Coop./Gizzi: Nancy Tagliafierro (owner – Pietsch Gardens Coop./Gizzi)
Lot Line Adjustment (location – 886 & 1 Peach Lake Road)

- Consider Draft Resolution of Approval

Cynthia states Nancy Tagliafierro is here with us tonight. Cynthia states that Ms. Tagliafierro previously made a presentation before the Board. Cynthia states the Board has a Draft Resolution of Approval which has blanks since they have not been able to obtain a copy of the latest ZBA Resolution. Cynthia states that Ms. Tagliafierro provided the Board with a Draft of the ZBA Resolution this evening, and gives a copy to Will. Cynthia states the Planning Board understands from the ZBA Secretary that the Draft Resolution was fully approved. Cynthia asks Ms. Tagliafierro if she mentioned an item to be changed. Ms. Tagliafierro states she noticed that one property, 7 Cottage Lane, is missing from the Draft Resolution. Ms. Tagliafierro states that 7 Cottage Lane is a pre-existing property so it doesn't require a variance. Ms. Tagliafierro states she will make

sure this is incorporated in the final version. Cynthia asks the Board whether they had a chance to read through the Planning Board Draft Resolution. Cynthia states on the assumption that Will is going to be able to fill in the necessary blanks, do they have any questions. The Board states no. Cynthia states that Ms. Tagliaferro has moved ahead and incorporated some of the Conditions and asks her whether she has any questions on the remaining conditions. Ms. Tagliaferro states no, she believes the only item left is to make reference to the ZBA Resolution when it is finally signed. Cynthia states that the Map has to be updated as well. Will asks Ms. Tagliaferro if he may keep the ZBA Draft Resolution. Ms. Tagliaferro states yes. Ms. Tagliaferro states the Draft references Schedule C which is part of their variance application and she gives a color-coded copy to Will. Will states he will fill in the blanks and states the date the variance was granted was April 17, 2014, as well as the reference. Will states he will utilize the language in the first paragraph whereas it talks about the decrease in the minimum required rear yard setbacks all the way to the end.

Chairwoman motions that the Planning Board approve the Draft Resolution for the Lot Line Adjustment, Final Subdivision Plat Approval with Conditions Between Pietsch Gardens Cooperative and the Gizzi's, Subject to the Insertion of the ZBA Information. Charlotte seconds. All in favor. No opposed.

After the motion Cynthia asks Ms. Tagliaferro to forward the signed ZBA Resolution over to her if she sees it before it is provided to the Planning Board. Ms. Tagliaferro states yes, absolutely.

3. Sprint Nextel Corp.: Adam Moss (property owner – 4 West Cross Street Realty, LLC)
Site Development Plan (location – 4 West Cross Street)

- Consider Amount of Removal Bond
- Referral to the Town Board
- Consider Extension if Necessary

Cynthia states we just received the recommendation in regards to the additional bond from the Town's Consulting Engineer. Cynthia confirms that there are no representatives from Sprint in the audience. Cynthia reads the Draft Resolution whereas it states "Resolved, that the North Salem Planning Board hereby recommends to the Town Board that a Removal Bond for the new Telecommunications Facilities located at 4 West Cross Street be posted in the amount of \$6,600.00 for Sprint Nextel Corp., based on a recommendation, see attached, by the Planning Board's Consulting Engineer, after his review of the Removal Bond Cost Estimate submitted by Gregg Shappy of Transcend Wireless. This Bond will supplement the existing Removal Bond which was previously posted for this Facility in the amount of \$38,000.00, bringing the total to \$44,600.00".

Chairwoman motions that the Planning Board Adopt the Draft Resolution of Approval for Sprint Nextel Corp. Regarding the Supplemental Removal Bond Amount. Bernard Sweeney seconds. All in favor. No opposed.

After the Motion Cynthia states she didn't bring the original Resolution with her tonight. Cynthia asks Will whether he recalls if the signing of the Plat has to be held up until the Town Board approves the Supplemental Removal Bond. Cynthia states if so, an extension has to be granted because the deadline in their first extension Resolution will expire tomorrow. Roland asks whether we physically have the Bond. Cynthia states no. Roland states then an extension would be required.

Chairwoman motions that the Planning Board Grant an Additional 60-day Extension for the Completion of all Conditions of the Amended Site Development Plan Application for Sprint Nextel Corp. at 4 West Cross Street. Bernard Sweeney seconds. All in favor. No opposed.

After the Motion Cynthia asks Dawn to remind Adam Moss that he has a 60-day Extension and he has to get the Bond over to Roland.

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

Cynthia states that Peter Gregory and Steve Bliss are here with us tonight. Mr. Gregory states that Alan Pilch, their Landscape Architect is here with them as well. Cynthia states that when the Board received the submission, they were hoping that they had received the whole package, but they didn't receive the whole package. Cynthia asks Mr. Gregory when the whole package will be coming. Mr. Gregory states they had basically prepared a complete set of the Plans and the Legal Documents that were talked about the last time they were before the Board. Mr. Gregory states that based on the Review Memos from both the Planning Consultant and Town Engineer, they need to clarify how they have addressed all of the other outstanding items. Mr. Gregory talks about resolving some of the issues in terms of the language and permitted activities within the limited Disturbance Areas in terms of including those items as well as the other outstanding items in order to make a submittal for the Board to take a look at. Mr. Gregory states they have to clean up and clarify a lot of the items they are showing on the Plat in terms of the Easements and Descriptions as far as how those areas will be limited and how they will describe what will take place. Mr. Gregory states this isn't clear on some of the mapping they have provided. Mr. Gregory talks about having an opportunity to send in language in advance to make sure everything is correct. Cynthia states she thought the documents which had already been submitted were supposed to accomplish that. Mr. Gregory states they were, and talks about clearly describing the activities that could take place in certain areas so that it will leave less to be interpreted in the future. Cynthia states that some of the items need to be tightened up, especially when it comes to the trails, and taking down trees and shrubs, and asks Mr. Gregory if he would like to go over those items now. Mr. Gregory talks about elaborating and more fully describing areas so that people in the future will pick it up. Mr. Gregory refers to homeowners as well as people in Town who may come in to apply to do certain activities on the property knowing what they can and cannot do. Mr. Gregory states the intention right now is to not construct buildings in these specific areas, as they will be more for passive activities such as hiking and horseback riding which has been talked about in the past. Cynthia states when it comes to the trails, some of the conditions the Board would like to see, is a limit to their width. Cynthia states she is not saying where the location has to be, but it shouldn't be cleared any wider than a certain width. Cynthia asks Charlotte what is typically done for the bridle trails in terms of width. Charlotte states that 6 to 10 feet would be wide enough. Cynthia states that trails would be built with a Best Management Plan which would be submitted to the Building Inspector. Cynthia talks about large trees not being taken down, and having the trails worked around the existing trees. Cynthia talks about the Board not wanting to see the removal of brush unless it is for the actual trail. Cynthia refers to the Applicant's language in regards to the removal of dead and sick trees, damaged trees, brush removal, and maintenance and states that language has to be tightened up. Mr. Gregory states yes, they agree with that, and he doesn't think they were looking to propose that in regards to the trails. Cynthia states she understands that, which is why this has to be very clear. Mr. Gregory states in the event that trails are proposed, they will put in limitations or conditions so there are guidelines in place to work in those specific areas. Charlotte states invasive brush should be able to be taken out. Cynthia refers to the Best Management Plan and states if there will be invasive species removal the Applicant should submit a Plan to

the Planning Board so they may approve the general outline prior to a submittal to the Building Inspector. The Board has a discussion about the removal of brush in terms of the use of hand tools. Cynthia states this is why the Board likes to see a Plan up front and states she believes that was done with the Bridleside Project. Cynthia states the Applicant may want to come into the Planning Board Office to see samples for other Projects that have been done in the Town. Mr. Gregory talks about this being done on a lot by lot basis as long as there is a guideline in place to be followed which describes the type of brush being removed as an invasive species and having a guideline as to how the removal will take place. Mr. Gregory states that they have a good idea of where the Development Envelopes will be and they will have the language associated with them cleaned up. Mr. Gregory asks where they will go procedurally after the materials are submitted. Cynthia states the Board would like to see a submission of all the materials that MDRA and Hahn Engineering have asked for. Cynthia states there may be a few more corrections after that to be done, but the Board would like to see a revised EAF and a Stormwater Plan, and then maybe the Application may be deemed complete enough in order to set a Public Hearing. Mr. Gregory states they have prepared responses to the Stormwater Plan as well as the EAF.

Cynthia refers to the comment in regards to the instrument being created and asks Roland how enforceable it is and whether the Town may be a party to it. Cynthia states she is speaking about the Limited Disturbance Area Instrument. Cynthia states it seems to her that if the three lot owners want to change it, they should be able to. Cynthia talks about this being tightened up for the Town. Will states for this Project, and in the past, we have asked that the line be described by a Metes and Bounds on the Plat so to change the line would require coming back to the Board for an Amendment to the Subdivision. Roland states the problem with that is if they have sold one, two, or three of the lots, even if there is a good reason for the change, and the Planning Board wants the change, all the owners on the Plat need to provide their consent. Will asks why they can't just amend the particular lot. Roland states then there will be a Plat on file whereas one of the lots is not consistent with the Plat. Will states that would be no different than a Re-Subdivision which would do the same thing. Roland states he doesn't think we would want a Plat on record with the County that is inconsistent. Will talks about someone obtaining a variance on an individual lot since the Plat has the setbacks on it. Roland states that can happen, but when lines are being set, you may prefer to state in the document that the lines may not be modified, amended, or rescinded without the prior approval of the Planning Board. Will states that is what he is talking about and asks Roland whether he is referring to something different than an Amended Subdivision. Cynthia states that Roland is talking about moving the line, and we are not talking about moving the line, we are talking about the actual disturbance that is allowed within the Limited Disturbance Area which is basically creating a trail. Cynthia states the Board wants the Town to be a party to this, and if we have a Plan which is approved by the Planning Board, it will become the enforceable document which the Building Inspector will also keep. Roland asks whether this is something like an Integrated Plot Plan which would be produced showing the limits of disturbance. Mr. Gregory states rather than a Zoning or Building Envelope, it will be a Development Envelope which will have a description on it. Mr. Gregory states as has been done in other Municipalities, when someone is looking for permission to encroach on a specific area, an Amendment to the Plat would have to be done. Mr. Gregory states that he has also seen this handled on an individual lot by lot survey basis. Cynthia states there would be an amendment to the construction drawings as well. Will states he has never heard of an entire Plat being amended. Cynthia states that is what happened with the Continental Subdivision. Will talks about amending the one lot because once the Plat is filed the lot stands alone. Roland states the reason why it shouldn't be done that way is because the other lot owners have a right to rely on the Plat as filed and if there is any argument that they will be affected by the changes they have a right to weigh in because that filed Plat became a document that they could rely on. Will talks about establishing the restrictions on a lot by lot basis so that they are independent. Roland states yes, if they are not put on the Plat, and in some other document. Will talks about them being put on the Plat. Roland states he is suggesting it not be done that way. Will refers to one particular lot which may have a restriction that the other two lots do not have and asks whether the other two lots would rely on that as well. Roland states yes, they would have a right

to rely on it because it was on the filed Plat. Roland states if there is a reason why they are affected, even if it is just in their minds, that is why their consent has to be obtained. Roland states this is true in regards to notes on filed Plats as well. Cynthia states that is right. Roland states that there are not supposed to be changes to notes on a filed Plat without obtaining the consent of all the affected lot owners who had the right to rely on that note. Cynthia states there are two examples of this type of a subdivision which have already been done. Cynthia refers to the two-lot subdivision on Dingle Ridge Road and states in this case the lines of disturbance were shown on the construction drawings but not on the Plat. Cynthia states when a temporary driveway was proposed to be created in order to get to the back of the property to expand the septic, the owner came before the Planning Board to amend that construction sheet with the limited disturbance. Cynthia refers to the Continental four-lot Subdivision and states now we have the limited disturbance on the filed Plat and that line cannot be changed without consent. Will states the problem he has with the construction plan option is that in reality that is really not a limitation on the subdivision, it is just an analysis for the acceptability of the subdivision. Cynthia confirms that Will would like to see the information on the Plat. Will states when the houses are built, there will be differences from what is on the subdivision Plat because there will be individuals building individual houses which is why we have gravitated towards having a line on the Plat. Cynthia states the message from Roland is clear and he has been consistent about this. Will states he understands. Cynthia states if the line has to be moved it will require an Amended Subdivision. Roland states the Plat would need to be amended and all the parties would have to provide their consent and sign off on it. Roland refers to a subdivision in another Town where a recreation parcel was dedicated and as they were selling the lots they realized they would be better off if they paid the fee, and wanted to come back and change the note. Roland states the Appellate Division held that they needed the consent of all fifteen lot owners. Will states he understands what Roland is saying. Roland states that there should always be language whereas requiring the prior consent of the Planning Board. Will states when the owners do not abide by the disturbance restrictions the only parties that are enforceable are the parties who did the Plat. Will states a Deed Restriction is only as good as the party who holds it. Will states the Town cannot enforce a Deed Restriction if it is not a party to the Deed. Roland asks whether the document being discussed tonight will be a declaration. Roland states it will be filed against the specific lots. Will asks if someone has a violation whether the Town will issue a violation of the Subdivision. Roland states yes and theoretically the Town may pull the COO. Mr. Gregory states the Town would be a third party then. Will states no, it will be seen as an enforcement mechanism, not as a written party. Will states he has seen issues where there were development restrictions on a property and the Town did not have a say about them. Will talks about making them a Condition of the Approval. Roland states if they are made a Condition of Approval, there will be an enforceable document, but it still comes down to the watchful eye of the Building Inspector. Will states that is more than a self-imposed restriction whereas we would not be a party at all. Roland states that is correct. Mr. Gregory refers to the language being discussed and asks whether it should be included in the documents they will be preparing. Cynthia and Roland state yes. Cynthia states as well as the Plans and refers to the Bridleside Project which Mr. Gregory may want to look at. Will talks about draft regulations in regards to Best Management Practices for trails. Mr. Gregory talks about the Best Management Practices in terms of how best to refer to them if they are not being proposed now whereas we would provide an outline or detailed information. Cynthia states that language should be added so that any of the work will be done in accordance with the Plan approved by the Planning Board and on file with the Building Inspector. Cynthia states if someone wants to change what is specified in the Plan they will have to come back before the Planning Board.

Cynthia states the Board will wait for the Applicant's next submission.

5. Proposed Zoning Amendments:

- Wrap-up Discussion on Proposed Zoning Amendments
- Consider Referral to the Town Board

Cynthia states we will wrap up our discussion tonight and consider a Referral to the Town Board. Cynthia states that she had emailed quite a few documents to the Planning Board and confirms Will has his copies. Cynthia states that the packets she handed out to the Board constitute a complete set and since there were no changes to the Bulk Table that wasn't included, but she will refer to it when going through the discussion tonight.

Cynthia states the first document she would like the Board to take a look at are the Draft Definitions. Cynthia confirms with Will that when he states language such as something being subject to the applicable minimum yard area he is talking about setbacks. Cynthia states she just wanted to make sure there is consistency. Cynthia asks Will if anything changed in the Definitions that he would like to point out to the Board. Will states he deleted the bullet entitled Dormitory. Cynthia asks Will whether he found anything different than what the Board last discussed. Will states he doesn't think so, but scans through the Draft. Will states he thinks that is the only change. Cynthia states she thinks so too. Will states in the Definition for Convalescent or Nursing Home, physical rehabilitation was added as well as what the Definition doesn't include. Cynthia confirms the last Draft before this May Draft was March. Cynthia states she noted a question to ask Roland under the Public Utility Definition as to whether television and cable should be added and asks Will whether this has been resolved. Will states no. Will states the issue is whether a private transportation corporation is considered to be a public utility. Roland states he believes it would be because under the Transportation's Corporation Law the Town is required to form a District which would be public and would stand in the wings to be ready to take over the operation. Will states that is his take as well. Cynthia confirms that Will left the Definition alone. Will states the word "corporation" is in there. Will states that the cell companies are considered public utilities even though they are private corporations. Cynthia asks Roland to take a look at the Definition for Public Utility. Roland states it is fine. Cynthia states that when she looked at the Definition for Indoor Light Industry and looked at the actual Standard which lists what may be done, she wanted to make sure that the four key words listed in the Definition will work with all of the Uses.

Cynthia states this is a Use involving research and development, and/or the manufacture and/or assembly of a product. Cynthia refers to the list in the Standard in terms of what will be allowed and states she believes it works, but wanted everyone to take one more look at it to make sure they agree. Cynthia states there are repairs going on, but that is also packaged with the terms manufacture and/or assembly. Cynthia states if the Board is comfortable we will move on. Cynthia confirms with Will that the Standard refers to service business and wholesale supply facilities which include wholesale and still fit within manufacture and/or assembly category. Cynthia asks the Board whether they have anything further on the Definitions. Charlotte states everything looks fine.

Cynthia refers to the large document entitled Conditional Uses and Special Permits and asks Will whether there is anything he would like to point out to the Board. Will refers to Page 1 and states he assigned the Section Numbers for the new Standards the Board has incorporated. Will states the first page where there were changes based on discussions last time is Page 6 under Membership clubs and golf and country clubs where he added the word "occasional" in A and added the Accessory Uses in B. Will refers to C and states someone may have a standing approval if they have events several times a year. Will states if someone has an individual event, they would come before the Board. Cynthia refers to Page 8 and states Will took out the word "unit" and changed it to "room". Cynthia states she thinks this created a problem because there could be an instance whereas a person checks into a unit which contains two rooms. Cynthia states we have to either call it a "unit" or a "suite". Cynthia states the way it reads it doesn't make sense. Cynthia states she though

the word unit worked because a unit could be either one room or two rooms, or someone may rent a “room” or a “suite”. The Board agrees to let Cynthia and Will work on this. Cynthia states it will change to either “suites” or “units” and the meaning will not change.

Cynthia states her next question is in regards to Riding academies, boarding stables, breeding farms and the keeping of horses on a residential lot on Pages 10 and 11. Cynthia refers to Section 250-72 and states Page 11 talks about attached or detached employee quarters and states the last time this was discussed one of the Board Members asked if we could limit the number of occupants. Charlotte states Gary asked this question. There is a discussion about squeezing 10 people into one dwelling quarter. Cynthia states the way it is structured now it just talks about units and extra units but doesn't talk about limitations. Cynthia states she doesn't believe there is an issue, but Gary wanted to make sure we wouldn't have an issue if we limited occupancy. Roland states he wonders if that is a factor in the State Building Code and not appropriate for a Zoning Code. Cynthia states she will clarify this with Bruce. Cynthia states the Board will leave this alone and if Bruce feels it should be adjusted it will be done at the next level.

Charlotte refers to G on Page 10 regarding concrete platforms and states the intent is to not have seepage. Charlotte states that the Board talked about seepage occurring even with a concrete pad because it is flat. Charlotte states that many people have gravel driveways. Charlotte confirms that Will had a concern about containers sinking in the gravel. Will states that is the purpose of the concrete. Will states there have been a lot of Applications where people have gravel driveways as well as concrete pads. Will states it wouldn't be any different when people have air conditioning units outside their house on concrete pads. Charlotte asks whether this will be retroactive or only for new platforms and states there are so many people in Town who have dumpsters and most of them do not have a concrete pad. Cynthia states that is a good question. Charlotte states the larger facilities do have concrete pads, but the back yard farms don't. Will states it wouldn't be retroactive. Cynthia talks about the ten year Renewals in terms of whether they would have to adhere to the new Standard. Cynthia states she believes that all of the people come in every ten years. Charlotte states yes or if the facility were to change hands. Roland states an argument could be made that people have to come back and be subject to new Standards that are in place, and if that is not the Board's intention, they would have to carve out an exception regarding change of ownership. Roland confirms at that point a new Special Permit would have to be obtained for the keeping of horses. Will states that Special Permits run with the land, they don't run with the owner. Will states that there can be a renewal period, but a new Special Permit isn't required due to a change in owner. Cynthia states that has been the practice. Charlotte states that everybody buying a horse farm in this Town makes sure that they can renew the Special Permit. Roland states he believes there may be Case Law which states that if it is in the Code, it doesn't run with the land. Will states maybe, but he didn't think so. Cynthia states she doesn't know whether it is in the Code, but there is language in the Permit. Cynthia asks whether it has to be in the Code to back up the Permit. Roland states he believes the language is in the Resolutions. Cynthia asks Roland to discuss this with Gerry Reilly. Roland states sure. Cynthia states she had a conversation with Peter Kamenstein and Brian Ivanhoe after the last Meeting and told them that the way the Board left it, a concrete pad would be needed. Cynthia asked Peter and Brian to think about it and stated to them that this could be the language coming over to the Town Board. Cynthia states that Peter and Brian told her they would give it some thought. Cynthia states her tendency is to leave it the way it is in order to get everyone thinking about it and talking about it and if the Town Board wants to pull it out, they can. Cynthia states Roland may then come back before the Planning Board to let us know whether it is substantial enough for us to take another look at it. Cynthia states it raises an interesting point that everyone should take a look at. Charlotte states she understands what Will is saying, but any of the container companies delivering the dumpsters are not going to put them down on a non-solid surface. Charlotte states she believes that it works such that there has to be a prepared spot. Cynthia talks about asking the Building Inspector if he is aware of any problems in terms of whether what the ZBA requires is working. Cynthia asks whether the Building Inspector inspects the farms. Will states this is a basic

engineering standard and refers again to air conditioning units. Charlotte states those have to be level, and dumpsters do not have to be quite as level. Cynthia talks about prepping an area for a gravel surface, and replacing the gravel when it washes away, and states she cannot imagine a concrete pad would cost much more. Will refers to gas stations and states this is why the pumps have concrete underneath because of the weight of the cars that are constantly sitting there. Cynthia states she will make a note that at some point we will receive feedback from the Town Attorney. Cynthia reiterates that the ZBA Resolutions require new Permits for changes in ownership.

Cynthia refers to Page 18 and tells Roland that the conditions for insurance have been deleted under bed and breakfast and asks him if he knows what it was doing in there in the first place. Roland states he isn't sure why it is in there and talks about protecting uninsured establishments. Cynthia states the Board would like to take it out if Roland agrees. Roland states that is fine.

Cynthia states that the Standards for Adult Day Care Center, Child Day Care Center, and Indoor Recreation are done. Cynthia refers to the Indoor Recreation and Indoor Light Industry Standards and states on Page 3, Item F of the Indoor Light Industry Standard, it states that "All buildings shall be of masonry and/or wood-frame construction". Cynthia refers to the Indoor Recreation Standard and states we do not have that specification, we state the buildings cannot be inflatable structures or domes, which means they could be made of aluminum. Cynthia asks the Board whether that is alright or wouldn't be nicer to also request masonry and/or wood-frame construction. The Board agrees. Will states he will add language in Item C on Page 1. Charlotte refers to the Hardscrabble Club and Brewster Ice Arena and states she believes they are masonry.

Cynthia refers to the Public Utility Emergency Staging Facility Standard, Item B on Page 1 and states she believes this was written backwards. Cynthia talks about wanting the facilities closer. Cynthia talks about looking at the furthest distance from the frontage and state it has to be within that distance. Will talks about changing the word to "more" instead of "less". Cynthia states she cannot remember where the 2,000 feet would hit. Charlotte asks if that would be enough. Cynthia asks Will to check and see how he measured it. Will reads B on Page 1 and states wherever the driveway ends up, the centerline of that would have to be within 2,000 feet. Will states he will change the word "less" to "further". Cynthia states that will do it. Cynthia states that Will is going to check to see whether 2,000 feet would be enough. Cynthia refers to Item C(1) on Page 1 and asks whether the Board needs to identify what a bonafide emergency would be. Will states he doesn't know, that would be a question for Roland. There is a discussion as to who declares emergencies. Roland states that an emergency may be declared by a Governor, County Executive, or Town Supervisor. Will states this may be something to avoid depending on an emergency not rising to a certain level if it, for example, a storm goes out to sea. Will states the staging area would still need to be set a few days ahead of time and we want to make sure that period is covered. Roland states may be best not to have an exact definition. Cynthia states that Will had asked a question as to what the Bulk Table Use Group should be and asks whether it is very clear in the beginning of this whole Section on Standards that anytime we put a more restrictive number here that it supersedes the Bulk Table. Will states that is how he would interpret the Zoning. Will states that these are more specific to individual Uses and maybe we should say that. Will talks about adding this into the beginning language and states he may have already mentioned this. Cynthia agrees and asks Will to double check it. Cynthia states that a basic Use Group still has to be picked. Cynthia talks about wanting to choose one that makes the most sense in terms of design. Will states that none of them work too well in relation to the setback standards that have been drafted. Will states that maybe the setback standards aren't enough. Cynthia talks about creating a new Use Group line. Will states he would rather not do that. Cynthia asks what the minimum acreage would be that the Board would like to start with and talks about 10 acres. Will suggests looking at what is covered. Will states that the Bulk Table itself doesn't have a standard acreage. Will refers to the setbacks and coverage and states that 30% site coverage, with a 100 foot setback from a residential district and 50 feet from a non-residential parcel are actually quite liberal compared

to all the Use Groups. Will states we may need to align our setbacks a little differently with the Use Groups. Cynthia states 100 feet is more restrictive than 75 feet and asks why we couldn't choose either Use Group s or Use Group t. Will states he does not have a copy of the Bulk Table. Cynthia gives Will her copy. Will states the front yard setbacks are not a big deal compared to the side yard setbacks. Cynthia states the Standard has a bigger side yard than what is in the table, and that is alright because we just said the Standard would take precedent. Will states the Standard could be as little as 50 feet. Cynthia states yes, on the Bulk Table. Will states no, in the Standard. Cynthia states we do not want that. Will states all the sizable properties are 75 feet or more which is the point he is trying to make. Cynthia refers to Page 3, Item E(5) whereas it states "50 feet from a nonresidential district". Will talks about changing it to 100 feet. Cynthia states yes, let's just do that. Cynthia confirms the Board agrees with picking one of the 10 acre categories. Cynthia refers to Page 3, Item E(4) and asks what is meant by the language "cumulative site coverage shall not exceed 30% of the lot area". Cynthia asks whether that pertains to the maximum development coverage on the Use Table? Cynthia states this is a new term and asks Will whether it should be defined. Will states he could take the word "cumulative" out. Cynthia asks Will what site coverage is and whether he is talking about development coverage. Will states site coverage would be for buildings and roads. Will states it should be defined in the Code. Cynthia states we call it maximum development coverage. Will states he will check to see if this language is anywhere else except in this specific Section. Cynthia states to Will if he is going to use the language "site coverage", he should prepare a Definition. Will states if the term isn't used elsewhere it will be changed on the chart.

Cynthia states this time going through the Use Tables she concentrated on the Use Group, and when this was written the first time, when looking at one specific Use, and following it in R-4, R-2, R-1, and R-1/2, you will see that the Use Group changes to accommodate the smaller acreage and to make it viable. Cynthia states the Board will see the same pattern with the new Uses, especially in the Commercial Districts. Cynthia states she wants to confirm a few of them to make sure everyone is in agreement. Cynthia states to Will that she couldn't tell whether some of the Use Group's were i's or j's. Cynthia refers to the RO District Table and states she noted that Child and Adult Day Care Centers are in Use Group m, and the required lot area is two acres. Cynthia states she didn't have a problem with that. Cynthia refers to the PO District Table and states the required lot area is 40,000 square feet, which is about an acre. Cynthia refers to the GB District Table and states the required lot area is 40,000 square feet. Cynthia refers to the NB District Table and states the required lot line area is 40,000 square feet. Cynthia asks why we are kicking the required lot area up to two acres in the RO District, and wouldn't it make more sense for it to be one acre. Will states he doesn't have a problem with that. Cynthia confirms that on the RO District Table, No. 7 in Column C will be changed to e. Will inquires about the Use Group for No. 11 which refers to a Public Utility Emergency Staging Facility. Cynthia states it will be either s or t. Cynthia states she would advise staying away from t because it was written specifically for contractors. Cynthia states it will either be "t" which is 10 or "s" which is 15 acres and asks the Board whether she and Will may work on this further. The Board agrees. Cynthia refers to the PO District Table and in Column C, No. 2, and states that Membership Clubs, etc. should be crossed out. Cynthia refers to the GB District Table and states hotels were in Use Group m and she is wondering why they shouldn't be in Use Group a. Cynthia states this would make more sense because Indoor Recreation was added and it has a 10 acre requirement so why wouldn't hotels. Will asks whether requiring a 10 acre requirement for Indoor Recreation would be correct. Cynthia states that is the next part of her question as this is the only time it is in Use Group a. Will asks how many 10 acre properties there are in the GB District. Cynthia states one and another property has one acre of land. Cynthia confirms that Will is going to change No. 2 to e. Charlotte confirms that Indoor Recreation under No. 2 will be changed to e.

Cynthia refers to the NB District Table, No. 2 for Personal Service and asks whether the Use Group is "i" or "j". Will confirms it is Use Group "j".

Cynthia refers to the Residential District Tables and states the Board should bear in mind that museums and art

galleries used to be Conditional Uses of the Planning Board and libraries were Permits from the Town Board. Cynthia states they carry different acreage requirements as museums and art galleries were six acres and libraries were four. Cynthia states when we took libraries from the Town Board and put them in with museums, they were bumped up to six acres. Cynthia states the R-4 District Table has a six acre requirement, the R-2 District Table dropped it down to four acres, and it is back up to six acres in the R-1 and R-½ District. Cynthia talks about leaving R-4 at six acres, and bring everyone else down to four acres or leave them all at six. Cynthia asks Will whether there is any rhyme or reason for doing it one way or the other. Cynthia states that more of an opportunity will be created if it is brought down to four acres in the smaller Districts. Cynthia confirms it is six acres in all of the Residential Districts, except it is dropped down to four acres in the R-2 District. Cynthia states she doesn't have a problem changing it to four acres in R-1, R-2, R-½ and R-¼. Charlotte agrees. Will confirms that libraries were always at four acres and museums were always at six acres. Will confirms there is only one library in Town. Cynthia states if they ever wanted to grow they would probably look in the R-4 or the R-2 District. Will confirms there is one museum. Will refers to R-4 and states it is probably six acres because it is in R-4. Cynthia states she suggested leaving R-4 at six acres and leave everyone else at four acres. Will confirms that R-1 will be in Use Group b. Charlotte confirms that R-4 stays at Use Group c. Cynthia refers to the R-2 District and states churches have been crossed out in Column B, but the Use Group has to be crossed out as well. Cynthia refers to the R-4 District and states that the Use Group has to be crossed out there as well. Cynthia states when Will reformat the Tables this will all be clear. Cynthia refers to the R-¼ District Table, Column C, No. 2 and states she circled the "b" in C1. Cynthia states it does the same thing as libraries. Cynthia refers to R-¼ and states Will crossed out Membership Clubs in Column C and has to take out the Use Group "a". Cynthia states the same is so for the Golf and Country Clubs.

Cynthia asks if the Board has any further questions. Cynthia states there were a couple of minor typos throughout some of the documents and she will let Will know about them. Cynthia asks the Board if they are ready for the Referral to the Town Board. Cynthia asks Roland whether he has any words of wisdom. Roland asks if an EAF will have been prepared when the Draft is Referred to the Town Board. Will states yes. Cynthia asks whether she should have a Work Session or two with the Town Board first and the Town Board instruct Will. Cynthia talks about having one Work Session to see if the Town Board is comfortable because they have to do the Referral to the County. Will states the Town Board has to be given enough time to read through everything. Cynthia talks about asking to go on the next Town Board Work Session to give them an overview on how to approach the Drafts, and then give them time to read through everything, so when Will comes to their next Work Session he may field their specific questions. Roland confirms Cynthia is talking about a Town Board Work Session. Will talks about this being done at a Meeting when the Town Board doesn't have a lot of other items on their Agenda. Cynthia states the Town Board may want to have a Special Meeting.

Chairwoman motions that the Planning Board Make a Favorable Recommendation Referring the Zoning Amendment Package to the Town Board, per Statute 250-214 of the Zoning Law. Charlotte Harris seconds. All in favor. No opposed.

After the motion Cynthia asks Will to prepare a Resolution for the above-mentioned Motion. Don Rossi is here tonight and he suggested to Roland that language be added in the Resolution such as this is in furtherance of the Comprehensive Plan.

6. Comments From the Chair:

Cynthia states we received a new Application today which the Board received tonight. Cynthia states this in regards to the prior Continental Subdivision. Cynthia reminds the Board that they had been on the Site for a

Field Visit. Charlotte asks whether the house is being taken down. Cynthia states that whoever buys the house may do that. Cynthia states there is a potential for a new buyer and they would like more land. Cynthia states that Rob and Jennifer Fogle have no problem giving more land. Cynthia states it is a bit complicated and she conferred with Will as to how the process should begin. Cynthia states this matter will be on our Agenda in two weeks. Cynthia states that Will hasn't had a chance to look at the submittal. Cynthia states we have the advantage of having Roland with us tonight and asks Will whether there are any issues that should be brought to his attention. Will asks Cynthia to refresh him on the substance of the Application. Cynthia states it is a four-lot subdivision. Will states he remembers it now. Will confirms there is an Open Development Area and land will be moved from one lot to another lot. Cynthia states that Mr. & Mrs. Fogle understand that this doesn't move the limit of disturbance lines. Cynthia states she repeated herself three times to make sure Mr. & Mrs. Fogle know this information. Cynthia states there is a Conservation Easement which is not affected by these lot changes. Will confirms they are proposing to amend the Plat which has four lots on it and amend two of the lots so that one lot absorbs the lot line change. Will states they are amending the Plat and asks Roland whether the consent needs to be obtained from the other two neighbors. Roland confirms this is only a lot line change and it wouldn't require consent from the other two neighbors. Will states the key is the documentation of the Open Development Area because that satisfies the Zoning Requirements since they are land-locked. Cynthia asks Dawn to make a note to forward the Resolution of Approval for the original Subdivision over to Will as that will satisfy his questions about Open Development. Cynthia states they do not satisfy her reading on the frontage, but there is nothing we can do about that. Will states that is what an Open Development Area is. Will states it allows someone to have no frontage.

7. Financial Report:

- April, 2014

Chairwoman motions that the Planning Board Approve the April, 2014 Financial Report. Bernard Sweeney seconds. All in favor. No opposed.

8. Next Meetings:

- Work Session – May 21, 2014
- Regular Meeting – June 4, 2014

9. Resolution:

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