

is signed off on, they will submit a full SWPPP. Mr. Gaudioso states they wanted to cut down on the paper because the file is getting a little thick. Mr. Gaudioso states if there are any additional comments, they will do what is requested within reason. Mr. Gaudioso states he believes they have done everything that was asked for. Mr. Gaudioso states that they received comments from the Westchester County Planning Board. Mr. Gaudioso states their only comment was that a Permit from the Westchester County Department of Public Works and Transportation would be required because the proposal is on a County Road. Mr. Gaudioso states they agree with the comment. Cynthia asks Mr. Gaudioso if he has started the process. Mr. Gaudioso states they have prepared the Application, but does not believe it has been submitted. Mr. Gaudioso states they have reached out and spoken with the County previously when the sight lines were being discussed. Mr. Gaudioso states he does not expect there to be any issues, as the engineering details are straight forward. Cynthia states the County was on the Circulation List for SEQR and Site Plan. Mr. Gaudioso states he has no objections to the comments from Will Agresta. Mr. Gaudioso refers to the comment regarding the Bond and states they previously submitted an estimate and the Town Engineer upped the amount to \$32,000. Mr. Gaudioso states he has no objection to the increased estimate. Mr. Gaudioso states that a Meeting was had with the Architectural Review Board (ARB). Cynthia states the Board received a Report from the ARB. Mr. Gaudioso states that a presentation was made to the ARB. Mr. Gaudioso states that different styles of materials were shown to the ARB, such as vinyl and Hardiplank, and the ARB selected the Hardiplank. Mr. Gaudioso states that different colors were shown to the ARB as they had recommended certain colors both for the body of the façade barn and the trim on the façade barn, as well as the roofing material. Cynthia states the obvious structure will be the fencing, especially when the plantings are first put in. Cynthia asks what the ARB chose in terms of fencing. Mr. Gaudioso states the ARB chose a fence color that would match the barn façade. Cynthia asks if the color would be grey. Mr. Gaudioso states they brought samples to show the Board tonight. Mr. Vergati brings up the samples. Mr. Gaudioso states the color is Timber Bark and points it out on the sample. Cynthia asks if that will also be the color of the tower. Mr. Gaudioso states it is very similar. Mr. Gaudioso states that is why the ARB ultimately selected the Timber Bark, as they brought the tower color with them for the ARB to see. Mr. Gaudioso puts the tower color up against the façade color so the Board may see how closely they match. Cynthia asks Mr. Gaudioso if the tower in Somers is the same color. Mr. Gaudioso states yes. Cynthia inquires about the color for the roof. Mr. Gaudioso states the ARB chose Pewter Wood for the roof. Mr. Gaudioso states it is darker with a little grey. Cynthia states the ARB did a nice job. Cynthia asks Mr. Gaudioso to remind her whether the fence will be six or eight feet tall. Mr. Gaudioso states the fence will be eight feet tall. Cynthia inquires about the plantings that will go in front of the fencing. Mr. Gaudioso states the Ink Berry and Mountain Laurel bushes will be 4 feet tall, and there will be 21, 6 foot Norway Spruce trees, as well as 2, 16 feet Norway Spruce trees.

Cynthia tells the Board that the next step would be to move towards a Resolution of Approval. Cynthia confirms with Will that the proposal is pretty much ready. Cynthia states this is the last chance, and asks the Board whether they are happy with the number of plantings and visual impacts especially from the Golf Course. Cynthia states from Bloomer Road there will be a slight movement of the road so it will not go straight in. Cynthia asks whether the Board has any further comments before going into the final steps. They do not. Cynthia confirms that there will be variation in the branches, but will not see what they will look like until the order has been put in. Mr. Gaudioso states that Will had talked about making it a Condition prior to the signing of the Plans. Cynthia asks Mr. Gaudioso if more users come in whether they will all fit inside the fenced area. Mr. Gaudioso states yes. Cynthia asks whether there could be a Condition that all of the users keep within the height limitations that currently exist so we will not have stacking. Mr. Gaudioso states he believes there is enough space on the ground so that would not be an objection. Mr. Gaudioso talks about their being a Condition that would ultimately be up to the Planning Board's review and approval. Cynthia asks Will whether plantings would be needed in the stormwater area. Mr. Gaudioso states no, that was discussed last time and it was decided the plants would be more useful in areas towards the front, and along the roadway. Cynthia states to Roland that Will pointed out that all of the review is dependent upon the fact that the setting

is in the woods, and it is hoped that it remains woods. Cynthia states the easement is just for part of the area and talks about how a Condition may be worded to provide a guarantee. Will refers to what he has done on Applications in other communities having similar situations and talks about having a Condition on the Plan, stating that since the vegetation goes to a large part of the screening and the buffering, it would stay for that purpose. Cynthia asks how we bind the owner. Will states the owner is part of the Application. Roland states they are only leasing part of the land. Mr. Gaudioso states the Applicant leases part of the land and the owner is co-applicant, and signatory to the Application. Mr. Gaudioso states the reality is that a lot of the woods behind the Site is in the wetlands, and as far as development, it is naturally limited by the Code and Wetlands Regulations. Roland asks whether they would agree to some sort of a Restrictive Covenant. Mr. Gaudioso states he does not believe they would agree with a Restrictive Covenant but talks about a Condition of Approval that there shall be no clearing of an area within a few hundred feet without the Planning Board's permission. Mr. Gaudioso states that is a reasonable accommodation and keeps the Board in control as opposed to a Restrictive Covenant that runs with the land and outlives us all. Mr. Gaudioso states there might be a reason why the Town may want to do something in the future, that is not thought about today. Roland states the problem is that a future Board, or a future owner of the property will not retreat to the Planning Board Resolution, rather if there is something filed with the County Clerk, it will always surface in a Title Report. Mr. Gaudioso states he will defer to Mr. Baroni on that as far as imposing a Condition along those lines. Mr. Gaudioso states he is not in a position to consent to that. Mr. Gaudioso states the Board does have the authority to impose reasonable Conditions. Cynthia states the owner has to sign the Approved Site Plan, as well as the Applicant. Roland states it is just a matter of this owner maybe remembering what is in the Resolution, but there will be no record for a future owner unless extreme due diligence is done twenty years from now. Roland states he doubts whether anyone will go back to this Resolution, as it just doesn't seem to happen if it is not filed with the County. Cynthia states the area of most concern is in the front. Charlotte states yes, and it fans out to the Golf Course side as well. Will states it wouldn't impede someone from going and cutting trees down in an evening or afternoon, but the Town would still enforce the Condition. Roland states yes, if even the Town remembered it. Roland states the problem with Planning Board Resolutions is they look really good the day they are drafted and approved but not 20 years down the road. Will states the Enforcement Officer should be paying attention to them. Cynthia talks about putting an area of protection or an area of concern referring to the Note as two lines on the Map. Mr. Gaudioso states that something like that would be reasonable. Cynthia states the Note would refer to everything in the specific area as defined. Will states the owner and cell companies would be subject to the Condition, as they will not want to be in violation. Roland states it is not fail-safe but it is better than nothing. Cynthia asks Mr. Gaudioso to point out the leased area again. Mr. Gaudioso states it is the compound area, the easement area to get into the property and for the utilities, and also the area for the development of the facility. Cynthia asks if it is described or general. Mr. Gaudioso states it is more general and will ultimately be on what the Plan shows as a replacement for the lease exhibit which describes the 5,600 square foot compound and the area for the utilities and the access. Mr. Gaudioso states they do not lease the surrounding area but he believes with the landlord signing the Map as the owner of the property, as well as having the Planning Board Conditions, would not be unusual. Cynthia puts up another Map and points out the biggest area of concern. Cynthia talks about going to the edge of disturbance and drawing a line out and asks if it would be reasonable if there were to be a major loss of the woods in that area, that there would be an area of protection. Mr. Gaudioso states he believes having an area of protection would be fairly easy. Mr. Gaudioso talks about there being no clearing of the natural woodlands by the Applicant, owner, or their successors. Mr. Gaudioso states that Mr. Baroni is more than capable of coming up with the language. Mr. Gaudioso states the question would be if a natural disaster were to occur. Mr. Gaudioso states they cannot replace the woods stick for stick. Mr. Gaudioso states there may be a Condition that the Applicant would have to come back before the Planning Board to discuss reasonable replacement trees. Cynthia states yes, if there is a visual. Cynthia asks Will if he would prepare a Draft for Roland to review. Cynthia states it would be good to have a line on the Plan. Mr. Gaudioso talks about having language in the Resolution such as "the final Plan shall show a line approximately blank feet to the

west of the compound and from the wetland boundary to the street”, or something like that.

Cynthia asks Will if he has any outstanding issues. Will asks whether a time renewal will be put in place. Cynthia states she believes all of the other facilities have ten year renewals.

Will states he will include language regarding confirmation from the Town Engineer relative to his comments.

Cynthia states she would like to double check the Removal Bond, as she is not sure whether there are any changes in the estimates since it was reviewed. Cynthia asks Mr. Gaudioso if there are any changes in the estimates. Mr. Gaudioso refers to the façade and states that is the only item that they changed. Mr. Gaudioso states the Town Engineer had bumped up the estimate that was submitted based on labor and time for the Town.

Cynthia states she is good with her comments and asks the Board if they have anything further. They do not.

Cynthia states a Draft Resolution will be discussed at the next Regular Meeting.

Mr. Gaudioso states according to his calculation today is the expiration for the shot clock and they have no problem extending it. Mr. Gaudioso talks about agreeing to formally extend the clock to the next Meeting. Cynthia states that would be the first Meeting in March. Mr. Gaudioso asks for the date. Cynthia confirms with Dawn the date is March 4th. Cynthia suggests the extension be made for two months since the Resolution may require additional items to be done. Mr. Gaudioso states that could be handled at the March 4th Meeting. Mr. Gaudioso states in case there is a snow storm, why not make the date March 15th. Charlotte states the Work Session is March 18th. Mr. Gaudioso states let’s make it March 18th then. Cynthia confirms with Roland that it is not necessary to do this by Resolution.

3. Financial Reports:

- December, 2014
- January, 2015

Chairwoman motions that the Planning Board Approve the Financial Report for December, 2014, and January, 2015. Gary Jacobi seconds. All in favor. No opposed.

4. Minutes:

- November 5, 2014
- November 19, 2014
- December 10, 2014
- January 7, 2015
- January 21, 2015

Chairwoman motions that the Planning Board Approve the Minutes for November 5, 2014, November 19, 2014, December 10, 2014, January 7, 2015, and January 21, 2015. Gary Jacobi seconds. All in favor. No opposed.

4. Next Meetings:

- Work Session – February 18, 2015
- Regular Meeting – March 4, 2015

Cynthia states we will have a Work Session on February 18th. Gary asks what is on tap. Cynthia states we have an Amended Site Plan from Hayfields Market. Charlotte states that used to be the Country Farmer. Cynthia states it is on Bloomer Road. Cynthia states they want to put a commercial kitchen in and broaden some of the services they offer. Cynthia states the problem right now is that there is an Approved Site Plan from 2005, but the Site does not look like the Approved Site Plan. Cynthia states the basic question she put to the new owner of the business is whether everything will be done as stated in the Approved Site Plan, or ask that it be changed. Cynthia states the new owner presented a Plan that basically says they are going to put everything back the way the Site Plan says, but the details are not very good on the Plans. Cynthia states she does not know whether it will be reviewed, and there will be Reports. Cynthia states she believes it would be a lot easier if this was handled as a Pre-Application first so what they are and are not going to do may be confirmed. Gary asks whether the new owner is proposing a restaurant. Cynthia states no, there will be food products, a lot of baked goods, and maybe coffee. Charlotte states they will also have sandwiches. Cynthia states generally the food will not be consumed on the premises, although they are proposing seasonal outdoor seating. Charlotte states it will still be a farm stand, and they will have a farmers market.

Cynthia states the first Draft of the Zoning Amendments, which will include three items she highlighted at the last Meeting, will also be on the February 18th Agenda. Cynthia states they will include the noise proposal, non-conforming Use, and multi-family housing in the GB District. Cynthia states she is almost finished going through the Zoning Ordinance and she will go over everything with Will to see if he has anything on his list. Cynthia states we will try to have a first Draft at the February 18th Meeting also.

Charlotte states she will not be at the March 4th Meeting. Cynthia states we will have Hawley Woods back on the March 4th Agenda, in addition to wrapping up the Homeland Towers/Verizon Wireless/AT&T Application. Gary states he will not be at the April 1st Meeting.

5. Resolution:

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