

**North Salem Planning Board Minutes**

**April 22, 2015**

**7:30 PM – Annex**

**PRESENT:** Cynthia M. Curtis, Chairwoman  
Charlotte Harris, Board Member  
Bernard Sweeney, Board Member  
Gary Jacobi, Board Member  
William Agresta, AICP  
Frank Annunziata, Town Engineer

**ABSENT:** Christopher Brockmeyer, Board Member  
Roland A. Baroni, Esq. – not required to attend

<b>ATTENDANTS:</b>	<b>Salem Golf Club:</b>	Todd Zorn Stephen Lopez Luigi Demasi Ralph Peragine
	<b>Hayfields Market:</b>	Don Rossi Tim Allen Renea Dayton
	<b>Architecture Review Board:</b>	Michael Palma Lori Tripoli

Chairwoman Cynthia Curtis calls the April 22, 2015 North Salem Planning Board Meeting to order and states she would like to do a bit of housekeeping before starting with the first Applicant. Cynthia states the next Meeting is May 6<sup>th</sup> and there is going to be a full Agenda. Cynthia states a Discussion of Proposed Zoning Amendments is listed under tonight's Work Session portion of the Agenda, and that discussion will not happen tonight because she is inundated with the stormwater project for the Town Board, and has not had a chance to work on the Zoning Amendments. Cynthia states the Zoning discussion will not be pushed to the May 6<sup>th</sup> Agenda because that Meeting is overly booked with Applicants. Cynthia states the Zoning discussion would normally go to the next Work Session on May 20<sup>th</sup>, but there is a very interesting Session at Pace Law School by the Westchester County Municipal Planning Federation on Land Use Training. Cynthia states the Board Members all need to have four hours of training every year, and this Session will be very good as it is on the recent updates on the takings law, land use cases relating to SEQR, and land use cases relating to Planning & Zoning Boards. Cynthia states she would like to attend the Session and confirms that Charlotte is interested as well. Bernard states he is interested. Cynthia states if the Board has no objection, there will not be a Work Session in May, and instead, they will attend the training course. Cynthia states this will push the next round of Zoning Amendments into the summer months which is probably alright because we just sent our first round over to the Town Board and they still need to have their Work Session and Public Hearing. Cynthia lets Dawn know there will not be a May 20<sup>th</sup> Work Session. Bernard asks if it is necessary to sign up for the training course. Cynthia states it is free, but it is necessary to sign up for it, and the Board received an e-mail about it today. Cynthia states the Board Members should all sign up fairly soon.

## REGULAR MEETING:

1. **Salem Golf Club:** Todd Zorn (owner – Salem Golf Club)  
**Site Development Plan** (location – 18 Bloomer Road)

- Consider Report From Planning Consultant
- Consider Report From Town Engineer
- Consider Setting Public Hearing

Cynthia states she asked the Town Engineer, Frank Annunziata to attend the Meeting tonight, as she thought it would be important just in case there are any issues that need to be resolved, because hopefully we are about to declare the Application complete enough to set a Public Hearing. Cynthia states that Frank is here tonight to help us go through any outstanding issues that he has still pointed out.

Cynthia asks Todd Zorn to introduce his Project Team and states she does not know who the point person will be to address the issues that were raised in the two Consultants Memos. Mr. Zorn states Louigi Demasi, Ralph Peragine, and Steve Lopez are here with him tonight. Cynthia states Michael Palma is also with us tonight and he is the Chairman of the Architectural Review Board (ARB). Cynthia states the Building Plans that the Applicant has submitted will go on an ARB Agenda next week.

Mr. Lopez states all of the comments on the issues his firm addressed came from Matthew Rudikoff's Office, and he will run through them briefly. Mr. Lopez states for the most part they do not have any particular outstanding concerns. Mr. Lopez refers to the Wetland Delineation Report comment on Page 3 in the MDRA Memo and states they will provide a Report. Mr. Lopez states they have discussed providing the Report, except there wasn't enough of a turnaround time from the last Meeting to this Meeting. Mr. Lopez states he gave a copy of the Plan to the Planner tonight in black and white format because there was a concern about the clarity of some of the text. Mr. Lopez states they normally do everything in green. Mr. Lopez states he printed out a monochrome copy. Cynthia asks if the Board will receive a copy with the next submission. Mr. Lopez states he will leave one extra copy tonight, and the Planner has a copy. Mr. Lopez refers to Page 4, Item 8 in the MDRA Memo regarding EAF Part 1 comments. Mr. Lopez states that the D.2.e.i comment is fine and they have the numbers to pop into that area. Mr. Lopez states that D.2.n will be addressed by their Architect when he speaks tonight. Mr. Lopez refers to D.2.q and states this has to do with the Integrated Pest Management Program. Mr. Lopez states the Golf Club contracts out for pest management, but their grounds keeper handles the insect and fertilizer related aspects and he wasn't sure if the response in the EAF Part 1 should be yes, in addition to providing a protocol, or is their yes response adequate. Will states providing a yes as a response and a brief summary is fine. Mr. Lopez states they will request documentation from the outside applicator and have the grounds keeper provide an outline. Mr. Lopez refers to Page 4, Item 9 and states there is a question about the Phase 1 Habitat Assessment and the chart that is in the EIS relates to the change in land use, from Golf Course to pavement, or from Golf Course to structure. Mr. Lopez states, at the end of the day, there will be a portion of the Golf Course that will be disturbed, but it will go back to Golf Course. Mr. Lopez refers to an area on the Plan and states the disturbance is larger than the sum of the change in land uses from one use to another. Mr. Lopez states there is a little difference in regards to what the two numbers are showing. Mr. Lopez states their actual change in land use was .8 of an acre, and the actual disturbance area was approximately 1.9. Mr. Lopez states the disturbance area includes the relocated green, but when that is finished, it will still be golf. Cynthia refers to Page 9, E.1.b and states before leaving the chart, the total is about 140 acres, but the Applicant has listed about 153 acres, plus the 10 acres that are currently zoned residential. Cynthia asks why the total doesn't come to 153. Mr. Lopez states he will have to ask their engineer that question. Mr. Peragine states the total acreage was based on the Deed. Cynthia states she understands the total acreage of 163 and states 153 acres are listed as Golf Course Use, and in the EAF Chart,

she did a quick total, and 140 acres are listed. Cynthia states that 13 acres are not accounted for on the chart. Mr. Peragine states he will take a look at that. Cynthia states she assumes the total should be 153. Mr. Peragine states yes, it should. Mr. Peragine states he will review it and wasn't aware that it didn't add up. Will states that should be reconciled. Cynthia refers to the EAF Part 1 and states for E.1, the Applicant checked off rural non-farm, but didn't check off agriculture and the immediate next door neighbor is a horse farm. Mr. Lopez asks if that would be considered agricultural and whether the neighbor has a horse farm or a stable. Cynthia states that agriculture should be checked off. Cynthia refers to the lights and asks whether the pool will have lights. Mr. Zorn confirms that yes, there will be lights inside the pool. Cynthia states this should be mentioned. Mr. Lopez refers to Page 4, Item 9 and states the other two comments have to do with Plants and Animals. Mr. Lopez states the Environmental Protection Agency (EPA) had a hearing on whether or how to list the Long Eared Bat, and they listed it as a species of concern rather than an endangered species. Mr. Lopez states they will make that notation in their Report. Mr. Lopez states they only looked at the Long Eared Bat because the Department of Environmental Conservation (DEC) only identified it as a species of concern. Mr. Lopez states they could extend it to the Indiana Bat, as they are basically similar in their habitat, and show what they could do to protect them. Cynthia states this should be done because the Indiana Bat was found across the street. Mr. Lopez states that any projects within a five or ten mile area are supposed to be notified, and if the property across street was notified he is surprised they did not get the same species for the Golf Course property. Mr. Lopez states they may have fallen just outside an area where the Indiana Bat had been seen or noted. Mr. Lopez states it is not a problem to include them. Mr. Lopez refers to Page 4, Item 9 and states it will not be an issue to provide the Phase 1 Habitat Assessment details.

Mr. Peragine refers to Page 1, Item 1 in terms of providing a Site reference and asks whether he should cite the prior Approval and the fact that they pro-rated the parking. Will states there is a specific Section in the Code that Mr. Peragine should cite, as well as the prior Approval. Will states that the Applicant is asking for a proportional increase if he understood their numbers correctly. Mr. Peragine states they are asking for a proportional increase in accordance with what is being proposed. Will states he understands that. Mr. Peragine confirms that Will is asking for the actual Code References. Cynthia asks the Board Members whether they understand what is going on in regards to the parking. Cynthia states there was a reduction in the previous Approval, and the Applicant has stated that, with the new Use, they want a similar reduction, and the Board has to let the Applicant know whether they concur or not. Mr. Peragine refers to Page 2, Item 2 in regards to providing a use demand analysis and states the Club wasn't open so there really wasn't a way to do this. Mr. Peragine states they will do this this week and count parking for the next several days, including Saturday, in order to make the comparison. Mr. Peragine states once they have that data they will make the analysis. Mr. Peragine refers to Page 2, Item 2 in terms of the mechanism for requiring additional spaces and asks whether the Board is looking for a trigger note as to how they would be built, or a reference to the Building Inspector or Code Enforcement Officer. Cynthia states she thinks something reasonable needs to be developed that will go through a few phases of operation, with summer being the peak time. Cynthia states this probably will not get built and go into use until next summer. Cynthia states the Board might require reporting back directly to them or through the Building Inspector. Cynthia states the Building Inspector does annual inspections. Cynthia suggests speaking with the Building Inspector in terms of monitoring. Cynthia states that Mr. Peragine could suggest something for the Board to review. Mr. Peragine refers to Page 2, Item 3 in terms of the use of the second floor dwelling units and states he did use the wrong terminology. Mr. Peragine states the correct term should be guest accommodations. Mr. Peragine states he will clarify that usage. Mr. Peragine refers to Page 2, Item 4(k) and states the location of the HVAC units will be shown. Mr. Peragine refers to Item 4(l) regarding the refuse waste and states there will be trash receptacles in and around the pool that will be collected on a daily basis by Club personnel which will be transported to the central dumpster location. Mr. Peragine asks whether the language "waste oil containers" is considered to be grease traps and states the grease trap will be internal. Will states not to worry about it and asks if it is on the Plan. Mr. Peragine states there is a Note on the Septic Plan that went to the Health Department. Will asks whether

there will be a fryer. Mr. Zorn states yes. Will asks where all of that waste oil will go. Mr. Peragine states they will make a Note on the Plan. Will states the waste oil usually goes into a container and then gets recycled. Mr. Peragine refers to Page 3, Item p and states there is no additional Site lighting. Mr. Peragine states there will be lighting for the pool house that Mr. Demasi will address. Cynthia asks whether there will be any evening events that will take place around the pool. Mr. Zorn states they are not anticipating evening events at this point. Mr. Zorn states the pool lights in the pool may be on for a function outside of the pool. Cynthia states she is not saying that people would actually be swimming in the pool, but there may be a cocktail party around the pool. Mr. Zorn states it will not get dark until approximately 9:00 p.m. when the pool is open. Cynthia states it is something to think about, especially if a cocktail hour starts down by the pool and then the group moves up to the main dining room. Mr. Lopez states that lifeguards would be needed as well. Mr. Zorn states they really aren't considering that. Cynthia states you could say that there are no lights, so you can't have parties down there. Mr. Peragine refers to Page 3, Item t and states he will resolve the numbers in terms of items not labeled correctly. Mr. Peragine states the areas are all existing grass areas and any additional overflow parking will go towards the maintenance facility. Mr. Peragine states there are four spaces down there and if they need more, they will be down in the grass area. Will states when he drove by today he noticed that on the north side of the driveway there is a split rail fence. Mr. Peragine states he thought it was back further. Mr. Peragine states that will be relocated to allow the parking to occur. Mr. Peragine refers to Page 3, Item dd and states there is one Deed for all of the parcels. Mr. Peragine states there are several tax lots, but not several legal parcels. Cynthia states that does not matter. Cynthia states she had a conversation with the Town Attorney and he provided a sample form that may be used to undo the tax lot lines. Will states they are not tax lots and unless the Applicant's survey by their surveyor is wrong, there are several lots along the main road that are from a subdivision and subdivisions only create individual lots, they do not create tax lots. Mr. Peragine states they will have to resolve that. Cynthia states the Town Attorney has suggested this may be resolved by this one legal document. Cynthia states the Board understands the final intent which is to have one lot, and the entire lot will take on the Golf Course Use. Cynthia asks how soon the Board may see a first draft of the legal document. Mr. Zorn states next week. Mr. Peragine refers to Page 3, Item gg and states they will resolve those issues. Mr. Peragine refers to Page 3, Other in regards to labeling and states that is not a problem. Mr. Peragine refers to the Hahn Memo and states they had mentioned previously that all of the existing overflow parking is within areas that currently have a grass surface, and there will be no disturbance. Mr. Peragine states they are not intending to re-grade or modify those grass areas in any way. Frank states the Plans didn't match up as there was one Plan that didn't include this as an area of disturbance. Frank refers to the Limited Disturbance Plan for the 2013 aerial and states it may need to be modified. Mr. Peragine states they will fix that. Mr. Peragine states that all of these areas were previously approved for overflow parking, and they would like to continue to use them as such while supplementing them with interspersed parking spaces. Cynthia asks if those spaces have been used over the years. Mr. Zorn states from time to time on the grass on a rare occasion. Cynthia asks if someone is there to direct the people in terms of where to park. Mr. Zorn states yes, they have staff members do that. Charlotte asks Mr. Zorn if there is valet parking. Mr. Zorn states yes. Mr. Peragine states this grass area will be used on an infrequent basis. Cynthia states this is one aspect that has to be figured out in terms of monitoring to see at what point something triggers and more parking needs to be built. Cynthia states the Applicant is going to draft something and we will talk with Bruce to see how we can keep an eye on this and how the Applicant can report to us their usage of the overflow parking. Frank states he doesn't know how much of the area had been used prior to this new Project, but they are proposing a more intense Use. Mr. Peragine states they are proposing the same kind of usage, and that is why they are proposing the additional 14 spaces which they believe will actually get used, versus the overflow area. Frank asks whether the spaces are required to comply with Zoning. Will states yes. Cynthia states there is a requirement to show the potential for them, but we are not requiring them to be built yet. Will states there are a certain amount of spaces required, and a 25% reduction that has been applied in the past, and on top of that the balance will be for the overflow. Will states the changing scope for golf has gone down, and if it becomes successful we do not know whether the demand

will change. Will states that 12 or so spaces will be added. Frank states if it starts to be a problem, there will be erosion, which will not look good. Frank states there are materials that would stabilize the grass surface which would still keep it as grass. Frank talks about a mesh that goes down which grass could still grow through. Frank states that could provide more structural stability. Frank states depending on how much it gets used it may be sufficient. Frank refers to the 10 to 16% slopes. Mr. Peragine states he understands the types of products Frank has mentioned and those types of products he would agree to use if the area would be used on a frequent basis. Mr. Peragine states this area will be used on an infrequent basis. Cynthia states we are still trying to assess how frequent and frequent the area will be used. Will states down the road, as the assessments are made, if there is more demand, part of the analysis would be whether a more hardscape base is needed. Will states if it is more frequently used, but not every day, a grass type produce may be sufficient. Mr. Peragine states there are several products. Cynthia talks about rotating how the overflow parking is used and states if it is a rainy period, do not use the grass area, use the distant areas. Cynthia states this will all be part of the monitoring plan yet to be developed. Mr. Zorn states they want it to look nice as well. Cynthia states the Board does not want to see the use of macadam everywhere. Mr. Peragine refers to Page 2, Item 3 in terms of testing for the stormwater infiltration systems and states they have retained an engineer to come out and do some borings in the area of the stormwater drainage system and perk testing of the borings. Mr. Peragine confirms the SMO is the Building Inspector. Mr. Peragine states the testing will occur within the next two weeks or so. Mr. Peragine refers to Page 2, Item 5, and states the clarifications will be added, but as he stated at the last Meeting, this is a formal legal review, which has to be discussed with both the Town Attorney and the client's attorney. Mr. Peragine states it has to be subject to review by both parties. Cynthia states the Town Attorney will be at the next Meeting for the Public Hearing. Mr. Peragine states they took the form directly from the online Code. Mr. Peragine states that the Chairwoman mentioned at the last Meeting that maybe there was an update. Cynthia states there may be samples of the form that have been used and signed, and we will try to pull those. Frank states it should be in the final SWPPP. Mr. Peragine states yes, whatever is agreed legally. Mr. Peragine refers to Page 2, Item 7 regarding a pre-treatment sizing map and states the pre-treatment will vary based on perk rate. Mr. Peragine states they are waiting on the test results to do this. Mr. Peragine asks Frank if he is looking for full pre-treatment in accordance with the Manual. Frank states he has to approve what the Manual requires. Frank states there are other ways to deal with this and we could talk about them off line. Mr. Peragine asks whether they may have direct contact with the Town Engineer once the test results come in. Cynthia confirms the Board is fine with direct contact on this one subject and asks for Mr. Peragine to let her know when a discussion takes place. Mr. Peragine states that he knows some of the pipe sizes were missing and that will be resolved. Mr. Peragine refers to the separation distances for the Septic System and states they have met the requirements and the Health Department has not commented on them with the exception of one inlet. Mr. Peragine states based on the current testing the system is growing shorter in an area and they will increase the separation distance and amend the drawing. Mr. Peragine talks about moving the outlet pipe away from the reserve area. Frank asks Mr. Peragine when he thinks they will receive something from the Health Department as far as whether they accept the layout. Mr. Peragine states they met with the Health Department last week and the only comment they had on the separation was the one inlet which they are working on. Frank asks when a final Plan will be submitted to the Health Department. Mr. Peragine states within the next couple of weeks. Mr. Peragine states they are going to try and resolve the separation next week. Frank states if Mr. Peragine receives something back from the Health Department signing off, he can submit that with the SWPPP. Mr. Peragine states the inlets are not standard drain inlets, they are PVC catch basin small area drainage inlets, not big stormwater catch basins. Mr. Peragine states the Health Department understands this and will hopefully give flexibility in that regard. Frank refers to the main treatment pipe over the existing Septic System. Mr. Peragine states that is 450 feet from the Septic System so they are okay. Mr. Peragine states he will provide a table on one of the detail sheets that shows the separations. Cynthia refers to Page 2, Item 3 and asks whether Bruce Thompson goes out for the observations or whether Frank goes out. Frank states that Bruce Thompson does most if not all of the observations.

Mr. Demasi passes out a copy of a different lighting fixture he found that will cast the light down. Mr. Demasi states every doorway will have this type of lighting fixture. Mr. Demasi states he will revise the drawing to replicate the new design. Mr. Demasi shows the location of the air handlers on the Plan. Mr. Demasi states the propane tank will be buried and as soon as he receives more information he will know whether there are going to be two, three or four air handlers. Mr. Demasi states he believes there will be two. Mr. Demasi refers to Page 4, Item 7 about showing the pool side elevation also showing the outdoor dining area with related fencing. Mr. Demasi states it is indicated on the Site Plan. Will states he just wanted the elevations as it will extend past the building. Will asks whether there will be tables and umbrellas. Mr. Demasi states yes. Will states it should be clearly shown, and could be done as an inset. Mr. Demasi states he needs to note different stone work, so to show a fence there with umbrellas will not help anyone. Will states the idea is just to see where it will be. Mr. Demasi states he will figure it out. Mr. Demasi states that might be helpful for the ARB to see. Mr. Demasi refers to a rendering he brought with him tonight which shows the umbrellas. The Board takes a look at the rendering. Will states Mr. Demasi may want to include something like the rendering on the Plan. Mr. Demasi states he will.

Cynthia refers to procedures and states a referral had been done to the CAC, ARB, and the Fire Commissioners. Cynthia states another submission will be made for the setting of the Public Hearing and the Referral. Cynthia states a copy should go to the Westchester County Planning Department, the Department of Health, DEP and DEC. Cynthia asks whether a copy should go to the Westchester County Department of Public Works because of Bloomer Road. Mr. Peragine states he spoke with the Permit Agent from the Westchester County DPW and he advised that since we are not doing any work on Bloomer Road, that a Permit from his Department was not required. Cynthia states she can appreciate that a Permit is not required, but was wondering whether a referral needed to be done anyway. Will states that Bloomer Road will not be impacted, and talks about coordination during construction. Mr. Peragine states they are not doing anything on Bloomer Road. Will states he knows that. Cynthia asks Mr. Peragine to put something in writing for the file and states normally the County Planning Department would ask for a referral since the Site is off of Bloomer Road, it should be referred to the Department of Public Works. Mr. Peragine states he will. Cynthia states it should be included in the next submission. Mr. Peragine states the DEP is aware of the Project and the Application has been referred to them from the Health Department. Cynthia states we need to formally do it as well since the Application is complete and the Public Hearing is set. Cynthia states she is not aware of any other involved agencies. Cynthia states this is not a coordinated review so there is no lead agency procedure. Cynthia states she will prepare a Public Hearing Notice tomorrow and Mr. Zorn is going to have to move quickly in order to open the Public Hearing on May 6<sup>th</sup>. Cynthia states that Mr. Zorn will need to submit the packets to go to the additional agencies. Cynthia asks Mr. Zorn to coordinate with Dawn and states that most of the agencies accept electronic copies. Cynthia asks if the Board is comfortable receiving their copy electronically. The Board states yes. Will states when the Public Hearing Notice is published it is necessary to have a hard copy in the Planning Board Office in case someone comes in to look at it. Cynthia states the Public Hearing Notice will be published at least five days before May 6<sup>th</sup> and confirms that Mr. Zorn will submit the hard copies by the end of the month. Cynthia asks Dawn whether she thinks the referrals could go out Monday or Tuesday. Dawn states she thinks so. Cynthia asks Mr. Zorn how quickly he will be able to submit the copies and the cd's. Mr. Peragine refers to the stormwater management issue and states it will not be resolved until the testing is done, and the parking analysis may not be ready yet. Will asks whether something would be ready by May 6<sup>th</sup>. Mr. Peragine states the parking analysis will be, but he is not sure about the stormwater management because the borings are scheduled that week. Cynthia states the Public Hearing may need to be kept open.

**Chairwoman motions that the Planning Board Set the Public Hearing for the Salem Golf Club Pool and Pool House Amended Site Development Plan and Conditional Use Permit for May 6, 2015. Bernard Sweeney seconds. All in favor. No opposed.**

**2. Hayfields Market: Don Rossi**  
**Amended Site Development Plan**

(owner – Ralua, LLC)  
(location – 1 Bloomer Road)

- Consider Report From Planning Consultant

Cynthia refers to a new Law, Chapter 90 of the Laws of 2014 regarding changes to certain signage relating to access for the disabled and shows the new symbol to the Board, as well as the new terminology which will be called “access for the disabled”. Cynthia asks Dawn to remind her to also provide this information to Todd Zorn at Salem Golf Club. Cynthia states the term handicapped will no longer be used and it should be removed from any new signs or signs being replaced. Cynthia states this was just issued on April 17<sup>th</sup>.

Cynthia states there is a Report from the Planner and since it there was a mad dash to review it and make some quick changes, she would like to go over some of the items in the Report, as well as the updated items.

Don Rossi is here tonight to represent Hayfields Market. Mr. Rossi states there is a revised Site Plan that was put together to address the latest comment from Will at MDRA. Mr. Rossi states they have delineated the storage areas on the Site. Mr. Rossi states they are permitted to have 20% of outside storage and the Plan now shows those areas. Cynthia states this Plan was just produced this afternoon, and is not the Plan they received in their latest packets. Cynthia states that is why it does not mesh with the Report from Will, but Mr. Rossi is highlighting the answers to Will’s Report. Mr. Rossi refers to the light shaded areas on the Plan and states that shows the storage areas within the rear and side yard setbacks. Cynthia states these are really not storage areas. Cynthia states the light shaded areas are the yards and the buffers which are normally landscaped, but the Zoning Board of Appeals (ZBA) allowed live materials to be there as part of the landscaping. Tim Allen states it is now noted on the Plan. Mr. Rossi states that the term live materials will be used throughout the night tonight. Mr. Rossi states they will keep live materials in the setback areas, and items for sale, such as pots and other decorative items, stored outside in the darker grey areas on the Plan. Mr. Rossi states there is a newly designated fenced-in area to the immediate rear of the building for bagged materials, palletized stone, such as earth and the like. Mr. Rossi states that Cynthia did a rapid review of the revised Plan this afternoon and suggested the potential of keeping the bagged materials behind the fencing. Mr. Rossi states there is a fence that runs from the green house to the rear lot line. Cynthia states that is not what she said this afternoon. Cynthia refers to the fencing that is up now, which is not shown on the prior Plan, but is shown on the new Plan just submitted, and states she believes it is near the back corner of the green house. Cynthia states the location of the fencing on the new Plan is incorrect. Cynthia shows on the prior Plan where stockade fencing is located and states since it is now a closed private area, that is not in the spirit of what the yard is supposed to be all about. Cynthia suggests to take the stockade fencing and use it in a different area where it is needed because if the other area is fenced off, it will be abused as it is now. Cynthia states when she drove by this afternoon there is a blue top sticking above the fence that is not supposed to be there, and there are other items in there that aren’t supposed to be there. Cynthia states she appreciates Ms. Dayton trying to use more of the Site, but this specific area isn’t supposed to be used for anything except live plants. Mr. Rossi states the areas within the setbacks may only be used for live plants, and there is a small area that may be used for other items. Cynthia states that is correct, but now it is open and barricaded. Mr. Rossi states the key goal they would like to accomplish is to get a Site Plan Approved as quickly as possible, hopefully tonight. Cynthia states she knows that. Mr. Rossi states he and his client will come back before the Planning Board after the adoption of the Zoning Amendments for the Accessory Seating to revisit the alignment of the storage areas. Mr. Rossi states the green house and all of the fencing are all items that Ms. Dayton inherited, and not items that she has put up. Cynthia states she believes the fencing in the front is new, and now there is additional fencing making a room. Mr. Rossi states they are taking up a significant amount of their 20% outside storage in the designated areas, and they don’t need such an extensive area of outside storage for live materials. Cynthia asks Mr. Rossi if he is telling her that all of the items will be moved almost instantaneously. Mr. Rossi states yes, potentially.

Mr. Rossi states they are contemplating whether the outside storage area may be realigned, but there is no real need to. Cynthia states that right now there are items there that do not belong there, and they have to be moved. Cynthia states the items are in the yards. Mr. Rossi states that whatever items that are there that are not supposed to be there will be moved. Mr. Rossi asks whether they should move a fence. Cynthia states she is suggesting that the fence may be better utilized in a place where it is needed so as to save money by not going out to buy more fencing. Cynthia states it is something to think about because she honestly believes if the two pieces of fencing stay, it will be an invitation to keep putting items in an area, where it isn't supposed to happen. Will refers to the ZBA's Standards and states plants are allowed within the setbacks and once you meet the setback you may have plants in decorative pots on display, but the stacking of pots isn't allowed. Mr. Rossi and Mr. Allen state they do not recall that. Will states the Note on the Plans should be read. Will states there is also a Note regarding the bagged items. Cynthia states the Board's main concern has to do with the yards, which are supposed to be the buffers, i.e., live plants. Mr. Rossi states for Ms. Dayton that the only items that may be stored in the buffers are live plants. Ms. Dayton states that whatever items that are back there will be moved. Ms. Dayton states they wanted to get the back area cleaned out. Ms. Dayton states that everything that is against the green house in the back area are not items that should be put out. Ms. Dayton states that there are cinder blocks and an old compressor back there that she will have taken out. Cynthia suggests that the fencing be taken down and moved where it really could be utilized, so there will not be a barricade. Cynthia states it will alleviate the temptation to keep putting items behind the fence. Ms. Dayton states it looks so much better back there than it did before. Mr. Allen states the area is behind and to the side of the green house. Cynthia states it is out of sight from the road, but not for the residential property right behind there. Cynthia states even though she knows there is a stockade fence there, it is not the Applicant's barrier and buffer. Mr. Allen states that is understood. Cynthia states the neighbor chose to put the stockade fence up so as not to look at all the stuff on the other property. Will states the real issue is that the Zoning Ordinance does not allow outdoor storage. Cynthia states the Zoning Ordinance does not allow items in the yard. Mr. Rossi states he would like to read the Note and states the 20% outside storage being permitted by the Variance was significant. Mr. Rossi reads the Note on the Plan which states "The outdoor storage of bagged and bur lapped trees, shrubs, and plants is permitted on any open area of the Site including required yards". "Outdoor decorative displays incorporating the sale of plant materials and urns, planting pots, ornamentals and decorations shall be permitted in any open area of the Site, however these items shall not be placed in required yard areas, and no bulk storage of these items shall occur in outdoor storage areas". Mr. Rossi states this has to do with a little more than just plants. Cynthia states it has to do with the bulk storage. Mr. Rossi states he understands that Ms. Dayton cannot have 30 pots stacked. Cynthia states that is correct. Cynthia states sheds are supposed to be for the storage of materials, so that is where the pots could be stacked, and outside the ZBA wanted to see the nice displays of items for sale. Cynthia states she believes Mr. Rossi and Mr. Allen have nailed down the outside storage. Mr. Allen states he believes the spirit of the Plan has been met. Mr. Rossi refers to the technical items and states the propane exchange facility has been eliminated. Mr. Rossi refers to the lighting and states they are agreeing to provide shades that prevent the lights from emanating off the Site during the evening. Charlotte confirms Mr. Rossi is talking about the security lights. Mr. Rossi states an open item that they would like the Board to consider and agree to is for them to leave the corner of the parking area as gravel, instead of paving it. Mr. Rossi states the use of the planters is very effective to delineate where the parking spaces are. Mr. Rossi states there does not appear to be any issues with erosion. Cynthia refers to the stockade fences and asks how tall they are. Mr. Allen states he believes they are four or five feet tall. Cynthia refers to a six foot fence that is shown on the Plan and asks where that is. Cynthia points the area out on the Plan where six feet is listed. Mr. Rossi asks if this is for the refuse container. Charlotte states there is a note referencing a refuse container enclosure. Mr. Rossi states there is also a stockade fence shown in detail and that is four feet tall. Cynthia states that a fence may be up to five feet in a yard. Cynthia states the fence around the refuse container should be listed on the Site Plan page, as it looks like there is a symbol, but the words are not there. Mr. Allen states the sign is up, and the refuse container is there. Mr. Rossi states that the sign details have been added. Cynthia refers to the proposed

stockade fence behind the cooler and states the word “bagged” should go into the Note. Mr. Rossi states it is potentially not limited to bagged materials. Cynthia refers to the two parking spaces in the front of the building and states she believes there is a bench there, and the pots are about 10 feet away from the building. Cynthia asks if the cars will fit into the spaces so their rears will not stick out in the traveled way. Mr. Allen states they will still be under the awning. Cynthia asks Mr. Allen if he has seen the way it looks now with the bench and the pots. Cynthia asks Mr. Allen to double check that. Ms. Dayton states there is a bench under the awning. Ms. Dayton states there is a display there. Cynthia states she would like to confirm that the rear end of the cars will not be in the traveled way. Cynthia states she is referring to the area right in front of the building. Cynthia states there is a bench, a walkway, and two pots. Ms. Dayton states that so far people have parked there without any issues. Cynthia would like Mr. Allen to take a look at it to make sure it works. Cynthia states it looks very nice, but she wants to make sure the loading zone is clear. Cynthia states if it works, the information should be put on the Plan. Mr. Allen states the display is in the parking area. Ms. Dayton states that will be moved. Mr. Rossi states the two parking spaces will be shown on the Plan as accommodating two cars. Ms. Dayton talks about moving the display to the curve to deter people from parking there. Cynthia asks the Board if they are comfortable with the gravel areas remaining that way. Charlotte and Bernard state yes. Charlotte states she likes gravel. Cynthia states she was concerned about there being gravel where the 14 spaces are, but it is extremely level, and appears to work. Will talks about it being monitored so as if an erosion problem occurs it may be revisited. Cynthia states she was also going to suggest that if they choose to pave in the future, they would not need to come back before the Board. Will states that is a good idea.

Cynthia states she believes the Board has discussed all of the points in Will’s Memo and the Applicant has concurred to do everything.

Cynthia states the Board will consider a Draft Resolution. Cynthia states that Page 1 lays out the history. Cynthia states she likes to see everything flow without having gaps or misunderstandings. Cynthia refers to the fifth whereas on Page 1 and states there are no changes to the existing water supply or sewage disposal facilities serving the subject property. Cynthia states that the Applicant is not proposing any changes, but since the last Approval, the property has been connected to the Peach Lake Sewer District. Cynthia states she would prefer it be mentioned as background. Will confirms the property is in the Peach Lake Sewer District and is connected to the System. Cynthia refers to the second whereas on Page 2 and states she did make the referral to the Westchester County Planning Board and received a response today. Cynthia states it was a notification only referral. Will asks Cynthia if she has an approval number. Cynthia states yes, she received an e-mail. Will asks Cynthia to forward the e-mail to him. Cynthia states the SEQR Determination of Significance is listed on Pages 2 and 3. Cynthia asks the Board if they had a chance to read the Draft. Charlotte states she did. Cynthia states the Approval information is listed on Pages 3 and 4. Cynthia states the Consolidated Conditions of Approval are listed on Pages 4 and 5. Cynthia refers to 1a on Page 5 in regards to Other Permit Approvals and confirms the Westchester County Health Department is the only other Approval. Charlotte asks how long that will take. Ms. Dayton states they have an approval to build a kitchen, and then they will come and give us an approval to use the kitchen after it is inspected. Cynthia refers to Page 5 in regards to the Final Plans and states she would like to be more specific. Cynthia states that No. 2 states that the final plans shall be revised to address the comments of the Town Planning Consultant. Cynthia states when she talks about the Plans being revised, she is referring to the previous set of Plans. Cynthia states the Plans will be revised to add the building square footage and note which structures are included in the total square footage for calculating minimum parking. Cynthia states the gravel parking areas shall be allowed to stay, but a provision will go in so that in the future if the Applicant chooses to pave them that is okay to. Cynthia refers to the bagged outdoor storage area of “bagged mulch, top soil, chips and stones and other bagged or packaged garden supplies” and states it shall be clearly indicated and fencing surrounding said designated areas shall be shown with specifications on the Plan Sheets. Cynthia states the side and rear

setback areas shall be labeled as “live plants only” as part of permitted outdoor storage as per Note #3. Cynthia states the propane exchange shall be eliminated. Cynthia states the following additional details shall be indicated on the Plan Sheets; signs including the size of the signs, size of the lettering, color, and placement. Cynthia states the following additional details shall be indicated on the Plan Sheets, such as all exterior lighting to be down lighting only. Cynthia states it is noted that some lights might need to be retrofitted so the lighting is directed downward. Cynthia states a floor plan of the interior main building shall be incorporated into the Site Plans. Mr. Rossi refers to the disabled parking and talks about using the current standards. Cynthia asks Will if she missed anything and states she will give him her notes since he will be revising the Draft Resolution. Will asks about the chain link fence. Mr. Allen states it will be taken off. Will states it has to be taken off the new Plan. Will states he saw the lights that will be retrofitted against the building. Will states that there had been previous mention about lights under the awning. Cynthia states that is shown on the new detail also. Mr. Rossi states there are two flood lights under the awning. Cynthia asks whether the Building Department will require a light at every door. There is a discussion about whether a light is needed at every door. Charlotte states the Market will not be open at night. Mr. Allen states that he believes they do have a light at every door. Mr. Allen states there are flood lights under the awning, as well as a box light on each side. Mr. Allen states he believes there are five lights total on the building. Cynthia states if the other doors have lights above them, they should be added to the Plan. Mr. Allen states they are box lights. Mr. Allen states the only flood lights he knows of are underneath the awning. Cynthia asks whether the two details cover all of the lights on the building. Mr. Allen states to the best of his ability yes. Cynthia asks the Board whether they have any other revisions. Mr. Allen refers to the square footage and states it has been reconciled. Mr. Allen states the pergola area was not included in the parking calculation but everything else was noted. Mr. Allen states they ended up fairly close to the Brigham Plan, but that Plan wasn't necessarily the exact Plan that the Board had approved. Mr. Allen states he believes they have one space more. Cynthia states she brought the Mylar's with her tonight and she actually came to the total they had and she e-mailed those totals to Mr. Allen. Cynthia states she did confirm that the outside display area was not part of it. Cynthia confirms with Mr. Allen that they are showing 20 spaces. Mr. Allen states they will reconcile this when they come back for the seating discussion. Mr. Allen states there will be seating under the awning and currently it will be considered as retail. Cynthia states the rest of the Draft is a typical boiler plate Resolution.

Mr. Rossi states they would like to be able to have Bruce commence his inspection of the hood that is being installed in the kitchen because that is holding up a series of other installations that need to be done. Mr. Rossi states that once the hood is inspected by Bruce then the electrician and plumbing work may take place. Mr. Rossi asks if there is some way to include language in the Draft Resolution so as to authorize Bruce to go forward and do the hood inspection. Cynthia states since the Plans are just about finished, how quickly will the Mylar be submitted, or set up to be approved so the Mylar may be generated. Cynthia states it seems to her that the Applicant is 99% there. Mr. Allen states he could submit the Plan right now and create a Mylar tomorrow. Cynthia states that wording needs to be added. Cynthia states if Mr. Allen can submit a Plan by Friday, it may be taken to the Building Inspector as it is really his call. Cynthia states a Resolution has a certain amount of weight, and the fact that the Applicant has submitted something in response to it, normally we would wait until Will reports back to us that you are ready to generate the Mylar's. Gary states he has no problem with Bruce going out early just to inspect the hood. Will asks whether Bruce issued a Permit so the hood could go in and asks why there would be a hold up with an inspection. Will states the only concern the Planning Board has is how the hood is used such as in conformance with the retail use. Mr. Rossi states that Ms. Dayton has been at the Site and Bruce has been very accommodating, but he got to a point where he stated he couldn't go further until the Planning Board has their Approval in place. Mr. Rossi states he will tell Bruce tomorrow that the Approval has been granted. Cynthia states she will speak with Bruce and doesn't see why he can't do an inspection.

Cynthia asks the Board if they are alright with moving the Draft Resolution. Charlotte states yes.

Mr. Rossi asks if the Board needs to go into a Regular Meeting to vote. Cynthia states the Board is in a Regular Meeting.

**Chairwoman motions that the Planning Board Approve the SEQR Negative Declaration and the Amended Site Development Plan Approval for Hayfields, LLC (Applicant), and Ralua, LLC (property owner), as Amended. Chairwoman states the amendments are primarily the recognition of the connection to the Sewer Treatment Facility and the Conditions to change the Plan Sheets as outlined in Will Agresta's Memo, and Re-stated in the Minutes Tonight. Charlotte Harris seconds. All in favor. No opposed.**

**3. Next Meetings:**

- Regular Meeting – May 6, 2015
- Work Session – May 20, 2015 – cancelled due to training class

**4. Resolution:**

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