

North Salem Planning Board Minutes

March 18, 2015

7:30 PM – Annex

PRESENT: **Cynthia Curtis, Chairwoman**
 Bernard Sweeney, Board Member
 Gary Jacobi, Board Member
 Christopher Brockmeyer, Board Member
 William Agresta, AICP

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

ATTENDANTS:	Fuelco/BP (Getty):	Joseph Bryson Ann Morley Marc Petrero Justin Stone
	Hayfields Market:	Don Rossi, Esq. Renea Dayton
	Rylan West Realty:	Don Rossi, Esq. Eric Ryzerski Evelyn Ryzerski

Chairwoman Cynthia Curtis calls the March 18, 2015 North Salem Planning Board Meeting.

REGULAR MEETING:

- 1. Fuelco/BP (Getty):** Marc Petrero (owner – Joseph Bryson)
Amended Site Development Plan (loc. – 2 Fields Lane & Hardscrabble Road)
 - Consider Alternatives to Site Plan Sketch

Cynthia states this is the old Getty Station on Fields Lane and the Board is considering alternative sketch Plans so that the engineers may finalize a revised Site Plan. Cynthia states Marc Petrero is here and asks him if he has anyone else with him. Mr. Petrero states that Justin Stone, Joseph Bryson, and Ann Morley are here tonight. Cynthia states she posted a black and white copy of the Plan up on the Board. Mr. Petrero states he is from John Meyer Consulting, Inc., and since the last Meeting they have been working with their client, as well as Mr. Bryson and the Town regarding some concerns that both the Town and our client has. Mr. Petrero states they have made some revisions to the Plan and were able to shift it so the drive isle that was previously on the DOT land is now off of it. Mr. Petrero states they reconfigured the parking and the building and points out on the Plan where the diesel and gas pumps will be located. Mr. Petrero states they are still maintaining the one-way flow through the Site as well as a flow to exit the property. Cynthia asks if people go across the front of the building whether they may turn right. Mr. Petrero states yes, there is sufficient space for two-way backing up as well as one-way traffic. Cynthia asks whether they would go all the way around the back. Mr. Petrero states no, that will be maintained as a one-way. Christopher asks if this will be a new structure and states prior discussions went back and forth. Mr. Petrero states yes, they did go back and forth, and decided on a new structure which will be 1,800 square feet, providing a sidewalk in the front and one entrance in the front as well as

handicapped parking per Zoning. Cynthia asks if there will be entrances on the sides as well. Mr. Petrero states no. Mr. Stone states they are actually looking to put a set of double doors in and shows the proposed location on the Plan. Mr. Petrero states a second entrance is a possibility when the details are finalized later. Mr. Petrero states this Plan is similar to the previous Plans in terms of flow and states they did make a reduction in the driveway width. Will inquires about the location of the septic. Mr. Petrero shows the septic location on the Plan. Will confirms there will be no encroachment. Mr. Petrero states they are actually pulling away from the septic. Mr. Petrero states the proposed curb lines are generally in the same area as the existing edge of pavement along the frontage. Mr. Petrero asks if the Board has any other questions.

Cynthia confirms the smaller building will remain that Mr. Bryson runs his service out of. Christopher refers to the gas station on Route 22 and the one-way entrance and exit is always perpetually violated and states he would guess that because of the way the pumps are stationed for this current proposal people will be more likely to enter the proper way because if they don't they won't be able to get to the tanks. Mr. Petrero states that is correct; or otherwise it would be awkward. Gary states that people will just go around the back and pull forward. Christopher states that Gary may be right. Mr. Petrero states there are signs proposed at the exit driveway such as one-way, in addition to stop signs on the other side. Christopher states hopefully it will be avoided. Gary states it may be limited, but not avoided. Gary asks if each island will have one pump or two. Mr. Petrero states it will be double-sided pumps. Will states one car will be able to obtain gas on either side. Mr. Petrero states there will be eight fueling up positions. Gary asks where the diesel will be. Mr. Petrero states the diesel will be in the back. Cynthia points it out on the Plan. Gary asks if there is room for a big truck to get in there. Mr. Stone states they are not looking to have big rigs; the station will be for the larger local farm trucks, and diesel trucks. Gary asks whether any big trucks will try to pull in. Mr. Petrero states that is not their intention. Cynthia states when big truck drivers see the curb they will be discouraged. Cynthia states it is better to have the pull in area tight, and the big truck drivers will learn. Christopher states that word will get around quickly. Mr. Stone states they will not be advertising diesel on the highway signs, just gas. Cynthia states it will be better for the residents. Gary states he agrees, but is just being practical. Will refers to the south side of the building and asks whether all of the pavement is needed. Mr. Petrero states it is required due to the underground storage facilities for the fuel tanks in that location. Will states the area doesn't need to be paved just because there are underground tanks. Mr. Stone states there will be reinforced concrete over the tank tops and states there is a requirement for the loading zone. Will states he is referring the area right against the building and asks if there is any way to reduce some of the pavement and pick up a green strip. Cynthia talks about having planters. Mr. Stone states the tank pad is going to be three or four feet off the edge of the building. Will asks if that can be shifted or elongated. Cynthia asks if there could be three or four feet of plantings along the building and states it is something to think about in terms of landscaping. Will states tanks cannot extend under the parking spaces. Will states the concrete is only where the trucks park. Mr. Petrero states the concrete is just where the fuel is unloaded. Will states he can't imagine all of that concrete will be needed for trucks. Mr. Petrero states the concrete pad is wider than the trucks. Will asks what the dimensions are from the building to the parking lot. Mr. Petrero states it is 44 feet. Will states there will be 44 feet of concrete. Mr. Petrero states no the whole area will not be concrete. Mr. Petrero states that a lot of it will be concrete but they did not want to block the maneuverability of cars backing out from parking spaces so they were positioning the concrete pad closer to the building. Mr. Stone states the fuel trucks will come in during off hours. Cynthia requests the Applicant to see if it is possible to have three feet of green space. Mr. Petrero states they can look into it as far as fine tuning this Plan. Cynthia states even just part of it would be nice. Mr. Stone states the septic will also have a concrete pad. Will states the septic tank cannot be that close to the building. Will states this will be a new building and there are setback standards for a new tank in terms of how close it can be to the building. Will states it will not be able to

be located where it is today. Mr. Petrero states they have limitations due to the constraints of the septic fields. Will states he understands that, but this will be a new building, and the Health Department will not let you put the septic tank any closer than allowed. Will states it will need to be separated off the building. Christopher talks about breaking the sea of asphalt with some sort of green strip, and if it doesn't fit, it doesn't fit. Cynthia states maybe a portion of the center could be landscaped and the corners are lost. Cynthia asks Mr. Petrero to take a look at this to see whether it could be done. Mr. Petrero states he will. Will states the trucks will not get within 10 feet of the building.

Cynthia refers to procedures and states there still are hurdles to get over and the Board wants to get the Applicant to the point where their Site Plan is Complete so they may go over to the Zoning Board of Appeals (ZBA) to reactivate their Use Variance. Cynthia states the Board needs to know whether any other Variances will be required now that the canopy has been moved. Will states the Applicant should take the Plan and perfect it a little bit more, as well as reworking the Zoning Compliance Table. Cynthia asks Will at what stage may the Board send the Applicant over to the ZBA, and asks if they need a formal complete Site Plan. Will states not necessarily as long as the Board knows whether there are any other Variances. Cynthia states the revisions should show the canopy and signage so the Board may double check for any other possible variances. Cynthia reminds the Applicant to remember the prior discussions about lighting and signs which all still apply. Mr. Petrero refers to the revised Plans and asks whether Utility Plans should be provided with this submission. Cynthia states that assuming the Applicant will get a pass from the ZBA, she would think they would want to move quickly. Cynthia states for the referral to the ZBA, it is not necessary for full Plans. Will states the Plans do not need to be fully engineered but the Board has to be confident that the building will work, so that later when it is engineered out, additional variances will be needed. Will states to be careful that everything works grade-wise. Mr. Stone states they will submit a re-grading and Utility Plan as it would be easier to do it now. Will states the Applicant would advance faster with the Planning Board. Mr. Stone states they will get it all in and try to get some green space. Mr. Petrero asks if there are any other concerns the Board might have. Cynthia states not at this point. Cynthia states at the next Meeting when we see the canopy and the signs there may be further questions. Cynthia suggests an architectural rendering of the building be brought in as well so the Board may move this over to the ARB sooner than later. Cynthia states it is nice to see this moving forward.

**2. Hayfields Market: Don Rossi (owner – Ralua, LLC)
Amended Site Development Plan (loc. 1 Bloomer Road)**

- Consider Report From Planning Consultant

Cynthia states there are a few issues to resolve even though we are basically doing the prior Brigham's Corner Approval, as there are a few items that have been missed. Don Rossi states one of the main items has to do with the calculation of the building areas and the like. Mr. Rossi states that a lot of these items flow from the prior Approval. Tim Allen refers to the Memo from Will and the discussion about the parking area. Mr. Allen refers to the out buildings and states the main building was put into that calculation. Cynthia states according to the Brigham's Plan, the main building is 1,704 square feet, so that is the starting point. Cynthia states in the prior Plan, the awning on the front was added, the shed on the right was added, a shed in the back was added, and the greenhouse was added. Cynthia states there was another shed that was supposed to come down that didn't. Cynthia states they even put the cooler in as part of their calculation. Cynthia states one shed came down, and there is a small shed in the back, not 160 square feet, but approximately 120 square feet. Cynthia states the little green house did not go up on the side, there is a smaller shed there instead. Cynthia states that the calculation amount from Mr. Allen should be slightly less than the Brigham calculation. Mr. Allen states correct. Mr. Allen states for parking purposes, they took the main building and that may be part of the

confusion. Cynthia suggests Mr. Allen follow what was done in 2004, and states the parking number will still be met. Mr. Rossi states they will meet it, and refers to the ancillary seating and whether they will need to design additional seats. Will states that could net out too. Cynthia states at least the space was already calculated as part of the retail space. Mr. Rossi states the green house to the rear and the other items are more or less storage and he never considered those to be retail areas for calculating purposes. Cynthia states that is how it was done previously. Mr. Rossi states it shouldn't be a problem to conform that. Will states the other consideration that wasn't part of the 2005 Approval was the Variance for the outside display. Will states that really expanded the retail space and there wasn't any accounting for that in terms of parking. Cynthia states if the green house is taken out and the outside storage is added in, you will probably be in the same ball park. Mr. Rossi asks Mr. Allen if he agrees. Mr. Allen states yes, he believes so. Cynthia states she and Will talked about this, and it might be easier to follow the pattern of the previous Approval with the understanding that the current Board would have done it differently and included the outside retail space. Cynthia states it is very confusing. Mr. Rossi states to him the outside storage areas are storage areas. Will states the reality is that if we had a more sophisticated Ordinance of Uses this would probably fall into a different category, and have a different parking count that would probably be lower because it is not the same amount of traffic as a store. Mr. Allen states they have proven that they have more than enough parking spaces under the Code. Will states he isn't suggesting that there will be a problem with the parking, he is asking for a tally so we are consistent and we know what we are using as the numbers in terms of what is included. Mr. Rossi states everything will be tabulated and shown. Mr. Rossi states they will designate the outside storage areas that they could use per the zoning area. Cynthia confirms Mr. Rossi is talking about the bagged bulk materials. Will states there are two issues, the 20% that the ZBA granted for the outside storage, and the other restriction for the bagged materials. Mr. Rossi states the bagged materials could not be stored outside. Cynthia states except in a designated spot that was right behind the building. Will asks if the spot will be the green house. Mr. Allen states they were looking at putting a fence up in the back for outdoor storage. Mr. Allen refers to another area and states there may be a limited area of outdoor storage. Mr. Rossi states they are talking about a couple different types of outside storage, and talks about using the setback areas for bagged trees. Mr. Rossi refers to pallets of bagged mulch, stone, or gravel and states those items caused Craig Brigham to come before the Board during the beginning of his process because they used to be kept along the rear of the property line. Mr. Rossi states those materials are supposed to be enclosed. Will states they are supposed to be stored in a fenced in area to the rear of the building, and that is in the ZBA Approval. Will states if the Applicant deviates from that, she will have to go to the ZBA. Cynthia states this has to do with bagged materials. Ms. Dayton asks if this is in regards to all of the bagged materials, or the extra bagged materials. Cynthia states the bagged materials that will be kept outside need to be in a designated fenced in area behind the building. Will states they cannot be stored in an open outside area. Cynthia states the plants can be all over the place, but bagged materials have to be somewhere in the back. Gary asks how many bags they can have in the front to show customers. Cynthia states none. Gary asks if they want to sell something that people can't see. Will states a lot of garden centers have wooden bins with the products in them. Cynthia states there could be a display indoors on the counter referring to indoor bagged mulch, and people could make their purchase and drive around back for pick up. Christopher states this was a Condition the ZBA set in their Resolution. Mr. Rossi states generally speaking, if someone comes to the store, the materials will be in close enough proximity. Gary states it didn't work the last time because the bags were in the front so people could just grab them. Mr. Rossi states no, Mr. Brigham used to get tractor trailer loads of materials that he stored all along the back line. Mr. Rossi states it looked much more commercial then the neighborhood wanted. Will states that most of the places have nice, neat displays, and the products are ordered at the counter. Mr. Allen states they will designate an area on the Plan. Ms. Dayton asks whether there has to be a fence around it. Will reads the restriction in the ZBA Resolution which states "shall not be stored in the open outside, said materials shall be stored in a designated fenced area to the rear of the building". Cynthia asks if there is a fence there now. Mr. Allen states he thought there were discussions about this area being the originally designated area behind the building. Will states that is not on the 2005 Plan. Something was supposed to have been built for that specific

purpose. Ms. Dayton confirms Will is talking about the materials going right to the back of the building and asks whether they need to be touching the back wall. Will states within a few feet. Mr. Rossi states the materials should be in that general area. Cynthia states once the Board is told where the materials will go, they will try to work with the Applicant in regards to the fencing. Cynthia states the building may screen it in one direction, and the green house may screen it in another way. Ms. Dayton states there is a walkway back there. Cynthia asks whether Ms. Dayton will sell bagged materials. Ms. Dayton states there will be some, but not as much as in the past. Cynthia states maybe it is not necessary to have a big area. Ms. Dayton shows on the Plan where a door is located, as well as the entrance to the walk-in. Cynthia refers to a spot behind the shed and asks if it could be squared off. Will states anywhere in that area should be fine. Cynthia states the cooler and the shed could be two sides. Cynthia states the ZBA made this restriction. Gary refers to the type of fence and asks whether one is there now. Mr. Allen states there is no fence there now. Gary asks whether we want a chain link fence. Mr. Allen states no. Gary states he doesn't know if constructing a fence behind the shed and walk in cooler will look good and it really isn't going to hide anything. Christopher refers to shielding and talks about a stockade fence. Cynthia states maybe something more creative could be suggested. Will states the Planning Board's only limitation is the ZBA's restriction in terms of the "general location" language. Ms. Dayton asks if the fence has to be as high as the bags. Cynthia states no, but if it was out in the open yes. Cynthia states the Board will try to work with Ms. Dayton. Mr. Rossi talks about screening from three sides. Ms. Dayton talks about having a five foot high fence and asks if the bags of materials could only be five feet high. Gary states the Board will try to work with Ms. Dayton. Will states unless you have a machine, they will not be that high. Will states if the materials are stacked, they still will need to be taken down for purchase. Mr. Rossi states they will look at it and come up with a design that is in-keeping with the ZBA intent. Gary states and what is applicable because that was the problem last time.

Cynthia refers to the two parking spaces in the front of the building and asks whether there will be stops for the vehicle wheels. Mr. Rossi states they are working off of an Approved Site Plan which was relied on when Ms. Dayton decided to invest in this property. Mr. Rossi states the design, while not typically seen, works on the Site. Mr. Rossi states they are adding spots and he does not think there is much they can do to alter the design in terms of squaring off. Mr. Rossi shows on the Plan where cars will back out and where trucks will come in. Will states the squaring off of the top spaces is where spots are being added. Will refers to the back-side of the parking spaces adjacent to the dumpster. Cynthia asks if it could be a straight line across. Will shows on the Plan the area he is talking about. Mr. Allen talks about trying to minimize disturbance in that area. Mr. Allen states they could pull it all back. Christopher asks whether there will be large planters in front of each parking spot. Mr. Rossi states yes, the planters will delineate the spots. Mr. Rossi states he is not sure of what the grade and the extent of the disturbance will be there. Mr. Rossi states that so much of this is based on experience with the Site and if a truck pulls in they will probably only be there for about five minutes and then they pull out. Mr. Rossi states the owners of the cars will not be in a remote department store where they cannot be found. Mr. Rossi states this will be a very intimate operation and if an employee is parked there, that will be easily addressed and if it is someone in the store it is not that high intensity a Site. Mr. Rossi states it works the way it is and experience has shown that nothing has been problematic. Will states that none of this is there yet. Cynthia states the planters are not there so cars know where to stop. Cynthia states they will be, but they are not there now. Cynthia states that Mr. Rossi mentioned this works, but how does he know it works. Mr. Rossi states he means that there have never been any traffic flow problems on the Site. Cynthia shows on the Plan where cars could pull in further and states if the line is straightened out, we will know exactly where the planters will go. Will states it is simple, just straighten the line. Mr. Rossi states okay.

Ms. Dayton asks if there is an issue with the well. Mr. Allen states no.

Cynthia refers to the propane tank exchange and states it has to come out. Cynthia states it does not fit in with the Use Variance that was given and it is not a Permitted Use now. Cynthia states if the Board recommended

it, they would have to send you back over for another Use Variance. Mr. Rossi states they are contemplating having a cage. Cynthia states she knows exactly what it is, the Shell Gas Station wanted one and we told them they would have to be sent over to the ZBA for a Variance because we do not allow the outside storage of materials. Cynthia states this is a garden center, and we expect to see propane tanks at gas stations. Mr. Rossi states he believes it is handy to have at a garden center on the weekend when someone goes over for corn and needs to get their propane tank filled, as it would be convenient. Mr. Rossi asks what gas station people should go to. Will states he doesn't disagree, but doesn't see the path in the Zoning Code and doesn't know how it would be reconciled. Mr. Allen states they are looking for the path of least resistance and talks about pulling this request off the Plan for now. Cynthia states she knows the Applicant didn't want to go to the ZBA and that is why when the propane tank exchange previously came up she said it could not be there. Mr. Rossi states that some Site issues are evolving which may warrant going to the ZBA down the line. Mr. Rossi states Ms. Dayton needs to get up and running. Mr. Allen states it would make sense to have the propane tank exchange on the Site. Mr. Allen states their goal is to move forward. Mr. Rossi states he doesn't read the ZBA Variance to be so limiting. Gary suggests this be revisited in a month or two. Cynthia states the ZBA was very specific with what they allowed. Cynthia states this Project started off with the hope of having the Site opened quickly by doing what the original Site Plan said, and now a new Use is being introduced. Cynthia states the Board is trying to work with the Applicant, but this is a new outdoor Use that does not fit into the ZBA Variance and either it is dealt with now, or later. Mr. Allen states maybe he misspoke and asks Mr. Rossi if this is permitted. Mr. Rossi states the next revision of the Site Plan will either have it on it or not. Mr. Allen states they are trying to get Ms. Dayton open as soon as possible. Cynthia states exactly. Christopher states this may be a question for Roland. Cynthia states she has discussed this with Bruce and he agrees.

Cynthia asks whether there is one bathroom, how do you get to it, and whether it has an indoor or outdoor entrance. Ms. Dayton states it has an outdoor entrance. Cynthia asks Ms. Dayton what she filed with the Department of Health for the kitchen. Ms. Dayton states they filed a notice to build a commercial kitchen which has been approved, and then she filed to get a permit to use the kitchen to prepare foods. Cynthia asks what the food service permit says and asks Ms. Dayton if she has a copy with her tonight. Ms. Dayton states she didn't bring it with her. Cynthia asks Ms. Dayton what the food service operation is classified as. Cynthia asks whether it requires two restrooms. Ms. Dayton states if you are under 19 seats, you can get away with one restroom. Ms. Dayton states that was one of her first questions. Cynthia states she will need a copy. Ms. Dayton states it is listed on the Application. Cynthia asks Ms. Dayton to forward a copy to the Planning Board. Mr. Allen states it is food preparation as opposed to a restaurant and once you go over 19 seats you are considered a restaurant. Cynthia asks if it is single service. Mr. Allen states yes. Cynthia states that Bruce told her that single service doesn't allow seating. Will asks whether the Health Department requires the bathroom to be public or just for the employees. Ms. Dayton states it can be shared. Ms. Dayton states it can be one bathroom shared with the public and the employees. Will asks whether it has to be made available to the public. Ms. Dayton does not remember whether the bathroom has to be available to the public. She states she wasn't worried about that because she wanted it to be available to the public. Will asks whether the bathroom is ADA compliant. Ms. Dayton states she doesn't know, that didn't come up. Cynthia states she thinks it has to be. Will states that may be a Building Department requirement. Ms. Dayton states it is really for employees, but if a customer needs it she doesn't see why they can't use it. Cynthia confirms the employees need to go outside to get into the bathroom. Ms. Dayton states they are bringing it up to code for the Health Department, as it requires ventilation and a locked door. Will states he is not sure if it is big enough to be handicapped accessible. There is a discussion about it being grandfathered in. Cynthia states she doesn't know how it could be grandfathered because it is a new Use. Cynthia asks if there are any other questions.

Mr. Rossi states they will be using wooden fencing. Mr. Rossi states there was a question about wooden guiderails. Mr. Allen talks about blocking off the awning area with some sort of a barrier and they were not sure whether Ms. Dayton wanted to have a wooden guiderail. Mr. Allen talks about de-marking the area. Cynthia states that is also the entrance. Mr. Allen states yes. Mr. Allen refers to the guiderails. Mr. Rossi asks whether it is needed and refers to the open feel under the awning with picnic tables. Ms. Dayton states the seats will not be under the entire awning. Cynthia asks where they will be if they are not under the awning. Ms. Dayton states they will be under one section of the awning. Christopher asks where these concerns came from. Cynthia states she had raised the question that if people were to be sitting outside while people are parking, should there be some protection for them. Cynthia states she doesn't know if there is a requirement, she just raised the question. Will states as an analogy to where outdoor seating is allowed there is a requirement and it is also common sense for safety. Christopher states that if it is a safety issue planters make more sense. Ms. Dayton states that right now there are large tables filled with plant materials and asks whether they can stay there, and whether they can have smaller planters on each side where the picnic tables are. Mr. Rossi states it is just a matter of de-marking the area with planters or product display. Cynthia states if the Applicant stays for the rest of the Meeting, she will hear the Board talk about the restaurant as an Accessory Use and it following the same guidelines as the outside. Mr. Rossi states he understands but it is not a restaurant. Cynthia states she understands that but as an Accessory Use to the retail we are suggesting that the outdoor seating aspect has safety issues built in and we were using what we had previously written for outdoor seating. Cynthia states to invite people to sit outside there, it is a reasonable assumption that it is a safe place to sit. Cynthia states there will be parking and vehicle movement in addition to people moving out carts of plants. Mr. Rossi refers to 121 Market and states there are three or four tables that people pull right up to. Christopher states there is a curb. Cynthia states she thought bollards were required. Mr. Allen states there is a curb. Will states the idea of planters is fine, the point is protection.

Mr. Rossi refers to lighting under the awning. Cynthia asks if it is needed. Mr. Rossi refers to discussions with the ZBA in terms of the lights having covers so they will not present a glow. Ms. Dayton states there is already lighting out there. Ms. Dayton states there is a light on each corner and one at the front door.

Mr. Rossi refers to the Standards and states he doesn't know whether the Board wants to go through them now, or during the Zoning Amendment Discussion. Mr. Rossi refers to water and septic suitability and availability in addition to screening and states he does not know how many of the Supplemental Requirements are actually relevant to the Site. Mr. Rossi talks about going through them all now, or when the ancillary seating Code Amendment is discussed. Mr. Rossi states he doesn't think the restaurant outdoor seating is relevant to the Hayfields project as they will not have waiters and waitresses coming through, and there are a limited number of seats. Mr. Rossi states in concept they probably are in compliance. Cynthia states she thinks that discussion should be held for later, since there is one more Applicant to go through.

Mr. Rossi states they will make the changes to the EAF.

Cynthia asks Mr. Rossi and Mr. Allen if this could be wrapped up at the next Meeting. Mr. Allen asks Will if he will have a Draft Resolution for the next Meeting. Will states it is up to the Board.

Christopher refers to the entrances and exits that exist and confirms that two of them will be closed off and the two from Bloomer Road on the far left will remain open as an entrance and exit, as well as the one on the far right. Mr. Rossi states the two that show the driveway aprons coming out will continue to be used. Christopher confirms the other entrances and exits will have planters to block them off. Ms. Dayton states so far every truck has been able to maneuver without a problem. Christopher states the Site is a lot cleaner and more organized than it has been. Cynthia refers to the sign and asks if there will just be one façade sign. Ms. Dayton states yes, that is on the roof. Cynthia asks whether there will be any other signs. Ms. Dayton states

not permanently. Mr. Rossi states they may need to have a handicapped sign for parking. Ms. Dayton states she will put a restroom sign on the door of the restroom.

Mr. Rossi states that Mr. Allen will make the revisions. Mr. Allen states there are not a lot of revisions and talks about wanting to come back as soon as possible for the Board to consider a Draft Resolution of Approval. Cynthia states if the submittal is made as soon as possible we will try to accommodate you.

3. Rylan West Realty, Inc.: Don Rossi (owner – Interstate Sales Company, LLC)
Site Development Plan (location – 621 Route 22 & Maple Avenue)

- Discussion of Proposed Pre-Application

Cynthia states there is a potential buyer for Lakeland Lumber in Croton Falls and he has already gone over to the ZBA and has an Approval for a limited Tradesman’s Use. Cynthia states that Eric Ryzerski is here tonight. Cynthia states that Tim Allen is the engineer for the Project, and Don Rossi is the attorney. Cynthia asks Mr. Ryzerski if anyone else is here with him tonight. Mr. Ryzerski states his wife Evelyn. Cynthia states this is a pre-existing Site and we are going to go over some of the history and details to clarify what actually is pre-existing approved, and just pre-existing and then we will move forward with the proposal. Cynthia suggests Mr. Rossi start with the Uses a little bit so the Board may understand why the Site is being designed. Mr. Rossi states the property is going to be utilized hopefully for a combination of Uses. Mr. Rossi states they obtained an interpretation from the ZBA that permits a limited list of Tradesman’s Uses for the property. Mr. Rossi states those are potential Uses in addition to the Uses already permitted in the GB District where the property is located. Mr. Rossi states that carpenters, electricians, plumbers, as well as six or seven others are on the list. Mr. Rossi states that Mr. Ryzerski’s business is the servicing, maintenance, and installation of pools and spas. Mr. Rossi states that Mr. Ryzerski has decided to move his business to the Site. Mr. Rossi states that floor plans were submitted. Mr. Rossi states Mr. Ryzerski’s business, which is called Echo Pools, will be in the front. Mr. Rossi states there will be a display area where several spas will be on display in addition to an office. Mr. Rossi states there will also be a contractor’s type business which is permitted under the ZBA decision with offices towards the rear of the building. Mr. Rossi states flowing from the spa concept, personal wellness-type businesses, such as an acupuncturist, massage therapist, and others in that field are being proposed. Cynthia states this would then be in the medical category. Mr. Rossi states yes. Cynthia states everyone has to be a fully licensed PhD. Mr. Rossi states they will have Uses that are even more conforming and permitted in the District. Mr. Rossi states this is something they feel is consistent with the overall concept of utilizing the property and Uses that are consistent with the area. Mr. Rossi states the Site Plan shows in the cross-hatching the existing building near Route 22. Mr. Rossi states if anyone is not familiar with the details, they will discuss them more. Mr. Rossi shows the traffic flow on the Plan and states there is a circular pattern to the rear of the building. Mr. Rossi shows the existing building on the Plan. Mr. Rossi states despite the fact that there is frontage on Maple Avenue, they are agreeing not to have traffic exiting there. Mr. Rossi states the Site is almost entirely blacktopped and those areas will be utilized for parking and storage of materials. Mr. Rossi states that Mr. Alan will go over the parking concept and how it is laid out. Mr. Allen states there are wood sheds in the back that are covered which they are looking to remove from the Plan. Mr. Allen refers to the Plan and shows where a truck can stop, turn, and pull back out. Mr. Allen shows an area on the Plan and states it was not used by the Lumberyard. Mr. Allen shows on the Plan where people entered and exited. Mr. Allen states when he first met with Mr. Ryzerski he had parking in the back and given the fact that there will be more of a customer service situation, we advised him that it would be better to park in a different area which makes more sense. Mr. Allen states that the areas are all paved. Mr. Allen states the buildings in the back will remain and a portion will be taken down for parking on the side. Cynthia states there are a few technical issues that she had mentioned to Mr. Rossi and Mr. Ryzerski and we need to figure out whether they need to be resolved. Cynthia refers to the Plan and shows the location of three buildings that the Town knows

about. Cynthia states that later on the ZBA granted permission for a building that no longer exists. Cynthia states at some point in time the buildings were added to and extended without benefit of going to the ZBA for Variances or anything else and she doesn't know whether that needs to be addressed at this stage. Cynthia states the Board appreciates that Mr. Ryzerski wants to keep the buildings and use them. Mr. Rossi states the sheds are currently open and will be closed with doors. Cynthia states there are other structures that were constructed which are proposed to come down and that is good. Cynthia refers to an area on the Plan and states that was not for parking and the Code does not allow parking in yards. Cynthia states this will need to be looked at very closely. Mr. Allen states it is paved. Cynthia states yes, absolutely. Cynthia states the Lakeland employees used to buy Permits and park in the commuter business lot and walk to the facility. Cynthia states this area is not existing parking, it is existing pavement, but was never an authorized parking area. Cynthia states every inch of the parcel is proposed to be used and asks where the snow be plowed to in the winter, and where is there an opportunity for landscaping. Cynthia states the practical element has to be considered because if Lakeland Lumber had gone through the process and come in to talk with us, these are the types of things that we would have been dealing with over the years. Cynthia states she doubts that there would have been such an extensive construction of buildings and parking areas. Mr. Rossi asks if Cynthia is referring to former Site Plans. Cynthia states there isn't a Site Plan, but we knew what the Site was in the 1960's and 1970's because there are Permits up until that point and with the aerial images, we know what was approved, and then a lot of things changed over the years without Permits or Approvals. Will asks if Cynthia is referring to there not being Building Permits. Cynthia states that is correct. Cynthia states there was a Building Permit to renovate the sheds but she does not know how they all of a sudden became connected. Will talks about enclosing the sheds. Mr. Rossi states yes, by adding doors. Will asks whether the sheds will be for storage for pallets. Mr. Rossi states they will still be for storage, but we felt they would look more attractive with doors. Cynthia states that is a technicality, but from a practical side we will need to deal with the sheds. Christopher asks if it is only the sheds that need to be looked at in terms of how they got there and what needs to be done, or are there other items. Cynthia states she does not think the Board needs to look into how the sheds got there, but if they are there without benefit of a ZBA approval, she will need to ask Roland and Will whether the Board needs to send the Applicant over to the ZBA now with a recommendation. Christopher asks whether it is only the sheds that are in question. Mr. Rossi states this is the first time he is hearing that there is an issue with the legitimacy of the sheds as they currently exist. Cynthia states she had mentioned this at previous meetings. Mr. Rossi states that based on the review of the Building Department records and the like, in conjunction with the purchase of the property, there were no flags brought up to them that indicated there were any issues regarding the sheds. Cynthia states she does not know if the assessment card was pulled, but it shows three sheds that were not connected. Cynthia states she went to look for the Building Permits to see where they were connected and didn't see any. Cynthia states she saw where sheds had been repaired. Cynthia states it is not just a Building Permit issue, as the sheds are in the yard. Mr. Rossi states he understands the questions being raised. Cynthia states she mentioned this to Mr. Ryzerski as well as Bruce Thompson and is not sure why the information did not get to Mr. Rossi. Cynthia states she had brought this up before. Cynthia refers to the Plan and points out the prior emergency access for fire. Cynthia states she understands it was connected with the building that is no longer there. Cynthia states the flow should still be looked at and the Plan should be referred to the Fire Department to see whether or not it is still needed, and whether or not the Planning Board has the authority to take it off because it was attached to a prior Approval. Mr. Rossi states he understands. Cynthia states if the one remaining yard starts to be used for parking, it is overusing a very small Site. Cynthia states that the business lot could be considered for parking, especially for the employees. Cynthia states there should be as much parking that is needed close to the Site for the businesses, and the Board will work with the Applicant to get that accomplished. Cynthia states if a Variance would be needed because of parking in a yard, she would see a recommendation from the Board due to the closeness. Cynthia states that parking in the front has been taken out which is good. Cynthia refers to an area on the Plan and states she doesn't know how the Board feels about it as it is right near one of the neighbors. Christopher asks how many spots are needed under the Code. Mr. Ryzerski states he believes 17. Mr. Rossi

states when you are on the Site, there is a lot of protection visually to the neighbors. Mr. Rossi states there are retaining walls and on the Plan where the north arrow is, it is well below the grade. Mr. Rossi refers to the tree coverage and states visually he doesn't consider it a significant impact on the neighbors. Mr. Rossi states that Mr. Jacobson has a large shed/barn type building. Cynthia states it isn't Mr. Jacobson, it is another neighbor. Mr. Rossi states he doesn't have the details as to what went on with the parking in the back. Cynthia shows the aerials she brought with her. Cynthia states that Christopher asked a good question as to whether all of the parking spaces are needed. Cynthia states she assumes the parking spaces in the back will be for all of the tradesmen. Mr. Rossi states yes. Cynthia states those employees will park their car to one side and jump into a work van. Mr. Allen shows on the Plan where the employee parking is intended to be, as well as the tradesman area in the back. Mr. Allen states they don't have an end user yet. Mr. Allen states the layout makes a lot of sense. Cynthia asks if the parking could be pulled back so as to not have so many spaces. Cynthia asks where the snow will go and states there needs to be designated places. Mr. Ryzerski states he doesn't work in the winter and will not be there. Mr. Ryzerski talks about putting snow in front of the building. Cynthia states this is being designed for tradesmen and they will be there year round. Will asks whether the spas or designs will be sold during the winter. Mr. Ryzerski states they will be in the front of the building in terms of the show room and office, but when the ground is frozen he does not work because the days are too short and it is difficult to work. Mr. Ryzerski states people will not be parking in those spots. Mr. Allen states that tradesmen will be in the back. Will states although this is for Mr. Ryzerski, the Board cannot just look at it for his Use because someone else could come in with a business that is all year round. Christopher refers to parking on the other side of the Site. Cynthia states if it is required, that is where the emergency access would be. Christopher states when looking at the aerials there is no visibility on the other side to neighbors because there are buildings in front. Cynthia states it depends on your perspective. Cynthia states she thinks the Board should go out over the weekend and do a Site Walk. Cynthia states that Mr. Rossi raised some very good points. Cynthia states the neighbors are up and this Site is down. Cynthia states there is a very substantial tree line. Mr. Rossi states the last time he was out was with a couple of the ZBA Members. Mr. Rossi refers to snow removal and shows where it will be plowed if there isn't an emergency exit. Mr. Rossi talks about having the snow trucked off site. Christopher talks about losing parking spots due to the snow. Cynthia states that the proposal is to use every inch of the Site and she would like the Applicant to be a little more practical. Cynthia states if this was a new Site these discussions would not be happening. Mr. Rossi states we are talking about an old Site that has been developed and is being transformed to something that is a lot better than what is there now. Mr. Rossi states the value and the price paid for it are based on a Site that has been used. Mr. Rossi states the beauty of the Site is that it is all impervious and pre-existing as far as a lot of the regulatory requirements are concerned in terms of DEC and DEP. Mr. Rossi states the Applicant is making a significant investment and will pump a lot more money into the Site. Mr. Rossi states to say the Site has to be brought back from what makes it so attractive to begin with is not advantageous from an investment standpoint. Mr. Rossi this is important because that is what allows someone to come into Croton Falls and take this piece of property and turn it around. Mr. Rossi states they certainly would not want to do something that impacts the neighbors, but to say that they have to scale back on the amount of property that could be used goes right against the grain of what is so good about this Application. Will states the Site will be used in a different way than Lakeland Lumber had been and he doesn't think the Board is suggesting the Plan be scaled back to the degree Mr. Rossi has indicated. Will states this is an opportunity to change the traffic flow so it works better and safer. Cynthia states Lakeland Lumber didn't have all of their employees park on the Site, as there is an opportunity in the business lot. Cynthia states it is more important that the visitors to the front have enough parking around the building. Mr. Rossi talks about sending employees off the Site to park in a commuter lot so more people can park on Croton Falls Road. Cynthia states there is a designated business lot, it is not the commuter lot. Will states if the calculation is for 17 spaces, he sees twice that much on the Plan. Mr. Rossi asks Mr. Allen how many spaces they have on the Plan for cars. There is a discussion about the truck spaces. Cynthia states maybe the intensity of business Use is what is hard to grasp here. Cynthia states six businesses are being proposed on a one acre Site. Mr. Rossi

states yes, there is nothing wrong with that in a GB District. Mr. Ryzerski states four businesses are being proposed in front, and one of the reasons he picked them is because they are one person in/one person out type of businesses. Mr. Rossi refers to the main street area in Croton Falls and states there are probably 12 businesses. Cynthia looks at the inside layout and states there will be four studios and asks whether there will be four practitioners or two practitioners. Mr. Ryzerski states there will be two practitioners and the acupuncturist that he would love to see in there does a lot of consultations, and it was designed so as to have an office and two studios. Mr. Rossi states that would be three or four cars. Mr. Rossi states that having multiple businesses on one Site is not something that is inherently incompatible with this District. Mr. Rossi states there are thirteen spots for commercial trucks and states a plumber and a contractor might each have three or four trucks. Mr. Rossi talks about making the Site more restraining and not able to accommodate more businesses. Mr. Rossi states this Site is a depot and it is set up for something like this. Christopher states he thinks he needs to take a look at the Site and get a better sense of the space. Mr. Rossi states it is surprisingly sheltered from other properties. Mr. Rossi states the road goes up and around to a dead end near the rail road station and the houses look over the top of the sheds. Mr. Rossi states that is probably why the Site has evolved over the years the way it is because there wasn't enough of a significant impact on the surrounding residences. Christopher states it seems as if the only residents that have an unobstructed view of whatever is going on are Jacobsen and Babon. Cynthia states Schultz also. Mr. Rossi refers to Bo Depaoli and states his house is right in front. Mr. Rossi states in regards to Jacobsen, he has outbuildings that are closer to Maple Avenue. Mr. Rossi states that Schultz is also elevated and there is a retaining wall. Cynthia states that Schultz has a few sheds. Mr. Rossi states the Site is much bigger than it appears on the Map and tucked in very well. Mr. Rossi states a lot of the neighbors came to the ZBA Meeting. Mr. Rossi states that Mr. Depaoli is a friend of his and he would never have gotten involved with this if Mr. Depaoli didn't think it would be a good thing. Mr. Rossi states he spoke with Mr. Depaoli and he is welcoming the renovation of the Site. Will refers to the flow around the building and states there are customer uses and contractor uses and they are not compatible uses, so they should be separated. Will refers to the movement of the vehicles around the building and the parking in terms of control. Will states the haphazardness of the parking and truck spaces in the back would not be designed that way today. Will states the Applicant could still get those few spaces, or maybe less, and clean that part of it up. Will talks about having strategically placed islands and green space which will make the Site safer and look better. Will states that simple tweaks could be done and the Applicant will achieve 98% of what he is trying to do. Mr. Ryzerski states they are taking down almost 70 feet of building. Christopher asks if part of the storage was removed along the north end, and everything was pushed back, space would be opened up in front. Mr. Ryzerski states it is not about storage. Mr. Ryzerski states there is a big structure there. Christopher states he needs to physically see the structure. Mr. Ryzerski states it almost looks like a barn, and is approximately 35 feet high. Christopher confirms the structure is not like those that are on the side which he remembers. Mr. Ryzerski states they made the parking spaces generous so there would be room for the trucks to move in and out fairly easily. Mr. Ryzerski talks about giving the employees a place to park when they arrive. Mr. Ryzerski refers to how many people may come on a daily basis and states that was his goal in figuring out how many spaces to propose. Mr. Ryzerski states the spaces are larger. Mr. Rossi states a driving force in the design is to not use Maple Avenue or else all sorts of other possibilities would open up. Will states that obtaining emergency access is not a big deal. Mr. Rossi states he is not referring to emergency access and talks about having access out to the Town road. Cynthia states she believes the ZBA already dealt with that years ago and it is a non-issue. Mr. Rossi states if that could be used as a way out, more parking could go there. Mr. Rossi states he does not think this is a haphazard design. Will states that electricians and plumbers do not typically have big trucks. Will states we are not talking about excavating equipment. Mr. Allen states they are accommodating for the size. Will states there are limits in terms of what the ZBA would allow. Will states he believes tweaking could be done to make the Site flow better. Christopher states it is an awkward property. Gary states he doesn't know what we are driving at in terms of tweaking the Plan, and the awkwardness of the property, as it is what it is. Will states it isn't what it is. Gary states we have not made any recommendations. Cynthia states the first question is whether or not the

Board wants to recommend a Variance to accommodate parking along the Jacobsen property line. Cynthia states the Planning Board would have to refer the Applicant over to the ZBA with or without a recommendation. Gary states without it there would be no parking. Cynthia asks what the calculation is in terms of how many parking spaces are needed for the main building. Cynthia sees 17 spaces on the Plan for the main building. Cynthia states she is not sure if the parking calculation works. Cynthia states the square footage of the building may dictate more spaces. Mr. Allen states that calculation is for the main building and employee parking. Mr. Allen states he does not believe that includes the contractors parking. Mr. Allen states he will revisit the calculation. Cynthia asks Mr. Allen if he is telling the Board that the 3,400 square foot building needs 17 spaces per Zoning. Mr. Allen states he believes the estimate is higher. Christopher refers to the Plan which states 17 spaces. Mr. Allen states that another building may have been included. Cynthia states no it wasn't. Mr. Allen states he will revisit it. Cynthia states that retail uses 1 space per 200 square feet and medical uses 4 per practitioner plus 1 per employee. Cynthia talks about the Applicant asking for a waiver in order to have fewer parking spaces. Cynthia refers to the employees associated with the tradesmen businesses and states they will park and go in the work trucks. Cynthia asks whether the employees were part of the calculation. Will states the tradesmen should have their own parking spaces. Cynthia talks about the intensity of the Use and states the Board will work with the Applicant on how many parking spaces are needed, but it seems as if the Applicant is coming up short in terms of what has to be there. Cynthia states there is also the opportunity for parking in the business lot. Will states the tradesmen would be 1 space per 300 square feet of gross floor area plus suitable space for trade vehicles. Will asks whether the tradesmen will have an office, or just storage. Mr. Rossi states they will have offices. Christopher asks if there is a zoning requirement. Will states yes there is. Cynthia states each tradesman needs an office. Cynthia refers to the floor plan and sees the retail spa area, and the Echo Pool office. Cynthia states each practitioner will have an office and studio. Cynthia asks where the offices are for the tradesmen. Mr. Ryzerski points out the main entrance on the Plan and the location for all of the offices. Cynthia confirms there will be only two tradesmen in the back. Cynthia asks Mr. Ryzerski how many trucks he owns. Mr. Ryzerski states he has five trucks. Cynthia asks Mr. Ryzerski if he has five employees. Mr. Ryzerski states sometimes he has seven employees, but they generally go out two per truck. Cynthia states that the Plan shows 13 trucks, and confirms the other contractor would use the rest of the spaces. Mr. Ryzerski states he tried to do the design so there would be ample parking. Gary states we should throw this back in to Mr. Allen's court to tell us how many spots are needed and what for, in addition to the math. Cynthia states Mr. Allen should do the calculation according to the Code. Cynthia states there are built in waivers, but the Board is limited. Christopher talks about opening up space in the middle area. Gary asks what Christopher means. Christopher states when looking at the Site there is a relatively small area with a lot of traffic. Christopher suggests something a little more open. Christopher talks about having space for navigation. Gary asks if Christopher is he is suggesting there be more space for additional parking. Christopher states more space for better navigation. Mr. Rossi states there is less space because they were looking to add demarcation and landscaping in the middle. Christopher asks if all of the spots are needed for the tradesmen parking, if two were taken off, everything could be moved so it is parallel with a clean line across. Gary states they may need the spots. Mr. Rossi states they will look at the number of spots.

Cynthia refers to the changing Uses and asks whether the Department of Health has been spoken to about the septic and whether you can work with the existing septic. Mr. Allen states it is retail to retail. Cynthia states it is not retail to retail as two medical offices will go in. Cynthia confirms there are two bathrooms there now. Cynthia asks whether the Board of Health is okay with the change of Use and whether it will trigger any septic issues. Mr. Allen states he is jotting that down right now. Cynthia asks whether there are any fields, or just the old septic. Mr. Allen states there are a couple of pits in the back. Cynthia states Mr. Allen should make sure the Board of Health is comfortable. Mr. Ryzerski states his conversations with Ed Delaney at Bibbo have lead him to believe there will be no issues. Cynthia states that had been told to someone else and it ended up being a major issue.

Cynthia refers to the front in terms of how it will work. Cynthia states it will be a great improvement to remove all the parking that used to back out onto the road. Cynthia states the handicapped parking is now parallel and asks whether it matters which direction they come and go. Cynthia confirms there are two handicapped spaces. Mr. Allen states they do not anticipate people using those spaces and refers to the main entrance. Cynthia asks how the spaces will be accessed. Mr. Rossi states there is an existing island out in front. Cynthia states she is encouraged and this is a great improvement, except she wants to make sure it is going to work. Gary states it will be a big improvement. Mr. Ryzerski states he understands the need for green space and shows areas where there may be opportunities. Mr. Ryzerski states the Site needs generous parking. Will refers to the Plan in terms of parking control. Mr. Allen states the Site is tight. Christopher states it is an oddly shaped lot. Cynthia suggests angled parking into the building and refers to four possible spaces behind the building. Gary states maybe three. Mr. Allen states they can look at it.

Mr. Allen states Mr. Ryzerski has to make a decision as to whether he will buy the property. Mr. Allen states they believe they will make this a grand improvement from what is there now. Mr. Allen states they have heard tonight that the Board is supportive and will work with them. Cynthia states the Board wants to make sure there is not too much intense Use that makes it problematic to anybody. Cynthia refers to the flow in terms of the Fire Department being happy. Mr. Rossi states he will also reach out to the Fire Department. Mr. Rossi states once there are two means of ingress and egress it will be okay. Cynthia states there has to be a comfort level that a fire truck can get in and out. Cynthia states which ever area is open is what they will use. Will talks about maintaining an emergency access on Maple. Mr. Rossi states it will involve taking a few big trees down. Mr. Ryzerski refers to the front of the building and states he has had conversations with the firemen and if there is a fire in the front they will fight it from Route 22, and if there is a fire in the back they will pull all the way in. Cynthia refers to the ZBA Resolution and states it may be connected to the building that is no longer there.

Mr. Ryzerski states the big concerns he has heard about this evening are whether there will be a Variance issue in terms of the buildings and that concerns him. Cynthia states it is more of a procedural issue. Cynthia states the buildings are there and they will be spruced up. Cynthia states the Board needs to address this, because from all the evidence she has found, approximately 100 feet of a building was constructed without a Permit or a Variance. Cynthia states the Board would recommend the ZBA grant the Variance this time. Cynthia states if the parking was done in that area, the Board would need to send the Applicant over to the ZBA anyway because that would require a Variance. Cynthia talks about this being done correctly and once. Gary states yes, all in one step so the ZBA can see the full scope of what is being asked for. Gary states these are not huge Variances. Gary states the parking should be nailed down in terms of how much will be needed. Gary states the Board will work with the Applicant. Christopher states that fitting the appropriate amount of parking into the space will be the biggest challenge in terms of making it all work. Will asks Cynthia if there is a standing Site Plan for this property. Cynthia states no, she is not aware of one. Cynthia states that most of the files are in storage, so she still has to pull documents, but she is not aware of a Site Plan. Cynthia states there was a lumber yard on the property pre-zoning, and it burned down, and there was another one in the 60's. Mr. Allen states the Site is existing non-conforming. Will states it is not existing non-conforming if structures were built without Permits. Will states that a Variance may be needed in order to legitimize the building, and also for the coverage. Mr. Rossi states a couple of Building Permits and a Variance were all that he saw. Gary asks how old they were. Cynthia states 1986. Will asks when the ZBA issued an Approval, and what was it exactly for. Mr. Rossi states a Variance was received to build a shed. Mr. Rossi states there was a Building Permit for it. Cynthia reads the language which states "this Variance is limited to construction of a 43 foot by 12 foot by 21 foot storage shed and the Applicant agrees to provide fire protection only from the Maple Avenue side of the property". Cynthia states the Building Inspector was authorized to issue a Building Permit. Will asks what year that was. Cynthia states 1986 and it predates this Zoning. Mr. Ryzerski asks which shed is being referred to. Cynthia states she believes it is no longer there. Mr. Ryzerski asks if it was shown on the survey. Cynthia

states it is not on the 1969 survey.

4. Discussion of Proposed Zoning Amendments

Cynthia refers to the 2015 Draft Zoning Text Amendments, Page 1 and states as the Board had been discussing limited Tradesman Offices, and it was Roland who inquired as to whether we allow waste/refuse haulers. Cynthia states, in addition, we thought that the vehicle fueling language had been listed, but it hadn't. Cynthia states the Definition of Tradesman Offices was looked at again, and we are recommending the exclusion of waste/refuse haulers or haulers of chemical, flammable or hazardous materials. Cynthia asks the Board whether they have any issues with this change. The Board does not.

Cynthia refers to the Bulk for the GB and NB Districts and states this is a provision to allow deli's to have seating and we thought the best way to approach it would be as an Accessory Use to a Permitted Use that is already in the GB and NB Districts. Cynthia states we do have a suggestion that the seating not exceed 12. Cynthia states we are suggesting that there be a parking requirement that is a little more than retail, which is one space for every four seats. Cynthia refers to Hayfields Market and states when the retail space is recalculated based on the square footage that is now being proposed, and what is being used in front, it doesn't impact the number being proposed. Cynthia states she did a quick calculation, and Mr. Allen should take another look to confirm. Mr. Rossi states Hayfields Market would like to be able to have 16 seats. Mr. Rossi states that four picnic tables are contemplated under the awning. Christopher asks where the 12 seats came from. Cynthia states it was a number she listed as being reasonable for an average/typical deli that would be in Croton Falls or Purdy's. Cynthia states she went around to look at them and they do range from 10 to either 17 or 18 seats. Cynthia states she thought that 12 was a good starting point. Cynthia states she personally feels that if an establishment starts to have too many seats they should call themselves a restaurant, or have public bathrooms. Cynthia states whether or not the Board of Health requires it, it is a practical thing. Cynthia states this is up for discussion and the Board Members should weigh in. Will states another thing to think about is when Hayfields Market stops being ancillary and takes on its own life of its own Use. Christopher asks Will what he means. Will states the idea here is for a Retail Use that will have an accommodation of the food aspect. Will states the Principal Use is still retail, because we have Restaurant Uses that are Principal Uses so the more seating, the less retail, resulting in a morphing of two different Uses; retail and restaurant type. Cynthia states at just about all of the other establishments, with the exception of North Salem Center, it is about retail and some of them are starting to morph, which raises the question about what was originally intended. Christopher refers to the 19 seats talked about earlier tonight in terms of the Health Department requirement regards to bathrooms and asks what their logic is. Cynthia states that Mr. Allen had mentioned this earlier, and may be possible with a standard septic, but it is not what Bruce Thompson had told her. Cynthia states she will have to call the Health Department and research this more. Will states that the Health Department number of seating relates to the volume of turnover and the number of people but they are all food related Uses. Will states the Health Department does not make a distinction between a Food Use and a Retail Use. Cynthia states if an Applicant wanted to have more seats than whatever number the Board sets, they would need a Variance. Gary states it sounds like the Board of Health requires 1 restroom facility if someone has 19 seats or less. Cynthia states 12 seats would be 3 tables with 4 people. Cynthia states that four tables with four people is not unreasonable. Gary states he could work with that. Cynthia talks about holding onto the Accessory Use. Cynthia states that people may go for Variances if they would like additional seating. Christopher states this is another one of those questions where we look to some type of Standard, otherwise it is a number that is picked out of a hat. Will refers to Food Uses and states in a lot of the Codes the 10 to 12 range is used to distinguish between something such a simple take out facility versus a formal restaurant having a higher parking requirement. Christopher states if you look at it from an economic perspective, no restaurant is going to survive if they only have 16 people sitting in their facility if that is their Primary Use. Christopher states he does not have an issue allowing 16 seats as it seems reasonable. Will states there are

Codes when looking at takeout usage they try not to be so intensive in terms of people staying on the premises. Will states it is done through the seating count of 10 to 12. Will states the issue with Hayfields Market is calling it an Accessory to a Retail Use. Bernard states he agrees with 12 seats. Gary asks Bernard how he feels about 16 seats. Bernard states he could live with it. Christopher states the Board has a real life case in terms of figuring out what makes sense. Will states there are not a lot of Zones for these types of Uses. Cynthia confirms the consensus is to make it 16 seats instead of 12. Cynthia states this will be subject to the Standards set forth in 250-77.7 (G), maximum floor area having a limit of 50% which she thinks is very reasonable. Cynthia states (H) refers to having sufficient water and sewer capacity. Cynthia refers to (I) which is for screening and buffering. Cynthia refers to (J) which is off street parking. Cynthia refers to (K) which is lighting. Cynthia refers to, (L), which is the sound system. Cynthia refers to (M) which is hours of operation, 8 a.m. to 11 p.m. Will states specifically to Hayfields Market, that is the only issue he sees, because they wanted to open at 7 a.m. Mr. Rossi states yes. Ms. Dayton states Monday through Friday they would like to be open 7 a.m. to 7 p.m., and Saturdays and Sundays, they would like to be open 8 a.m. to 6 p.m. Mr. Rossi states he doesn't think he has ever been in Kingsley's for a breakfast sandwich after 7 a.m. Christopher confirms this only has to do with outdoor seating. Cynthia states the only reason she would point to hours would be for the evenings to make sure the establishment closes by 11 p.m. Will states this will Amend the Code, and that Section could be changed from 8 a.m. to 7 a.m. or 6 a.m. Cynthia states she doesn't have a problem with that. The Board decides to change (M) to 7 a.m. Mr. Rossi refers to the language "quickly prepared and packaged food items". Ms. Dayton asks what that means. Will states the food will be cooked and served. Mr. Allen suggests changing the language to "quickly served". Mr. Rossi refers to the parking aspect and states the Board discussed allowing 16 seats which triggers 4 additional parking spaces. Cynthia states not fully additional because the awning area is already part of the calculation.

Cynthia refers to the language on the bottom of Page 1 for the PD-CCRC District and states this is a quick fix.

Cynthia refers to Page 2 relating to noise and states the CAC had asked for this and the Board has already discussed it. Cynthia refers to (c) (2) and states that Bruce Thompson might have an issue with this as he wanted 7 p.m. and he will come in and talk to us if he needs to. Christopher states there should be a clarification in regards to no time on Sundays or Holidays as to whether that means there is no restriction to noise, or whether it is not allowed on Sundays. Will states he doesn't disagree. Gary states it should be taken out. Will asks why. Gary states if it is not spelled out people cannot make noise. Will states that is true. Christopher suggests language such as "construction noise is not permitted on Sundays". Cynthia states the wording will be reviewed and tightened up.

Cynthia refers to Page 2 regarding Standards for Tradesman Offices and states this relates to the missing pages.

Cynthia states Pages 3 and 4 are about nonconforming applicability and Will took the time to really make this work, and it also went to Roland. Cynthia asked Roland to write back if he had comments, and he replied that it looked good to him. Cynthia refers to Subsection C and states the language has not been changed, it has been made clear and to the point. Gary refers to C(1) and asks what the word "dimensionally" means. Will states there are two kinds of non-conforming Uses. Will states the first is Use, and the second are the dimensional aspects such as the bulk standards and setbacks. Will states the Use could be permitted, as it could be a conforming Use inside the building, but the building physically does not meet a Standard.

Cynthia states the one Section the Board did not get has to do with the GB District. Cynthia states from the beginning we had a Conditional Use of the Planning Board for multi-family housing. Cynthia states in the R1/4 District there is a Use labeled in the Use Table for multi-family housing not to exceed four units to the acre. Cynthia states when the Town wanted to sell the Odle Close House to the County for affordable housing

it was discovered that the Bulk Requirements in the multi-family housing in the GB District was intended for a large lot, with large setbacks. A separate Use was written up for all affordable multi-family housing. Cynthia states when we looked in the Code for all the Standards and Restrictions for the Uses, we could not find them. Cynthia states in 2000 when we did Continental and added the MF-4 and MF-6 someone picked up on that at least to the extent of having a pointer that said the multi-family in the R1/4 and the GB would have the same Standards applied. Cynthia states it is not well written because there are Uses as of right that are intended for large lots, and going back to the GB and what was written for the all affordable had to do with small lots and didn't have the number per acre. Gary asks whether it matters if it is affordable or not affordable. Cynthia states she and Will started to look at this and believe they have the history down and understand it. Cynthia states she and Will believe there should be a separate set of Standards for the multi-family Uses allowed in the GB District. Gary confirms affordable or not and agrees there should not be a distinction. Cynthia talks about writing separate Standards for multi-family housing in GB and R1/4. Christopher asks if including this in GB has any implications with respect to other Districts. Christopher states he agrees and believes it makes sense, but is not sure whether there will be any implications to doing it. Cynthia states there will not be any implications because this is the only place where the term multi-family housing appears as a standalone term. Will states with the exception of the PD District. Will states it is in MF-4 and MF-6. Cynthia states they are clearly defined. Cynthia states the language will be tightened up. Cynthia states the language "no more than four units to the acre" will be added, and we may put an acreage cap on the all affordable. Gary asks why. Cynthia states it is all affordable and wouldn't we want to have a mixed development? Cynthia states the cap goes with the small yards. Cynthia states multi-family is still there and can be all affordable. Gary asks whether a number will be proposed for the cap. Cynthia states the minimum requirement for multi-family is 160,000 square feet on a lot, and she thought we would put the cap for multi-family affordable which has a minimum requirement of 5,000 square feet at 160,000 square feet. Gary states that would limit it to 12 units. Gary talks about getting into trouble due to being exclusionary. Cynthia states that will not happen because one jumps into the other. Cynthia refers to the PD District. Will reminds Cynthia to talk about the bedroom types. Cynthia states when we were writing the MIH it is already in there that the Planning Board will require a mix of bedroom sizes, such as 1, 2, and possibly 3. Cynthia states she doesn't care about 1 and 2 bedrooms, but does not want to see a lot of 3 bedrooms, especially if they will be all affordable. Cynthia talks about having a bedroom cap. Gary states he agrees, but it sounds like we are being exclusionary, which says we do not want kids. Cynthia states if the Board excluded it she would agree, but by putting a cap on as a percentage, we will have a mix of bedroom sizes. Gary asks what the logic would be. Cynthia refers to Bridleside and states the Applicant wanted it also. Gary states maybe for different reasons. Cynthia states she thought it was a good model. Christopher states the logic would be the density of acreage use. Gary states it comes down to the density of kids. Cynthia states the mixture of bedroom count has been in the Code from the day the moderate income housing was written. Gary wonders about the 10% cap. Will states it is more affordable for fewer bedrooms. Cynthia states it will be put in as a suggestion. Cynthia states there is a provision in the 1985 Master Plan that has been carried over into the current Master Plan to have Planned Unit Developments. Cynthia states we have never mapped it, and never used it. Gary states we talked about it. The Board discusses taking it out. Cynthia states it is a floating zone that has never been mapped.

Cynthia states Will brought us up to date with regards to our terminology for senior citizens, as opposed to elderly and disabled. Cynthia states there are two distinct terminology levels that match up with ages. Will states it is senior citizens/disabled persons and elderly or handicapped persons. Cynthia states that elderly or handicapped persons are 62 and older, and senior citizens/disabled persons are 65 and older. Cynthia states it works the way it is separated and we decided to leave it the way it is. Cynthia wants the Board to understand that there are two separate terminology levels with Definitions that have different ages.

Cynthia states that Will is going to make a few tweaks and we will wrap this up at the April 1st Meeting. Gary states he will not be at the April 1st Meeting. Cynthia asks Gary if he is comfortable with the overall

concepts. Gary states that Cynthia does a great job. Cynthia thanks Gary. Christopher agrees. Gary states he doesn't know that the Board will ever find someone who works as hard. Christopher states that is true. Cynthia states somehow she enjoys it. Gary states Cynthia has been in Town for a long time and knows a lot of what is going on. Gary states that Cynthia has concrete solid ideas.

5. Next Meetings:

- Regular Meeting – April 1, 2015
- Work Session – April 15, 2015

6. Resolution:

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