

North Salem Planning Board Minutes

July 8, 2015

7:30 PM – Annex

PRESENT:
Cynthia Curtis, Chairwoman
Charlotte Harris, Board Member
Christopher Brockmeyer, Board Member
Gary Jacobi, Board Member
Bernard Sweeney, Board Member
Gerald Reilly, Esq.
William Agresta, AICP
Frank Annunziata, Town Engineer

ATTENDANTS:	Salem Golf Club:	Todd Zorn
		Ralph Peragine
	Hawley Woods:	Peter Gregory
		Alan Pilch
		Steve Bliss
	Mackin:	Ralph Mackin, Sr.
		Ralph Mackin, Jr.
	Verizon Wireless:	Cara Bonomolo
	Hayfields Market:	Renea Dayton
	CAC:	Alan Towers
		Pam Pooley

Chairwoman Cynthia Curtis calls the July 8, 2015 North Salem Planning Board Meeting to order.

PUBLIC HEARING:

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

- Continuation of Public Hearing

Peter Gregory states he is with Keane Coppelman Engineers in Mount Kisco. Mr. Gregory states the Owner, Steve Bliss is here with him, as well as Alan Pilch, from Evans Associates who is assisting with their environmental and stormwater consulting. Mr. Pilch states the Stormwater Management Plan is designed in accordance with the New York City Department of Environmental Protection Watershed Regulations, and in accordance with the New York State Department of Conservation General Permit for Stormwater Discharge and Construction Activity. Mr. Pilch states because the property is in the East of Hudson Watershed it requires that stormwater runoff from the one year storm to be captured and treated, which is a requirement of the Watershed Regulations and also the General Permit. Mr. Pilch states it also requires peak rate attenuation of all the flows. Cynthia asks what that means to the layman. Mr. Pilch refers to the property and states if there were to be a five inch rainfall, there would be a certain amount of runoff coming off the property to an existing culvert which is the place where the flows come together and meet. Mr. Pilch refers to the Plan and shows the location of the culvert which is east of the property under Hawley Road. Mr. Pilch states what peak rate attenuation means is if we were to be there with a meter and look at the amount or volume of flows, whatever that peak rate is, it is not going to be exceeded after development. Mr. Pilch states it will actually be

less than that. Mr. Pilch gives an example of 10 cubic feet of water per second going through a culvert and states it would be less than that following the development. Mr. Pilch states that is because there are a number of stormwater management measures being proposed. Mr. Pilch states there are four infiltration facilities which are sub-surface chambers placed below the ground surface which takes the one year storm and lets it percolate into the ground. Mr. Pilch states there are also two infiltration basins where the water similarly temporarily ponds on the surface and percolates into the ground because the soil itself is pervious. Mr. Pilch states in addition there will be one stormwater detention/management basin located in the northern portion of the property and that basin provides the majority of peak rate attenuations so the rate of runoff that leaves the property will be less following the development when the stormwater management procedures are in place than at present. Cynthia states she assumes Mr. Pilch has been talking about the stormwater that will go down to Hawley Road, and at the same time, he is looking at stormwater that could go other places such as onto neighboring properties, to make sure that doesn't happen too. Mr. Pilch states that is correct, and also looked at too. Mr. Pilch states the majority of the runoff really does cross under Hawley Road and the existing culvert. Mr. Pilch states they do an analysis based on design points which is the place the runoff is channeled.

Cynthia states we also have Frank Annunziata here tonight from Hahn Engineering, who is our Engineering Consultant to the Town. Cynthia states she would like Frank to speak to how we as a Town make sure that in the years out, first, second, and third, these stormwater practices are actually maintained and function well. Cynthia states there is a whole system of reporting and asks Frank for a quick overview of what the Building Inspector and his office does long term to make sure that these practices work. Frank states part of the Stormwater Pollution Prevention Plan (SWPPP) that will soon finally be approved has a Stormwater Maintenance Access Agreement, and Maintenance Agreement. Frank states these Agreements are not general, they specify practices that are being used in terms of what needs to be done when, not only post construction, but during construction also. Frank states we will have to work out a Plan between his office and the Town as to who will be doing the inspections. Frank states it is not left uncertain, it is very clear to anybody who picks up and reads the document as far as what has to be done during and post construction. Cynthia refers to the inspections in the spring and fall and states these are not the homeowners calling to report back that they went out and took a look at the Site, these are professionals. Frank states the oversight overlaps and the Developer is responsible to have inspections done. Frank states the Developer has to have a trained contractor who works for a contracting company and has taken at least a four hour course from the New York State Department of Conservation (NYSDEC) on the practices and maintaining them. Frank states because the Site is in the New York City Watershed, under the new General Permit, they are going to need to have, at least during a calendar week, two inspections separated by at least two days. Frank states a professional engineer or someone who works under the direction of one has to do these inspections. Frank states that Mr. Pilch's office may provide that type of oversight. Frank states a Report has to be filled out. Frank states North Salem will have to work out whether Bruce or Hahn Engineering will be doing the inspections for the Town. Frank states on the inspections his office does they will check to see whether the Developer has completed all of the Reports and are up to date. Gary states in two years down the road, when the Developer is gone, who is responsible and who receives the Reports, and what is the penalty for not reporting. Frank states he assumes Gary means the Project is completed by then. Gary states yes, we will make that assumption. Cynthia states there will be an Agreement in place whereas the homeowners are taking over some of the responsibilities. Frank states the Agreement which is also part of the SWPPP specifies who is going to be responsible for maintaining what. Frank states what they have now basically has the common portion and there will be something similar for the roadway and along that are the drainage systems that are connected with the roadway. Frank states those will be the responsibility of all the homeowners together and several of the practices are individual for each home. Frank states it will be set up so each individual homeowner will have to maintain them. Gary asks whether the Reports are filed with Bruce. Frank states yes, they would be filed with the Town. Gary asks how frequently the Reports are filed. Frank states once the development is built out the Reports will be infrequent, unless

there is a major storm. Gary states so there is no real criteria. Cynthia states each practice is spelled out in the SWPPP. Frank states the periods are laid out by the DEC Manual based on the type of practice. Gary states the only reason he is asking is if someone drives around Town on a rainy day there is overflow everywhere and somebody is not doing their job. Cynthia states since these new Regulations came into effect people doing a certain amount of disturbance are required to do a SWPPP. Cynthia states some of them are reviewed by our Board and others are reviewed directly by the Building Department and Frank's Office. Cynthia states those are the only people who are under these Regulations and there are Maintenance Agreements filed with the Town Board. Gary states so everybody else gets a free ride. Cynthia states in an ideal world we would go out to everybody, but that's not going to happen. Cynthia states the bulk of the comments have been about this, and she thanks Frank for the overview.

Cynthia asks the audience whether they have any questions. Mr. Pilch states he was going to say that at the last Meeting there were a lot of comments and concerns regarding visibility of the Project from Hawley Road and the neighbors. Resident, Susan Heuman states it is very hard to hear Mr. Pilch. Mr. Pilch states he is sorry and turns towards the audience. Mr. Pilch states there were comments about visibility into the property from Hawley Road and the neighbors. Mr. Pilch refers to the Plans and states there have been discussions regarding the lines that were called limited disturbance area lines. Mr. Pilch states after looking at this they decided that, in order to reduce the potential for visibility to the Site from the neighbors and from Hawley Road, they would leave very specific areas which are presently wooded and not disturbed as wooded. Mr. Pilch refers to the Plan and points out an area in the northwest corner of the property and states that would help a lot of the neighbors to the northwest. Mr. Pilch refers to the plan and points out an area near the stormwater management facility and states by leaving it as woods it would help screen views into the property. Cynthia asks whether the limit of disturbance line would be moved or will a control go over it. Mr. Pilch states ultimately they would modify the limited disturbance limit line to the edges of what they show on the Plan. Mr. Pilch states in addition there is a portion of Lot 1 between the property boundary and the common road/driveway which was also part of the limit of disturbance limit line, which we would leave wooded as well to help screen the existing houses at 394 and 392 Hawley Road. Will states the line on the Plan is much closer to the property line and asks whether that will move in or whether it will stay because there is a limitation of future activity. Will states if it is just a limited disturbance line for initial construction that is all it is good for. Mr. Pilch states they are talking about leaving it there. Will refers to the big area and states there is another line which is only along the edge of the property line. Will asks if that line is going to come out to the inner interior edge. Mr. Pilch states yes, the idea would be to move it to the edge. Will states it is more than just a limited disturbance line, it is also a Development Envelope.

Cynthia states the Board would like to hear from the audience. Michael Trencher states he and his wife live in the house adjacent to the Project entrance on the right. Mr. Trencher states he looked through the Report and admires all of the energy that has gone into trying to deal with the stormwater management, including the calculations. Mr. Trencher states he wanted to point out that at the present moment, from his observation, there is no runoff from the property because basically the trees and the forest absorb the present water. Mr. Trencher states the construction of the road is going to create the problem because it creates a conduit within various impervious surfaces. Mr. Trencher states it will act as a conduit for the water coming down and the mitigation process will try to harness the water and redirect it in another way. Mr. Trencher states the conduit under Hawley Road is only dealing with the stream that is adjacent and on his property and any additional water coming into that connection is going to create an issue for his neighbor downstream as well as backing up on his property into the shallow hole that exists by the conduit pipe. Mr. Trencher states the lower portions of the road are surrounded by retaining walls to the west and a rock ledge and he believes that contributes to the runoff which will be in the lower portion of the road, not the upper part that is up above the mitigation processes. Mr. Trencher refers to the swale that is being built and states he noticed in the drawing the test pit that went down 7 ½ feet did not go down further to find out if there is any rock or ledge below the bottom of

the swale which is 13 feet deep according to his calculations. Mr. Trencher states below that the test pit was not built so we don't have a confident view, from his point of view, of where all the rock is underneath the soil. Mr. Trencher states the presence of the rock under the road or adjacent to the road is going to help contribute to the runoff. Mr. Trencher states it may not be fully calculated. Mr. Trencher states maybe the engineers have done this work. Mr. Trencher states he is very cautious because any additional water flowing out to Hawley Road or down to the stream is going to create problems, both during traffic in the winter and at other times. Mr. Trencher states he has some concerns about the actual long-term control of the water flow down from the lower portion of the road. Cynthia refers to the preparation for these practices and asks Mr. Gregory when they go out in the field whether they need to have someone from the DEP or the Town Engineer's Office there to observe the test pits. Mr. Gregory states yes that is correct. Mr. Gregory states soil testing was performed specifically for the stormwater infiltration practices, as well as for the proposed septic areas on the individual lots. Mr. Gregory states for the septic areas they were looking for seven feet so there would not have been a need for the septic areas to go below that. Mr. Gregory states they did not perform any test borings along the center of the driveway. Mr. Gregory states they would anticipate that with some of the excavations there would be rock encountered but at this point he can't answer as to what may occur for the driveway itself. Mr. Trencher refers to the swale. Cynthia states the specific question was about the swale that is supposed to hold the water. Mr. Trencher states the bottom elevation on the swale is at 487. Mr. Trencher points out the area on the Plan he is referring to. Cynthia states the comment has been noted and both sets of engineers will take a look at that.

Jo Drawec states she lives at the other end of the Project on the southern edge. Mrs. Drawec states if you have driven down Post Road in the bad weather, at the curve that would be the Post Road portion below the house that is the southern-most, that part of the road always floods as well and the Town has come through several times trying to adjust different things. Mrs. Drawec states she would like to see that there is some recognition of a potential that those houses could again disturb that part of the hillside, so that as the Project evolves, we worry about more flooding happening on Post Road because it already floods at the bottom of the hill towards the edge. Cynthia asks if any of the flows have been identified as going towards Post Road from where the Applicant's areas of disturbance are. Frank states they did two design points; one was to Hawley Road and the other one was to Post Road. Cynthia asks how it is being handled as it goes down to Post Road and whether it just goes into the existing drainage. Frank states yes. Frank refers to the perception of runoff in both cases and states there is presently runoff. Mrs. Drawec states they can see it because they get ice on the road during the winter time. Frank states we have to go by the calculations in terms of what is happening presently and net in both directions of the various practices and as Mr. Pilch stated there is no increase in peak flows which is the rate, but there is also no increase in total volume. Frank states the calculations show the total amount of runoff will be less by the time it is infiltrated into the ground. Frank states there are a lot of practices there that will put it back into the ground. Frank states in the past, some of the practices only held the water and let it out over time, but it did not go back in the ground. Frank states now they not only have to control the rate that is left, but also the amounts. Frank states on a whole net basis for both design points there is less peak flow and less net volume. Mrs. Drawec states she would like this watched out for or a contingency plan in place after the fact if problems occur once all the land is disturbed because we don't know what is going to happen. Cynthia states we will also relay the information to the Superintendent of Highways if there is an existing current problem.

Kurt Genden states he lives at 408 Hawley Road and as it relates to water flow, obviously the topography of the land is being changed quite dramatically, especially around the road, but also on the Sites. Mr. Genden asks whether there has been or will be a study of the impacts of runoffs. Mr. Genden states on the Hawley Road side the wells are not very deep. Mr. Genden states the way the water flows and the way they get well water could potentially be impacted by redirecting water flow and he didn't know if any proper study was made in terms of when the topography changes and how that may change water flow and impact the

surrounding residents not only in terms of runoff and drainage, but also impact the availability of well water when potentially water is being redirected from where it flows today. Cynthia states there is an assumption there. Frank refers to the amount of water that is being taken out because of this Project in regards to the stormwater and the amounts of practices that are being used now and states the water is going back into the ground and not leaving the Site. Frank refers to the amount of water that will be drawn off and states he doesn't know whether the Applicant has done a study on the total amount of water. Frank states if they didn't, the amount that they are taking out in terms of usage is very small compared to the size of the property and the amount of recharge that normally goes back in, even notwithstanding the stormwater that goes back in. Frank states he doesn't know if a specific study was done. Mr. Pilch states no, the amount for three houses will be very small compared to the amount of water that goes back into the ground. Frank states the septic systems will also recharge the ground water. Mr. Genden states his question isn't about the remaining water. Mr. Genden states as you change the topography of the land, how that impacts where the water flows to his property, where he gets well water and drainage into his land, versus being funneled away because of changes along the road and topography that may draw water or create different flow lines. Mr. Genden states while he recognizes the amount of water is probably pretty consistent on the Site, how the flow changes, how it will impact his property, and his ability for ground water and seepage are his concerns. Cynthia refers to the Plan and points out a wooded area where the septic is proposed to be. Cynthia states when the septic goes in all of these trees are going to come down. Cynthia states maybe right now the water is flowing a certain way and the question is once the area is cleared will the water start flowing in a different direction. Cynthia states not changing the amount, but changing the direction of the water. Cynthia refers to the Plan and states keeping the trees may be a way of lessening a potential impact of changing the way the water naturally flows. Cynthia states do we look at what might happen when all of the trees come down and could there be a change that might impact a neighbor. Cynthia states she believes that is the question. Mr. Gregory states topographically, the location of the septic system won't be affected after construction. Mr. Gregory states they are going to follow the general topography when they install the septic in the area that was pointed out on the Plan. Mr. Gregory states by keeping the natural wooded area they will provide a natural buffer that will help temper any surface runoff between where the new lawn area will be compared to the property line. Mr. Gregory states the other thing to keep in mind is that they don't necessarily have to clear portions of the septic that are associated with their expansion for future use, so there may be another natural buffer that would be worked in as a result of the construction. Mr. Gregory states he doesn't think the septic will alternate the topography that we are looking at right now, but what will change are the trees being removed for the lawn. Will states notwithstanding the surface groundwater, will the excavation and activities in any way change the groundwater levels. Cynthia states also the direction of the flow. Mr. Gregory states excavations for the foundations could alter some of the groundwater in the immediate vicinity or immediately downhill of where the foundations will be located just by virtue of footing drains. Mr. Gregory states depending on where footing drains could be directed during the period of high groundwater movement, we may see an altering a little bit. Mr. Gregory states if there is water moving below the foundations in that direction it should continue to remain the same. Mr. Trencher asks whether the road in any way would act as a cutoff for the direction since it is basically not on the surface and most of it is being cut substantially below the present topography. Mr. Gregory states it is possible that excavation could have water draining toward the roadway due to the exposure but they would need to look at it to see if it does in fact cut anything off. Mr. Trencher states his property is at the lowest point and the hill sheds its water underground as well. Mr. Trencher states another issue is that we don't know where the bedrock line is and what the shape of the bedrock is, so we don't know how the water will be directed by the bedrock. Mr. Gregory states that is correct. Mr. Trencher states his well happens to be very shallow because they are practically in the little stream. Cynthia states maybe we need to look at monitoring wells. Cynthia states we have to see what type of activity is happening and the potential impacts and what they may prompt. Mr. Gregory states, as part of the Health Department's Subdivision Application, they are going to require us to bring a well driller out to the property who is going to indicate historically what they have encountered in the area in terms of yields for the existing wells. Mr. Gregory states they will provide, as part

of that analysis, profiles of what they are familiar with in the immediate vicinity. Mr. Gregory states they will get an idea historically what has been encountered in the past. Christopher asks whether that will include actual testing of neighbors wells, such as the Trencher's. Mr. Gregory states no. Will asks how the well driller will know this information if there have not been any wells drilled in the last 15 or 20 years. Mr. Gregory states there are records of what they experienced when they initially drilled. Cynthia states these are all good questions, and items to look at. Gary states you can't possibly know.

Pam Pooley states she wanted to ask about the shared driveway the Homeowners Association prospective owners would care for and asks whether the surface will be pervious or impervious. Mr. Gregory states it will be impervious. Cynthia states there will be pervious shoulders. Cynthia states there will be 16 feet of impervious with 2 feet on either side of pervious shoulders. Mrs. Pooley refers to having experience with a neighbor on the other side in a development on Lost Pond Lane, where her clients have a Homeowners Association. Mrs. Pooley states just down the road she wonders if there is any kind of criteria in place for what the homeowners need to do to keep up the maintenance of their road. Mrs. Pooley states we find on Lost Pond Lane that there are a lot of problems with the Homeowners Association in terms of agreement for maintenance. Mrs. Pooley states there are big gullies from these storms that have not been repaired, and there are potholes all over the place. Mrs. Pooley states it sounds like Hawley Woods is proposing a more substantial driveway, and refers to the edges and states she knows with a Homeowners Association they can be a real issue. Will asks if they are a formal association as far as having declarations, requirements, and boards. Mrs. Pooley states yes. Mrs. Pooley states it can be challenging from different homeowners perspectives in regards to maintenance. Mrs. Pooley states the same goes for snow plowing too. Cynthia states the difference here is that with a Homeowners Association and some of the stormwater plans that are being written now, the Town has these agreements, and she thinks the enforcement is better. Cynthia states she will double check this with Bruce, but is pretty sure because the stormwater is in the road that there should be more oversight with the maintenance agreements. Frank states maintenance agreements specify that all of these items should be taken care of, including slopes. Cynthia states the Grant Farm Homeowners Association Agreement was filed with the Attorney General's Office, but all of the enforcement is internal.

Mr. Genden states one item he heard before and he doesn't know if it has been properly addressed is that we are talking about accountability with the homeowners. Mr. Genden asks if there is a long-term plan, enforcement plan, and a penalty plan. Mr. Genden states he has heard that there will be sporadic testing of the drainage. Mr. Genden refers to the no-cut areas, or areas to be preserved and asks how that will be enforced not only near term, but long term, and what type of penalty system is in place, and responsibility so we are ensured once the developer is gone this doesn't just start happening without any repercussions. Cynthia refers to the difference between the limit of disturbance and outside of it and states it is our Zoning Enforcement Officer who has oversight on the enforcement and that is spelled out in our Code. Cynthia states she doesn't happen to know the specific answer to the question, but that part is in the Code. Cynthia states there are some agreements that we are drafting with the Applicant as far as the open space and what the expectations are to keep it as open space. Cynthia asks Mr. Gregory to help her and list all of the agreements that we are dealing with. Mr. Gregory states in addition to the Stormwater Maintenance Agreement there is also an Agreement for the driveway which will specifically indicate what is to be shared in terms of expenses and responsibilities in terms of maintenance and improvements. Mr. Gregory states that snow plowing will be included in that Agreement as well. Mr. Gregory states these documents are in draft form right now and they are finalizing the language. Will states the difficulty comes in if the homeowners don't comply by the requirements and it comes down to a Zoning Violation which is about all we can do. Cynthia states unless it is also a Stormwater Violation. Will states there are some aspects that the Town has in terms of easement rights but that is more for the collective practices, and maybe for some of the independent practices as well. Will states it is similar in terms of enforcement and the Town taking enforcement action which has various levels of what has to be done and pulling the trigger is not the easiest thing sometimes. Will states he would hope the homeowners will be

interested enough because they are going to live there and want to take care of their properties.

Chris Zielstorf of 406 Hawley Road asks what a shared driveway is. Mr. Zielstorf states he knows what it is, but would like to know what the Applicant thinks it is. Mr. Zielstorf states his point is whether anyone really wants to share a driveway. Cynthia states we have a lot of shared driveways in North Salem. Mr. Zielstorf states that Mr. Genden is actually his neighbor. Mr. Zielstorf states he doesn't know Mr. Genden very well, but he is a nice guy. Mr. Zielstorf states he doesn't want to share a driveway with Mr. Genden or anybody else. Will states then you wouldn't buy one of these properties. Cynthia states the short answer is that this started off as a proposed road and under our criteria for building the road it would have entailed a lot more cut, disturbance, and fill. Mr. Zielstorf asks for whom. Cynthia states for the environment and the whole Project. Cynthia states this was a big concern of this Planning Board. Cynthia states in the process of trying to figure out how can we make this work, one of the criteria's the Board had is that they did not want shared driveways to serve more than three homes. Cynthia states when this became a Project with just three lots then we realized we could try to take down the amount of disturbance from a private road to a shared driveway. Cynthia states it is the mean of access. Cynthia states if it were to be a public road it would have a 50 foot right of way and a huge amount of disturbance. Cynthia states if it were to be a private road it would have a 30 foot right of way and less disturbance. Mr. Zielstorf states this is all being done for whom? Cynthia states it is for the Town, the environment, and the Developer; we work together to make this happen. Cynthia states the nice part of it for the Town is they do not need to maintain a new public road into this new 50 acres. Mr. Zielstorf states the bottom line is who is making money. Christopher asks whether the question is what is the alternative, based on the three options that Chairwoman Curtis pointed out. Cynthia states the root of it has to do with environmental concerns, it wasn't about trying to make this easier for the Developer because he wanted to do a private road with more homes. Cynthia states when the Developer started to realize that the amount of disturbance was more than the lot could take, which is what the Board kept saying, he agreed to bring the number of lots down to three. Cynthia states that is a big difference from starting at approximately 12. Mr. Zielstorf asks who the representative is that is here tonight for the builder. Cynthia states the builder himself is here. Mr. Zielstorf states he will talk with him outside.

Susan Heuman states she is married to Michael Trencher. Dr. Heuman refers to the road and states it is almost going to be as wide as Hawley Road and asks if there are miniature construction machines that are going to actually come into that area because it is going to be very disruptive unless they suddenly decide that they are going to make Hawley Road a highway. Dr. Heuman states she is not an engineer or an architect but it strikes her that if she is looking at a road that is going to be 16 feet wide and have feet on either side of it, it is going to be just as big as Hawley Road is right now. Dr. Heuman states it is not a driveway, it's a road. Cynthia states as she just explained to the other gentleman, if this were a large subdivision with a public road we would be talking about a 50 foot right of way. Cynthia states if it were a private road we would be talking about a 30 foot right of way. Cynthia states this was brought down to driveway standards. Cynthia states yes, Hawley Road is a pre-existing, narrow road, but technically the right of way of Hawley Road is probably 50 feet, it is just not used. Will states the road width would be in the 20 to 24 foot range with two to four foot side shoulders. Dr. Heuman states one of the Plans talked about being able to block the movement of traffic one way. Dr. Heuman states that doesn't sound very realistic. Dr. Heuman states as this moves forward it would seem to her that this would have to be looked at very carefully because she doesn't think people will be able to get around very easily. Cynthia states when this takes place, there has to be coordination with our Police Department, Highway Department, and the Building Inspector. Cynthia states all of these items are usually ironed out at pre-construction meetings. Will states it should also be noted that it would be smaller if there were just one house being proposed on the entire property, but a lot of the disturbance at the front entrance, and the impacts talked about tonight would occur even with a single house development. Will states a single house development would not need to come before this Board, they would just need a Building Permit. Will states a lot of the controls that are being built in here are much more than a single house would have and there

is nothing that could stop a single house from being built on this property.

Mr. Genden states as we talk about the street, not only the type of traffic, but the construction traffic. Mr. Genden states this is a Site that has to remove 16,000 cubic yards of soil, this is not a few trucks coming in here and there. Mr. Genden states he has a concern about the integrity of Hawley Road which is already quite taxed. Mr. Genden states he also has a concern about the houses lining Hawley Road. Mr. Genden states speaking from his standpoint, he has a slope that is degrading because of heavier traffic. Mr. Genden states he has seen rocks that have fallen into the road. Mr. Genden states along this way and directly adjacent to this development, between the noise, the blasting, and the construction traffic, there is concern about the destruction of the road and potentially the need for retaining walls or some type of walls to keep the integrity of the properties as it faces the disruption. Mr. Genden asks whether this has been looked at or considered in terms of not only the traffic on the street, but the impact to the street from this type of traffic as well as the borders of these homes, and the edges of their properties, his specifically. Mr. Genden refers to trucks coming by and having to pick up large rocks that have slid down, and states technically this is not his property to maintain. Christopher clarifies that the maintenance during construction and restoration of existing roads is what Mr. Genden is asking about. Cynthia states and disturbances out on the public road which is Hawley Road. Cynthia states this is a good question for the Superintendent of Highways. Will states the Applicant is responsible for any damage to the road. Will states having an understanding of pre-imposed conditions is important. Cynthia states right. Will states it is clearly the Applicant's responsibility if, during construction, they destroy the road, they will have to repair it. Will states they are going to be putting stormwater pipe in the road and the road will be torn up and re-paved. Mr. Genden refers to the edge of the Town's property which fronts his property and states there is quite a large embankment that is not retained. Mr. Genden refers to the construction and the traffic and states it represents a problem. Mr. Genden states he recognizes that once it is a problem we can address it, but asks if it has been looked at or considered as part of the Plan before the destruction happens, and before he loses the trees on the edge of his property because they became unrooted because of soil movement. Cynthia states that Mr. Genden has identified items that needs to be considered, and suggests talking with the Superintendent of Highways in terms of monitoring during construction. Cynthia refers to having before conditions. Will states the Applicant should comment a little bit about how that may or may not affect the neighbor's frontages.

Mr. Gregory states they have been asked to provide a pre-construction survey, monitor during construction, and actually define the timeframe in which it will take place so as to monitor the process. Mr. Gregory states as part of the sequencing they submitted, they will need to have all of these items in order within a reasonable timeframe prior to the completion of the construction for the common driveway portion. Cynthia asks what the extent is of the monitoring along Hawley Road. Mr. Gregory states he would need to go back and check. Cynthia states she thinks that the issue is whether it includes just the Hawley Woods Subdivision frontage or does it include frontage down Hawley Road. Mr. Gregory states his recollection is that it goes all the way down to Post Road. Cynthia states the answer is that it has been identified as a potential issue and is part of the construction oversite.

Mr. Genden states his second point also has to do with line of sight with the increased traffic and the construction traffic. Mr. Genden states there are trees right on the edge which with light traffic still represent a problem and obviously with increased construction traffic, is also a concern. Mr. Genden refers to the line of sight for the driveways given the heightened traffic and busyness of the road. Cynthia states thank you, the comments have been noted.

Mrs. Zielstorf asks if construction were to happen, how long would it take. Cynthia states it is spelled out as there will be three phases. Cynthia asks Mr. Gregory to explain the three construction phases based on the amount of disturbance. Mr. Gregory states the common driveway is going to be the first phase so they have

access into the property. Mr. Gregory states as part of the common driveway, there will be the stormwater practices. Mr. Zielstorf states he does not have that map. Mr. Gregory asks Mr. Zielstorf if he is referring to a map of the stormwater. Mr. Zielstorf states no, a map of what Mr. Gregory is looking at now. Mr. Gregory states he can provide Mr. Zielstorf with a copy. Cynthia states she has a copy with her that he may have. Mr. Gregory states the second phase has to do with the individual homes and that is an unknown as to the duration. Mr. Zielstorf states that is the bottom line right there, it is unknown. Mr. Genden refers to Phase 1 and states the road that was mentioned earlier really hasn't been tested in terms of the rock along the driveway. Mr. Genden asks if there is an understanding of the extent of Phase 1 as far as how long it will be going on. Mr. Gregory states Phase 1 will just be the common portion that comes up to Lot 2. Mr. Gregory refers to the map and states this is the area from Hawley Road where it is all common up to Lot 3. Mr. Gregory states he would assume the timeframe would be three to four months. Will confirms that includes the driveway and the common infiltration practices related to it. Mr. Gregory states yes, it includes the stormwater improvements and the driveway. Will states what is left after that would be the individual houses, individual septic's, individual practices, and grading/landscaping on the individual lots. Will states it is possible that one or two lots could be vacant for a while. Mr. Gregory states yes they could be vacant for a while. Will states they could be bought by someone and still be vacant for a while.

Jo Drawec states she has two statements as opposed to questions. Mrs. Drawec states she appreciates the opportunity to have all these conversations and hear the points everybody has raised because this piece of land is on a Hillside and so that is why everybody is so nervous about the topography. Mrs. Drawec states we all have had different things happen on our properties as a result of living on a hill, which is something she wants to make sure everybody gets. Mrs. Drawec states she and her husband are personally grateful that there will be three houses, as over the years they have heard all the possibilities. Mrs. Drawec states the reality of three houses over this large a piece of property should make all of us happy that we are not going to have that much disturbance. Mrs. Drawec states it was pointed out that building one house doesn't cause a whole lot of impacts and this is only three houses.

Mr. Trencher states he doesn't know how extensive the rest of the discussion is going to be and asks whether there will be a discussion about bedrock at any point, or is this just a general discussion. Cynthia states this is a Public Hearing and people may talk about whatever they want. Mr. Trencher asks if there is a further Agenda that will bring up other issues. Cynthia states no, we are only doing the Public Hearing tonight. Mr. Trencher states it is merely a suggestion, when looking at the Plans, even being an architect, he felt it was difficult to comprehend simultaneously all of the things that are going on at the entrance. Mr. Trencher states normally with something this complex you would want a three dimensional model to be able to visualize all the different things that are happening at the same time and in the same place. Mr. Trencher states that usually one would build a contour model or get a three dimensional computer model of the Site so you could actually see the impact of the two, eight foot walls, with the swale behind them, the road cutting through the landscape, and all the inclinations. Mr. Trencher states it would be helpful for everyone to understand the different things that are going on simultaneously, especially in the upper northern 1/3rd of the Site. Mr. Trencher states the other parts are relatively undisturbed but this is where all the forces are coming together in a very tight constraint and one thing affects the other. Mr. Trencher states it is a very complex set of issues and if it would help people, it may be worth doing. Cynthia states the point is well taken. Will states one of the big difficulties with the location, that we have been grappling with too, is that since we don't have a full understanding of the rock, there may not be retaining walls, there may be exposed ledge rock. Will talks about how it would look, how it would be cut, and the stormwater impacts. Mr. Trencher states the retention pond right behind the wall is going to put water behind the wall and it will want to find its way through because the area below the wall will be cut. Mr. Trencher states he thinks knowing the profile of the bedrock underneath parts that are being excavated is very important. Mr. Trencher states he saw a drawing in which there were indications of ledge lines on some original Plans far back in the process. Mr. Trencher states he has not seen a

model that combines those existing understanding elements and the new elements, never mind the fact that we do not know what is underneath the soil. Mr. Trencher states there is an insufficient amount of information regarding bedrock. Mr. Trencher states considering the noise factor, cost factor, time factor, and water factor, this is something we really need to be sure about because there is another awful scenario whereas we start this process and something happens in the stock market, and half of the woods are knocked down, the road is started, and someone walks away from the project. Cynthia states that is why we always take a Completion Bond. Mr. Trencher states he is glad to hear that. Cynthia states it is a Subdivision requirement. Mr. Trencher states the woods that are going to be destroyed because of the necessity of building the narrow neck are not going to be replaced in our lifetime. Mr. Trencher states they ought to be disturbed with the greatest of care and be assured we know what we are doing. Cynthia asks Frank what is involved with taking some borings to try and figure out what might be encountered at the entranceway. Cynthia asks if it is a huge process and whether it is something reasonable to ask for. Frank states no, it is not unreasonable. They would hire a drilling rig and might spend a day or two out there drilling at certain intervals to see what they have. Frank states it is difficult topography but they should be able to get something in there. Cynthia states just before the commencement of the Public Hearing this was an issue this Board was starting to wrestle with. Cynthia states one thing the Board did ask for were renditions of what it might look like if it had the two 8 or 12 foot retaining walls or if they hit bedrock. Cynthia states the Board didn't receive a 3D model but they received computer renderings. Cynthia states the piece of information we don't have and what we are still wrestling with is that we don't know what they are going to encounter and maybe we do need to consider asking for borings to be done to give us more information so we can figure this out. Cynthia thanks everyone for their comments.

Alan Towers states the CAC in their Report on this Project suggested that considering how many concerned neighbors there are that the Owners have some form of communication on an ongoing basis with those interested parties. Mr. Towers states it shouldn't be that difficult to obtain e-mail addresses. Mr. Towers talks about the neighbors receiving notification in stages of when they may expect very heavy traffic and very loud noise. Mr. Towers states he thinks people will feel better if they don't wake up one morning and wonder what is happening, as they would have already been told it was coming. Cynthia states that could be considered as part of the construction phasing to have a communication notification to the neighbors. Cynthia states she recalls this is in the CAC Report.

Mr. Genden refers to the bedrock and states three to four months could quickly become a lot longer if the rock that seems to be present is everywhere else. Mr. Genden states he looked at the Noise Restrictions that the Town has and he knows there are restrictions regarding blasting. Mr. Genden states he didn't know if there are also restrictions for rock chipping, plus tree removal, and chipping of trees. Mr. Genden states it wasn't clear in what he read as to whether the restrictions extend to all of those items. Cynthia states in the Zoning Code under Performance Standards there is a Section on noise. Cynthia states all of what Mr. Genden described is considered to be construction noise which is allowed five days a week from 7 a.m. to 6 p.m. or sundown whichever comes first. Cynthia states it is allowed on Saturdays for a shorter timeframe. Cynthia states it is also something this Board will deal with. Cynthia states she did pose the question as to whether there could be tighter timeframes on a particular project and she is waiting to hear back from the Town Attorney. Mr. Genden states they would appreciate that consideration. Mr. Genden states it is his assumption that three to four months is extremely optimistic given what they have all experienced on the property. Cynthia states this is a great item in terms of setting up communications with the neighbors because maybe they would rather have the noise start earlier so it is over earlier in the evening, or start later and go on at night. Cynthia states if we have the ability to influence that we would like to. Mr. Genden states they appreciate it and it is a recognition that they all live here and that it is not just a plot of land, these are our homes that we bought for a very particular reason which is the setting, the woods, and the quiet. Mr. Genden states a lot of that will be severely impacted by this Project. Cynthia states in one neighborhood, even though the noise was horrific, the

neighbors said they would rather hear it go on longer each day if it meant it would end in two months rather than three months, so there are different ways of looking at this. Mr. Genden states the preservation that has been built in and the consideration of the property is helpful. Mr. Genden states as we start to understand the Site a little bit better as this goes on there may be a request by residents for additional screening whether that be indigenous mature plantings that will help further screen noise and quite honestly the unsightliness of constant construction next door.

Mr. Trencher states he hasn't done enough research on construction machinery but he does know there is a difference in the sound output from different machines. Mr. Trencher states some machines are more muffled than others. Mr. Trencher talks about being assured that the construction noise of the machinery itself may be reduced by proper attention of the contractor. Mr. Trencher states the word chipping sounds very innocent but when it involves a pressure drill banging against rock for eight hours, plus all the engine noises, it is very hard to live, especially with small children. Mr. Trencher states anything that could be done to mitigate the sound would be greatly appreciated. Dr. Heuman states there is always the possibility that the Owner of the property being developed wants to make an offer to the people that have the houses that will be absolutely destroyed by this Project. Dr. Heuman states her house will be useless as they are right next to the road.

Cynthia states we haven't heard from all the outside agencies but when we close the Public Hearing we usually leave the comment period open for an additional 10 days. Will states the one issue he heard about tonight that should be talked about is the idea of boring tests. Will states if the Board is going to consider asking for them, they should be done before the Public Hearing is closed. Cynthia states given all the comments and our own concerns about the opening and cut, we need to talk about asking for boring tests at the entrance. Cynthia refers to the Applicant considering this and states she doesn't know whether the Board can demand it under the SEQR review. Cynthia states this is something that is really important and will resolve a lot of questions and issues. Cynthia talks about keeping the Public Hearing open.

Mr. Zielstorf asks how long Phases 1, 2 and 3 will take. Mr. Zielstorf states he knows it can never be figured out on the money, but would like to know what Mr. Gregory thinks realistically. Mr. Zielstorf states if the response is two does that mean four. Mr. Zielstorf states he is not trying to be cute. Mr. Gregory states if all the parcels were sold simultaneously, in a perfect world, he would say that the homes themselves could probably be completed within a 12 to 18 month period. Gary states he could buy a lot and sit on it for 10 years. Will states if everything is progressing reasonably, a two year window would be reasonable. Mr. Zielstorf states that means four years. Dr. Heuman asks whether the Town can put a cap on the time for construction. Cynthia states no. Will states the major construction of the road and the infiltration practices would occur before houses. Will states these are not going to be small houses.

Cynthia states the Public Hearing will be left open and we will consider requesting boring tests. Cynthia suggests Mr. Gregory's client propose something. Cynthia asks if this is something that Frank's office would oversee. Will states we need to define it. Will states we should know what it is we are asking them to do so they do what we want. Cynthia suggests it would be helpful if Frank has a model from another project for the Board to look at. Frank states we wouldn't oversee the actual boring process, we would receive a formal report. Cynthia states it is more about laying out how many would be required over what area. Cynthia states it is kind of like the soil testing whereas there is a grid. Charlotte states if the boring test is done and the entire section is bedrock, then what. Cynthia states then they know how to plan the construction in terms of whether it will all be chipped with exposed bedrock. Will asks whether the borings will tell you the type of the rock so you know whether blasting has to be done versus chipping. Frank refers to the density of the rock and states it will be up to the Applicant. Frank refers to the Board imposing restrictions. Christopher states he would think the developer would find this very useful. Christopher states there could be a tremendous difference in cost if there is bedrock from a foot down versus all soil. Frank states that those that bid on the Project do not want to

go into it unknown. Cynthia states we will work on this and leave the Public Hearing open. Cynthia thanks everyone for their input. Mr. Trencher thanks the Board for their time and patience.

REGULAR MEETING:

2. **Mackin:** Ralph Mackin Sr. & Jr. (owner - Ralph Mackin)
Sign Permit (location – 112 Titicus Road)

- Discuss Sign Permit Application
- Consider Draft Resolution of Approval and Referral to ZBA

Cynthia states that Ralph Mackin Sr. is here with us tonight. Cynthia states this went through a Site Plan way back when and a Sign went up way back when, but the way our current Ordinance is written it is necessary to come before the Board for an Approval. Cynthia states the one glitch to this is that the sign is not 10 feet back from the property line. Cynthia states that Ralph Mackin Jr. is here with us also tonight. Cynthia states she did ask the Board to review this and if they are comfortable with the location of the sign they could do a Recommendation to the ZBA so the sign may stay exactly where it is now, or see if the ZBA takes on a different position. Cynthia asks the Board their opinion. Charlotte states she thinks the sign in a perfect spot. The rest of the Board agrees. Mr. Mackin Sr. states it is smaller in height. Cynthia states in her opinion the sign has to be in this location or else people would not see it. Cynthia confirms with the Board that they would like her to write a favorable Recommendation to the ZBA. Christopher asks whether anything else needs to be done other than the Recommendation. Cynthia states we need to consider our Draft Resolution. Christopher states this isn't strictly a ZBA matter. Charlotte states the Draft Resolution has a lot of ZBA components in it. Cynthia confirms there are no questions on the Draft Resolution.

Chairwoman motions that the Planning Board Approve the Sign Plan Resolution for 112 Titicus Road as Drafted, and Make a Recommendation to the ZBA to Consider the Setback as has been Presented by Ralph Mackin Sr. and Jr. Gary Jacobi seconds. All in favor. No opposed.

3. **Salem Golf Club:** Todd Zorn (owner – Salem Golf Club)
Amended Site Dev. Plan/Cond. Use Permit (location – 18 Bloomer Road)

- Overview of the Latest Submission
- Consider Draft Resolution of Approval

Cynthia states the Board has been trying to accommodate and move this matter along, and had a Resolution drafted before our Planner reviewed the latest submission, which we assume is in line with the discussions at our last Work Session. Cynthia states she would like to hear that confirmation from the Applicant that their recent submission, which has not been reviewed by our Planner yet, but has been reviewed by the Town Engineer, is basically what we discussed at our last Work Session. Mr. Zorn states that is correct. Cynthia states if there are any changes they should be pointed out to the Board now. Ralph Peragine states there were some changes required by the Health Department with regard to the septic system. They are a matter of adding more detail and providing the entire system design including the reserve field. Mr. Peragine states they have done that, and minor grading over the reserve field has been done as well. Mr. Peragine states the reserve field area would not be constructed until it is needed or required. Mr. Peragine states the main field is only being required. Mr. Peragine states the other changes had to do with the porous pavement area in the parking lot. Mr. Peragine states this area was shifted as per their discussions with the Board. Mr. Peragine states this has to do with the 16 or 18 spaces that will be built and they will be shifted to the other side of the cart path. Mr. Peragine states the cart path was pulled three feet off the edge of the pavement and a split rail fence will be

placed there, in addition to a mountable curb so the upstream water will be diverted as has been discussed. Mr. Peragine refers to a Lot on the Plan and states it is as was discussed out in the field with the Board, as well as at the previous Work Session. Cynthia states she needs Mr. Peragine to bring her to one more comfort level with this. Cynthia states when the Board went out and looked at the new placement of the Lot they all parked along the edge and another time when she went there she noticed that six cars were parked there. Cynthia states it was explained to her that the maintenance crew was parking there. Cynthia states the maintenance crew have seemed to create their own parking lot. Cynthia states now that the new parking area will be built, will the maintenance crew go in and park in real parking places. Mr. Zorn states that all of the employees may park there. Cynthia refers to the monitoring and states we will be looking out for areas of grass where cars keep parking. Cynthia states we do not want to see another area created for parking because it will trigger the monitoring plan. Mr. Peragine states Will had asked that the post rail fence be relocated to the back near the parking spaces. Mr. Peragine states that in essence was a change to the parking lot that had been talked about. Charlotte asks Mr. Peragine what questions he had regarding the engineering changes. Mr. Peragine states they were related to the water quality and the Stormwater Management System. Charlotte states Mr. Peragine previously mentioned an issue with the Hahn Memo. Mr. Peragine states that Mr. Annunziata requested the percolation test holes to be located on the Plan. Mr. Peragine states they have been and it might have been an oversight. Mr. Peragine refers to the Plan and points them out. Frank states he had been referring to the deep hole tests. Mr. Peragine states they were combined, as it was a combined test in which they dug the deep hole and benched it, and did perk tests on the bench. Frank asks whether there were a couple of others. Mr. Peragine states no, that was the only deep hole. Mr. Peragine refers to the Plan and shows Frank where they had done a boring, but didn't need to do a deep hole because there was a foot of fill and the bottom of the perk test hole was three feet deep. Mr. Peragine states they noted the content and soil. Frank states alright. Mr. Peragine refers to No. 2 on Page 2 of the Hahn Memo and states they will adjust the design data sheets accordingly. Frank states they were not clear. Mr. Peragine refers to No. 3 on Page 2 regarding the Contractor Certification prior to the Notice of Intent and states he believes the Code does not require that and they have no objection to providing it at the pre-construction meeting, as part of the pre-construction documents. Mr. Peragine states the problem with doing it now is that Mr. Zorn does not have a contractor and getting one on board could delay the filing of the Notice of Intent. Mr. Peragine states the Notice of Intent is listed as a Condition. Frank states that is fine. Mr. Peragine refers to the Maintenance Agreement and states that is a legal agreement between lawyers and he does not know how long it will take. Mr. Peragine states he was concerned that doing it before the filing of the Notice of Intent might again create a delay. Cynthia states she thinks the Maintenance Agreement may be needed before the filing of the Notice of Intent. Frank states we could be flexible about that. Cynthia states alright. Frank states these items need to be in place prior to the beginning of construction. Mr. Peragine states they have no objections to that. Cynthia asks whether the Draft Resolution needs to be adjusted. Mr. Peragine states the Draft Resolution is consistent with what we have just discussed. Will states he doesn't understand as he believes these items need to be finalized in order to finalize the SWPPP. Frank states it happens quite often that permission is granted to go with the Notice of Intent. Frank refers to the person who will be doing the Inspections and states prior to the start of construction we want to see that a contractor has been picked. Frank refers to the filing of the Maintenance Agreement and states before construction commences, if the format is there, as long as it is executed prior to construction, it should be alright. Cynthia states we will make this something for the Building Inspector to handle in terms of making sure it has taken place. Will states the Maintenance Agreement is with a responsible party of the SWPPP. Cynthia states yes, the Owner or Applicant. Cynthia asks whether the Maintenance Agreement includes the contractor. Will states no, the contractor has to sign the certifications. Frank states the filing of the Notice of Intent provides coverage under the general permit. Will states that is required to get the Plans signed. Mr. Peragine states in order to get the Notice of Intent they are not required under the SPDES General Permit to have either the contractor certification or the Maintenance Agreement in place. Mr. Peragine states the Maintenance Agreement in accordance with the SPDES general permit is required prior to the Notice of Determination being filed. Mr. Peragine states they have no objection to doing it prior to construction.

Cynthia refers to prior Projects and states she is fairly sure there were filed Maintenance Agreements. Cynthia refers to signing the Mylar's. Mr. Peragine states he has no problem complying prior to construction. Cynthia states she thought she would have a Maintenance Agreement in hand prior to the signing of Mylar's. Frank states you could, but he believes Mr. Peragine has portrayed it correctly, that it is not essential. Will states it may not be essential for the DEC. Cynthia states this is between the Owner and the Town and usually Roland handles it. Gerry states yes, Roland would handle it. Cynthia refers to signing the Mylar's and not having the Maintenance Agreement come in. Gerry asks why it cannot be done prior to the signing of Mylar's. Cynthia states this is one more headache for the Building Inspector. Mr. Peragine states if the Board is saying the Maintenance Agreement must be filed before the Notice of Intent is filed, and the Club is looking to begin construction in September, it will take time to get a legal document agreed upon, signed, and filed. Gerry states it really doesn't take that long. Gerry states Roland will take a look at it when he receives it. Mr. Peragine states he is being told they can't file the Notice of Intent but it is required for endorsement. Mr. Peragine states the timeframe is being pushed up so that we need a Notice of Intent, but can't get it filed unless we have the Maintenance Agreement done. Gerry asks Mr. Peragine to tell him what the problem is with getting the Maintenance Agreement done. Mr. Peragine states it is a matter of timing. Gary states that is really not our concern as we should have the Maintenance Agreement prior to signing Mylar's. Mr. Peragine states it is not required under the law. Cynthia states it is required under our Town local law. Gary states that Roland and Gerry will respond very quickly. Mr. Peragine states he doesn't know what it takes to have the Maintenance Agreement filed. Cynthia states Roland files it. Cynthia states Roland will file the lot merger if he receives an original. Mr. Zorn states Karen Futia has the original. Cynthia states that Karen marked it up on the corner but that is alright. Cynthia states we will get it from Karen over to Mr. Zorn's office. Cynthia states that Roland sent her an e-mail letting her know he would file it. Cynthia states the Maintenance Agreement is between the Owner and the Town. Cynthia states the Planning Board makes a Recommendation to the Town Board, the Town Board accepts it, and Roland files it the next day. Cynthia asks Mr. Peragine what his timing is. Mr. Peragine states they are looking to start construction the first week in September. Mr. Peragine states there is a draft copy in the SWPPP. Cynthia states let's get it signed. Will states the whole idea is to finalize all parts of the SWPPP. Will states the contractor comes later and that is built into the Approval. Gerry asks Cynthia if Roland already has a copy of the proposed Agreement. Cynthia states he should as it is in the package. Gerry states he will mention it to him tomorrow.

Cynthia refers to the Draft Resolution and states Will wrote it before going on vacation and there are a couple of blanks that need to be filled in. Cynthia refers to the number of reserve parking spaces and states the number changed on her and she was off by one. Cynthia asks Mr. Peragine if he has a total of 81. Mr. Peragine asks if Cynthia is referring to overflow parking. Cynthia refers to the fifth whereas regarding the reduction and reserve spaces. Will states we should start with the total amount of required spaces. Will states without any reduction or overflow what is the total number of spaces. Mr. Peragine states there would be 268 with the new improvements if they built every space. Will confirms that 67 is the reduction. Mr. Peragine states there are five handicapped parking spaces. Cynthia states it would be 263 plus 5. Will states there would be 263 standard spaces and of the 263, 67 are not being constructed. Mr. Peragine states they are building two more spots than are required. Mr. Peragine states with the overflow parking and developed parking they are at 203 spaces. Will states 268 spaces are required, and 203 will be built. Will states that 81 is overflow, and 5 is handicapped. Will states there will be 117 standard spaces. Will states 122 and 117. Will states if 81 is overflow, where do the 67 come from. Mr. Peragine states the reduction they are asking for is 67. Cynthia states they are overbuilding by two. Mr. Peragine states that is due to the new lot configuration. Cynthia asks what the reserve number is. Will states the reserve number is 81. Will states there are 268 required spaces of which 25% reduction which would be 67 spaces. Will states the new net required amount would be 201. Will states the Plan shows 203 which consists of 81 overflow, 5 handicapped, and 117 standard spaces for a total of 122 that are actually going to be built. Will states he will fill in the proper numbers. Cynthia refers to Page 5 and states 81 will go in as the number of reserve off-street parking spaces. Cynthia

refers to Page 8 and wants to go over everything that has to come in before the Mylar's may be signed. Cynthia refers to the Other Permit Approvals that are required such as the SWPPP, NYCDEP, Health Department, and NYSDEC. Cynthia refers to the Final Plans and states some of the items may have been done already, but the list is based on the previous submittal that Will had reviewed. Cynthia confirms with Mr. Peragine that he has read through all of them. Mr. Peragine states he believes they are all done. Will asks if there is anything in the review from Frank that should be added to the list. Mr. Peragine states that Frank had commented previously about our showing the location of the perk holes. Mr. Peragine states they are on the drawing. Frank refers to his design data sheet comment. Mr. Peragine states he still has to do that. Frank states he believes the Board accepted that the contractor's certification can be done after the Notice of Intent is filed and before construction begins. Will states that language is in the current Draft. Cynthia refers to Page 9 regarding the Performance Bond and states the Applicant has to develop a number that would be reviewed by Frank. Cynthia asks Frank if the Performance Bond is for the construction of all the stormwater or construction of maintenance. Frank states he has to read the law and review the requirements in the Code. Cynthia states we are looking for a Performance Bond which is a cash amount if the Applicant fails to build and finish the Project then the Town is assured that it gets done. Cynthia states Mr. Peragine is supposed to develop the cost of constructing the stormwater and Frank would review it to see whether it is suitable and that becomes the basis for the Bond. Frank states it is not a Maintenance Bond. Will states it is a Performance Bond. Mr. Zorn confirms it is just for the construction aspects. Mr. Peragine asks if this is just for the stormwater management system. Cynthia states she believes so. Will states it is not related to the parking lot. Cynthia states Mr. Peragine should present a list of what he projects the construction costs will be. Cynthia states that Frank will review it and sometimes factor in administrative costs on top of that to develop the total. Christopher asks if the Town Attorney approves it in the end. Cynthia states yes, but it usually goes through the Planning Board also. Cynthia states the procedure is for it to be presented to the Planning Board and they refer it to Frank who will review it, and the Planning Board will do a Recommendation to the Town Board so it goes on their Agenda. Christopher states he was just reading the language. Cynthia states she doesn't see the Maintenance Agreement in the Draft Resolution. Will states it is not specifically spelled out, but it is relative to finalizing the SWPPP. Cynthia states that is fine. Cynthia states maybe language should be added on Page 8 under b regarding the receipt of a signed Maintenance Agreement. Cynthia states this would shift the filing over to the Town Attorney. Cynthia states the Applicant signs it, we present it to the Town Board for Warren to sign and Roland to file. Mr. Peragine refers to the list of drawings on Page 3 and states it didn't include the two drawings they added for the parking. Cynthia states that is alright because the Draft Resolution is based on the prior submittal. Will states that Mr. Peragine will need to have a revision date. Cynthia states everything else looks fine with her and asks the Board if they have anything further. The Board states no.

Chairwoman motions that the Planning Board approve the Draft Resolution Regarding the Addition of the Pool and Pool House for Salem Golf Club Which Includes a Negative Declaration under SEQR, a Lot Consolidation Merger, a Conditional Use Permit, a Site Development Plan, and a Stormwater Permit Recommendation, as Modified. Gary Jacobi seconds. All in favor. No opposed.

After the motion Mr. Zorn asks Cynthia whether he should call Karen Futia tomorrow for the Lot Merger documentation. Cynthia states yes. Karen should get it directly to Roland, or to Dawn for forwarding to Roland for filing. Mr. Zorn states he will do that and thanks the Board.

Cynthia thanks Frank and states it has been very helpful having him here tonight.

4. Verizon Wireless: Cara Bonomolo (owner – Croton Falls Fire District)
Amended Site Development Plan (location – 40 Sun Valley Road)

- Consider Report From Town Engineer
- Consider Amount of Removal Bond
- Consider Draft Resolution of Approval

Cynthia states she wants to make sure that the Bond that came in separately was acknowledged as part of this Draft Resolution. Cynthia refers to Page 2 and states No. 1, Item b refers to the Applicant providing an adequate Bond. Cynthia states we may do both tonight, adopt the Draft Resolution and make the referral over to the Town Board. Cynthia asks whether there are any questions or comments on the Draft. Cara Bonomolo refers to Page 1 in the description of what is being proposed and states the last bullet states that there will be three new GPS units on ground equipment, and they are installing two, not three. Mrs. Bonomolo states she believes it wasn't clear on the original Plans, and when they submitted the most recent Plans it was clarified. Mrs. Bonomolo states there is one existing, and two are being proposed. Gary asks Mrs. Bonomolo what they use the units for. Mrs. Bonomolo states she believes it is to help locate the Site. Gary states they know exactly where it is. Mrs. Bonomolo states it is for communications purposes for the transmission. Gary states it is for linking back.

Chairwoman motions that the Planning Board approve the Draft Resolution Regarding Amended Site Development Plan Approval on the Verizon Wireless Sun Valley Drive Tower, including one correction. Gary Jacobi seconds. All in favor. No opposed.

Chairwoman motions that the Planning Board Refer to the Town Board their Recommendation on the Removal Bond to be set at \$16,700.00 based upon the submittal by the Applicant and the review by the Town Engineer. Christopher Brockmeyer seconds. All in favor. No opposed.

5. Hayfields Market: Renea Dayton (owner – Ralua, LLC)
Amended Site Development Plan (location – 1 Bloomer Road)

- Discussion Regarding Pending Approvals

Cynthia states we have a letter from Don Rossi, a paper set of Plans from Tim Allen from the last Approval the Board had done, as well as a new set of Plans which she assumes Renea Dayton will talk with the Board about this evening. Cynthia states she would like to go over some of the comments from Mr. Rossi. Cynthia refers to the Plans and shows the Board what was Approved a few months ago, as well as the version we will talk about tonight. Christopher asks what Cynthia is referring to when she talks about the last Approval. Cynthia states it was a couple months ago. Will asks if this is the version he reviewed last for compliance of the Conditions of Approval. Cynthia states that is right. Cynthia asks Will if he prepared a formal Memo or just a quick e-mail. Will states he prepared a formal Memo. Cynthia states the Mylar's have not been presented because now Mrs. Dayton wants to talk to us about doing things a little bit differently.

Mrs. Dayton asks whether she should just mention everything that is new. Cynthia states yes. Mrs. Dayton refers to the latest Plan and states the changes are all based off of Bruce Thompson's assessment of the Site and how certain aspects are different than how we originally thought due to operating the business for the last four or five months. Mrs. Dayton states she has been able to assess what works better. Mrs. Dayton states one of the biggest topics is the fence they have put in. Mrs. Dayton refers to the Plan and states there is a fence going from the back side of the greenhouse and around the side which defines the storage area. Mrs. Dayton states this was not on the last Approved Plan. Mrs. Dayton states the second change they would like to make

is to move the bagged storage materials from next to the cooler to over by the greenhouse. Mrs. Dayton states that would be the outdoor storage of bagged materials and garden supplies. Cynthia asks whether that area will be kept open or fenced in. Mrs. Dayton states it would be left open. Charlotte states people would be able to see the items prior to purchasing. Mrs. Dayton states the bagged materials will be there for approximately four months, and they are gone. Charlotte states such as the mulch. Mrs. Dayton states the gate will be kept open and it is nice back there because cars can drive through the opening, pick up their bags, and leave. Mrs. Dayton states the Health Department has also pointed out that they do not want us to have the materials where critters can live, such as near the walk-in cooler or kitchen shed. Mrs. Dayton states in her opinion that was a big red flag in terms of relocating the materials. Mrs. Dayton states it looks nice and she has pictures if someone would like to see them. Will asks whether the materials are on pallets. Mrs. Dayton states yes. Mrs. Dayton refers to the dumpster and states it has been moved to the correct location. Mrs. Dayton states she believes it wasn't in the correct location on the prior Plan. Mrs. Dayton states what was supposed to be planters to designate the parking is now a split rail fence. Charlotte asks where the bike rack will be located. Mrs. Dayton refers to the Plan and states they suggested putting the bike rack in front of the opening. Will asks what the bike rack will be made of. Mrs. Dayton states it will be metal. Mrs. Dayton states she has not bought it yet. Will asks whether it would be movable. Mrs. Dayton states yes. Mrs. Dayton refers to the planters and states they would not be movable without the help of three people or a forklift. Will asks whether the planters will still be there. Mrs. Dayton states yes, she thinks so. Mrs. Dayton states they have added additional outdoor seating to the Plan in addition to the outdoor seating they originally designated to be under the awning. Charlotte asks if that is where the handicapped parking had been proposed to be. Cynthia states it was suggested but they kept the handicapped parking somewhere else. Cynthia states if you count four seats at the picnic tables, you now have 14 seats outside. Mrs. Dayton states that is correct. Cynthia states she brings this up because according to the Board of Health, Mrs. Dayton has to stay at either 19 or under 19. Cynthia states there is seating for four or six inside and Mrs. Dayton should pay attention to that. Mrs. Dayton states there are 6 to 10 seats inside and 14 outside. Mrs. Dayton states the outside seating will not be there after November. Mrs. Dayton states her business theory is to have more than 14 seats so people have options. Mrs. Dayton states she does not know if that applies to the laws and the rules. Mrs. Dayton states there may be 20 available seats at a picnic table, but we only have 14 at a time, she doesn't know if that is a problem or not. Will states the Health Department has stated that Mrs. Dayton may have 19 or less, so do not show anything more than 19. Gerry states only show 19 seats. Mrs. Dayton refers to the Plan and states it only shows three tables as Bruce suggested adding them. Mrs. Dayton states that nothing inside is shown. Cynthia states it shows the two picnic tables. Mrs. Dayton states yes, it shows the two picnic tables which would be outside seating. Cynthia states those two picnic tables could probably seat six, but if Mrs. Dayton wants to put four it is fine. Cynthia states Mrs. Dayton should show 19 seats on the Plan and no more. Will asks Mrs. Dayton whether the Health Department requires to see a Plan that shows the actual seats. Mrs. Dayton states they are on the Plan with a bullet point referring to the 19 seats. Mrs. Dayton states they are only showing exterior seating on the Plan, they don't define the inside seating. Cynthia states that Mrs. Dayton has to because the Health Department has the 19 seat requirement. Mrs. Dayton states the Health Department has their own interior space Plan. Gerry asks how many seats the Health Department Plan shows for the interior. Mrs. Dayton states there were 16 or 18. Gary states there can only be 19 all together, on both Plans. Mrs. Dayton states the Health Department has received the Plan and already given them approval. Cynthia states if 15 seats are inside, you can move 14 outside because Zoning allows that, but do not show the seating in both places. Cynthia states for the purpose of this Plan, show the outside 14 seats, and the inside 5 seats. Cynthia states if Mrs. Dayton is going to move the seats around during the cold weather, that will match the Board of Health Approval. Cynthia states it is very typical to open the doors and move seating out, but you cannot have both, and cannot show both. Mrs. Dayton confirms she will show five seats inside. Will states Mrs. Dayton has to mimic the information that was given to the Health Department. Will states Mrs. Dayton has to be consistent with the Health Department, as they will do periodic inspections. Cynthia asks whether the seating is set up inside now. Mrs. Dayton states no. Cynthia confirms there is just the little room with a few stools. Mrs.

Dayton states yes, and a couple of little tables also. Will states he thought the number of seats affected the parking count. Cynthia states if the seating is inside, the outside seats will technically be moving inside. Will states he understands that but talks about what the parking supports in terms of retail and netting out. Cynthia states we haven't gotten there yet. Will states there is a different calculation now in the new Code. Gary asks Mrs. Dayton how many parking spots she has. Will states it is not on this Plan. Cynthia states to Mrs. Dayton that Tim Allen needs to show what the retail needs and what the outdoor seating needs are. Mrs. Dayton states Mr. Allen just has a total. Cynthia states he has to break it out. Will states there is a parking standard for the retail space which is on the current Plan. Will states recent Amendments to the Town Zoning Code that the Town Board adopted which allows the food service aspect also has a parking count for the number related to the number of seats. Will states that has to be netted out for the retail. Will states between the area devoted to the seats that gets netted out for the retail and the requirement for the seats, Mrs. Dayton needs to make sure the number of seats match the number of parking spaces. Will states that may affect the maximum number of seats. Mrs. Dayton confirms the Board had allowed her to have up to 16 seats for outside dining. Cynthia states the 16 outside seats have nothing to do with the inside. Cynthia states if Mrs. Dayton moves her seating outside she is supposed to have only 16. Will states there is no difference inside or outside in terms of seating. Cynthia refers to accessory seating. Will states accessory seating is irrelevant whether indoor or outdoor. Cynthia states she was just trying to explain that the seating cannot be in both places. Cynthia states it is a reduction in the retail space. Will states the main point is that whatever number of parking spaces there are available will dictate how many seats someone may have. Will states it may not reach 16 or 19. Mrs. Dayton asks whether Will is referring to the Town Regulations or the Health Department. Will states the Health Department has told Mrs. Dayton that she could only have a maximum of 19 seats based on her septic capacity. Will states the Site capacity for parking spaces may say you can only have 16 seats. Mrs. Dayton states they did parking based on 16 seats. Will states the 16 is the maximum allowed under Zoning, but if there isn't enough parking, less seats would be needed. Will states the calculation has to be done in order to know what areas are devoted to the seating, which will be netted out of the retail. Gary states that Mr. Allen should be able to do this. Cynthia states he should be reminded that he has to show one space for every four seats. Gary states Mr. Allen he needs to come up with the number of parking spots and the number of seats, and make sure they reconcile. Cynthia states it needs to be broken out on a chart. Christopher states it is a simple calculation. Cynthia states the retail square footage will be reduced, and seating will be added. Will asks Mrs. Dayton whether she had extra spaces to begin with. Cynthia counts the spaces and comes up with 20. Cynthia suggests the information be covered with a note such as the seating is limited to 19. Will asks what the Zoning limitation is. Cynthia confirms that Will believes this will be accessory seating. Will states he will look at the Definition again to make sure. Cynthia states Mrs. Dayton may be limited to 16 by the Zoning Code, whether in or out. Cynthia reads the Zoning Code where it states 16 seats for combined interior and exterior. Will asks Mrs. Dayton whether she has a total of indoor and outdoor seats. There is a discussion about the picnic tables. Will states we are going to count the picnic tables as having four seats. Charlotte states they are definitely not big enough for six. Mrs. Dayton states 14 seats outside. Gary states then five seats inside. Mrs. Dayton states right now there are 10 seats inside. Will states that would be 24 seats. Mrs. Dayton talks about taking out some of the stools. Gary states take out five. Cynthia states or the picnic tables. Will states Mrs. Dayton will be allowed 16 seats and she will need to maintain and balance them for indoor and outdoor use. Charlotte asks what happened to 19 seats. Will states 19 doesn't work with the Health Department and the Zoning Code allows for 16 seats based on the parking. Will states the seats are accessory, this is not supposed to be a restaurant. Cynthia states Mrs. Dayton will need to go for a couple of variances based on the Plan and if the Health Department allows 19 seats the Board could consider recommending a variance for 3 more. Cynthia states Mrs. Dayton should tell Mr. Allen that the Plan can only show 16 seats.

Cynthia states Mrs. Dayton is showing parking in the front where people are parking. Cynthia states the Board has to send Mrs. Dayton over to the ZBA for a Variance for them. Cynthia states Mr. Allen is showing us that it can work, but it will need to go through a review with our Engineer to make sure it is manageable and safe.

Christopher states the main concern he has with the overall entire design is that there is a need to create some sort of a barrier between where the people are parked and where people will be backing out, as it could create a really dangerous situation. Will states dimensionally it doesn't work. Mrs. Dayton states the barriers are the display tables. Christopher states they need to be sufficient so if someone slips and ends up on the accelerator going backwards the car will be stopped. Christopher states it would be a huge liability for everyone involved. Cynthia states they need to be all across the area where there is seating, and the term is bollard. Cynthia states some people think they may have a planter bollard where it is secured in the ground. Cynthia states if a car were to hit it, it would not become a weapon and go into the seats with the people sitting there. Cynthia states there have been too many incidences where cars have crashed through. Will states there are a lot of people driving through store fronts these days. Christopher states it happened in Croton Falls two years ago. Charlotte states she cares about the safety aspects. Will states his concern is if the engineering is applied, the end area will not meet the standards because there is not enough room for a traveled lane. Cynthia states it will need to go through a review with both Will and Frank. Will refers to public safety and states if there is a problem, not only will Mrs. Dayton get sued, but the Town will as well. Cynthia states wouldn't the engineer who has his name on the Plan be liable. Will looks at the Plan and talks about the dimensions. Will states the real dimension should be 24 feet for an aisle. Parallel parking is discussed. Will states it can work until something happens. Christopher states everything else looks great and his only concern was the parking in the front in terms of safety.

Cynthia refers to what is permitted in terms of yards and storage areas and states we need to reconcile this with what is permitted. Cynthia states she does not agree with taking the yards down to zero. Cynthia states there are three things going on in the storage area. Cynthia gives an example of (a) being the outside yard area where originally there were supposed to be just live plants. Cynthia states we are talking about a 25 foot rear yard. Bruce stated he changed his mind and wanted it to go down to 10 feet as a side yard. Cynthia states the Code is very clear where it refers to a corner lot with two front yards having a side and rear yard. Cynthia states she doesn't have a problem bringing the type of storage down, it is just how to get there. Cynthia states she cannot accept that we went from the Planning Board setting the yards in accordance with the Codes, the ZBA granting all of the Use and Area Variances based on the same thing, and now Bruce changes his mind and calls it a side yard. Cynthia states she believes we can get there by redefining the type of storage Mrs. Dayton needs. Cynthia refers to the darker area (b) and states that would be for all the other items, plus plant material. Cynthia states it would be everything that is for sale. Cynthia refers to the items on pallets. Cynthia refers to an area on the Plan and asks Mrs. Dayton if she still agrees it is just for live plants. Mrs. Dayton states there is a rock wall back there and agrees. Cynthia states she doesn't want to see the fencing then. Mrs. Dayton states there really won't be anything there. Cynthia states right now it is full right up to the wall which is not allowed. Mrs. Dayton states if you look back there you will not see a lot of items, just a big blue tarp which we really need to get out of there. Cynthia asks why the fencing would be needed then. Will asks what the purpose of the fence would be. Cynthia refers to the fence hiding things behind it. Will asks whether Mrs. Dayton is storing items behind the fence. Mrs. Dayton states yes they are storing items in the outdoor storage area. Charlotte asks what type of materials are being stored. Mrs. Dayton states she has pictures if the Board would like to see them. Mrs. Dayton states there is a fork loader, another walk-in cooler, and Christmas tree stands that come out for the winter being stored. Cynthia states the Christmas tree stands are the only item out of the three that are allowed to be there. Mrs. Dayton states there are rolling carts stacked there. Cynthia states if there is fencing there the whole area will be used. Cynthia states there is supposed to be a clear separation or line of nice screening or greenery. Cynthia states it is an invitation to turn it into something else. Mrs. Dayton states it will not be a junk yard like it used to be as she doesn't have enough junk to put back there to make it a junk yard. Mrs. Dayton states the point of having the fence meet the other privacy fence is to create a closure as it would be weird to have an opening. Cynthia states that would require another Variance because both fences exceed the permitted height. Cynthia states a Variance would be needed for the corner parking area, but she wouldn't have trouble with that recommendation. Cynthia states she doesn't have a

problem bringing storage back to the ten feet, but wants assurances that certain items won't be stored back there. Cynthia states that is why she questions the six foot fence.

Cynthia states Mrs. Dayton mentioned letting people drive in, fill up, and drive out which she isn't showing on the Plan. Mrs. Dayton shows on the Plan where people pull up to fill up. Cynthia states people really shouldn't be driving in there because it is not shown. Cynthia refers to an area being closed off. Mrs. Dayton states there is an opening there. Cynthia states that is not what you are showing. Mrs. Dayton states it looks like a swinging door. Cynthia refers to vehicles and states Mrs. Dayton is not showing that a vehicle can go there. Cynthia states she isn't sure why Mr. Allen took it out, as it was in the original Approval. Mrs. Dayton states that is not a parking spot. Cynthia states it was like a loading area. Mrs. Dayton states she doesn't think all of them will fit if it is kept in. Will states this doesn't work, no one knows where to park. Mrs. Dayton states it does work and we are doing it. Cynthia asks Will to take a look at the Plan that was approved and states that Mr. Allen changed it. Cynthia tells Mrs. Dayton to ask Mr. Allen why he changed it. Cynthia asks Mrs. Dayton to take a look at the approved Plan so she may see what Mr. Allen did. Cynthia states parking spaces have been added. Cynthia states it no longer works and it used to work. Charlotte asks if Mr. Allen was just creating more spaces. Christopher asks why Mr. Allen did that and states it may have created one more space. Gerry states maybe to satisfy the seats. Cynthia refers to the Plan and states that spaces were shifted way over. Will states the way it is happening now is because the cars are parking further away from the center point. Will states they are not actually parking in the physical place that is shown on the Plan. Cynthia states the loading worked, but just talk to Mr. Allen. Will refers to space number 5 and states maybe it could be designated as a loading space.

Cynthia asks whether the bike rack needs to go on the Variance list. Will states that is why he was concerned about what it was made of. Cynthia states it is a structure, no matter what it is made out of. Will talks about it being movable. Charlotte talks about it being taken in during the winter time. Christopher states it is better to be safe than sorry. Cynthia states she has no problem with the bike rack, but if it needs a Variance let's just do it. Will asks Mrs. Dayton if she is trying to achieve more parking spaces with the revised Plan or whether she is reflecting how people park instead of teaching people how to park correctly. Mrs. Dayton states it was suggested we add the supplemental parking to the Plan because that is what people are doing. Will asks who made the suggestion. Mrs. Dayton states Bruce Thompson. Will states he thinks Mrs. Dayton should spend time teaching her clients where to park. Mrs. Dayton states they do. Charlotte states that is impossible. Will states no it's not, signs may be put up. Cynthia refers to the dumpster and states it would have been a lot easier to move the dumpster. Mrs. Dayton states they do park in front of the dumpster. Will states that is usually a loading space.

Cynthia states the issue that came up in her mind has to do with the color distinction in the storage area. Cynthia states the wording is trying to be changed and it does not reflect the prior Approval of the ZBA which was clearly based on the recommendation of the Planning Board. Cynthia states in her opinion, the three types of storage are allowed, but the Definition of the storage cannot be changed. Cynthia states we have to go back to the original Approval and asks if the Board agrees. The Board agrees. Gerry states the ZBA Approval was based on the Planning Board recommendation and that is the limitation. Cynthia states what Mr. Rossi put in his letter does not make any sense to her. Gerry agrees. Cynthia states this is fine, but don't change the wording and don't change what you are doing. Cynthia refers to the live plants and where all the other storage will be. Cynthia states the Planning Board didn't say Mrs. Dayton had to have a fence. Cynthia states they wanted the materials screened so there was no view from the front of the building. Will refers to the two areas Cynthia has marked a and b and asks if she knows what percentage of the Site they are. Cynthia states no. Will states there is a 20% limit for outdoor storage. Cynthia states it should be less. Will asks how the yards are going to change. Cynthia states that is the question. She talks about getting from one point to the other and states it would now be under today's Code. Cynthia states Mrs. Dayton received a Use Variance to put

outdoor storage, but it is not allowed in a required yard. Will states that live plants are the only items allowed in a required yard. Will states that Bruce cannot change the yards, as they are what they are. There is a discussion about the Use Variance being modified to allow the materials to go into that portion of the yard. Will states outdoor storage is still not permitted. Gerry states if you have a Use Variance and extend it, you would need a new Use Variance. Gerry states a problem that he has seen, in his experience with properties like this, such as landscaping and garden supplies is they tend to have a life of their own. Gerry states from his perspective and experience, the more you have everything defined, the better you are so everybody knows what the game is. Gerry states with all respect to Mr. Rossi, not so it is limitless as that is not what was intended with the Zoning Board. Cynthia states the original Plan reflects what was defined and granted and asks if there is any way to change 15 feet of the yard. Cynthia states the Use Variance allowed for outdoor storage of live materials in any yard and the other items in a designated area so long as the total doesn't exceed a certain amount. Mrs. Dayton states she would think the other items should be behind the greenhouse. Mrs. Dayton talks about materials being in the setback because there is not enough space behind the greenhouse. Christopher states that what Gerry said makes sense, but it is hard to get the Plan to conform with what was actually Approved. Christopher talks about limiting it to live plant materials being in a 15 foot area. Cynthia states that is all Mrs. Dayton is allowed. Christopher states if that is the case, there is only one area to hide the junk. Cynthia refers to an area where live materials and other items for sale may be located. Charlotte asks about the bagged materials such as mulch. Cynthia states they may be moved but technically cannot be in the yard. Cynthia states there is an issue with the yard and somehow Mr. Rossi is trying to say the Condition was not adopted by the ZBA. Gerry states the Plan on the left was adopted by the ZBA. Cynthia states the Board does not agree with Mr. Rossi in terms of the changes. Will states Mrs. Dayton would need to go back to the ZBA for changes. Cynthia states yes, for a Use Variance. Cynthia asks how Mrs. Dayton would get a Use Variance when she purchased the property with the Conditions in place. Cynthia states the Town didn't change the Zoning, it is a self-created hardship. Gerry states a Use Variance would be legally impossible because it is self-created, and a self-created hardship cannot receive a Use Variance. Will refers to the Bulk Standards and asks if it stated that the storage is not permitted outdoors, or is there other language. Will asks Cynthia what the language is in the NB Schedule in the current Zoning Code. Will looks at the NB Schedule language whereas it states "no access way, parking, loading or storage areas shall be provided within 15 feet of any residential district". Will states the yard is 25 feet from the rear. If this is a residential district, 10 feet could be picked up. Christopher states the Plan would need to shrink by five feet in order to comply with the current Code. Will states the storage under the current Code can be as close as 15 feet. Cynthia asks if the side yards can stay at 10 feet because of the previous Use Variance. Will states that does not change. Will states the Use Variance could be kept. Cynthia states that is the best we can do, as to bring it down to 15 feet. Gerry asks how Mr. Allen is going to know all of this. Gary states he is not. Gerry states Mr. Allen needs to put this on a Plan so this Board is satisfied. Will talks about Mrs. Dayton possibly receiving an Area Variance for the requirement. Will states it could be obtained for both yards. Gerry states he assumes Area Variances would not be difficult. Will states the Area Variance would be requested to reduce the 15 foot restriction in Column g on the NB Schedule. Gary states much of this conversation is pointless because Tim Allen is not here to draw it up. Cynthia states this is all about going for the Variances. Cynthia asks Will if it may be taken down to 10 feet with an Area Variance. Will states Mrs. Dayton may apply for an Area Variance. Cynthia states our recommendation would be based on the Code. Will states under the Code without an variances the 25 foot restriction on the Plan, which is the current Approval, can go to 15 feet with the Planning Board's recommendation. Will states the current Code will supersede the Variance limitation of the 25 feet, because the Code allows it now whereas it didn't before. Gerry states that is right. Will states Mrs. Dayton can enjoy the 10 foot part because that still rides with the property. Will states an Area Variance may be requested to reduce the 15 further, maybe 0 or 10 feet. Cynthia states she has an issue with the fencing. Mrs. Dayton states it is up to Bruce Thompson to make sure we are doing it the right way. Mrs. Dayton states she doesn't want it to be a junk yard and there is storage back there. Mrs. Dayton states without the fence the storage does not look nice. Cynthia states it is not supposed to be storage of stuff, it is supposed to be storage

of items for sale, and part of the retail sale. Gerry states there is no storage allowed back there. Mrs. Dayton asks where she should put things. Cynthia states buildings and sheds should be there for the items to go into. Christopher states there is a residence on the other side. Cynthia states the whole idea of the Code is that nothing is allowed outside. Cynthia states this is a requirement in all Commercial Zones. Christopher states we do not want a resident complaining. Will states the Code allows for storage. Charlotte states yes, screened storage. Will states it allows outdoor storage within 15 feet of a property line. Will asks to see the NB Schedule again. Cynthia states she is thinking about the Use Variance, but now we are jumping over to a Permitted Use. Will states there is a contradiction in the Code whereas it states that “no access way, parking or loading, or storage areas shall be provided within 15 feet of any residence district and such areas shall be landscaped so as to screen such areas from said adjoining district”. Will states clearly it provides for storage areas outside because you are not going to screen an indoor storage area. Will states it has to be screened with landscaping from the adjoining district. Will states he would include fencing in the category of landscaping. Will states it also states that “all Uses except parking, loading, and recreation, communication and utility facilities shall be in fully enclosed structures or otherwise noted”. Cynthia states so now we go back to the Use Variance where it is allowed to be outside. Will states that is a contradiction because you can’t allow storage in one place and not allow it in another. Will states the contradiction always goes to the Applicant, not to the Town. Will states it does contemplate outdoor storage and there is a limitation of it being within 15 feet of a residence district and landscaped accordingly. Will states the Use Variance occurred at a time when it wasn’t allowed in the District. Cynthia states that Condition was still in the Code. Cynthia states they were not paying attention to that column. Cynthia states they were just going by the Use not being permitted. Will states the outdoor sales of material of inventory is the principal Use, and that is not the same thing as storing a forklift, or equipment you need to operate your business with. Will states to him those are two different things. Cynthia states she agrees. Will states the Use Variance was covering the retail sale aspect. Gerry states as Cynthia mentioned before, Mrs. Dayton cannot store the forklift back there. Gerry asks what is under the tarp. Cynthia states the Use Variance covered items for sale and broke it into two groupings; live plantings, and all the other items for sale. Cynthia states Will is pointing out that other items may be outside that are used to run a business, such as garbage pails. Mrs. Dayton states she could give the Board five examples of what is back there. Mrs. Dayton states there is a forklift. Mrs. Dayton states they are not able to use the water per the Health Code, so they have 25 gallons of Crystal Rock water bottles being stored. Mrs. Dayton states they have two rain barrels, and the Christmas tree displays that hold the trees. Cynthia states these are all items that are usually within a garage-type shed or building. Cynthia states taking the items out of the building is what the Code didn’t want to see in terms of clutter outside. Will refers to the language “all Uses except parking, loading, and recreation, communication and utility facilities shall be within fully enclosed structures”, ending by saying “or otherwise permitted”. Will states that allows for outdoor storage based on the other item in the column. Will states to him a storage area is not patron accessible. Will states it could be the storage of items to be sold, but the patrons do not have access to them. Will refers to having a display of planters, and having 20 more in the back. Mrs. Dayton states historically this area has always been for the storage of business supplies, not for extra inventory. Will states historically they did not operate anything according to the Approvals. Will states the forklift and tree stand items need a home. Mrs. Dayton talks about the setbacks and states the more they start to push items against the greenhouse, the more it makes her nervous. Mrs. Dayton states the structure is fine, but stacking things against it makes her nervous. Cynthia states Mrs. Dayton cannot over utilize the Site, as this is what she purchased. Mr. Dayton refers to the dark grey area on the Plan and states there is not enough storage area without pushing everything up against the greenhouse. Cynthia states maybe Mrs. Dayton cannot have as much materials as she would like to have. Christopher refers to the language will just read and states someone may go up to 15 feet out, so you are gaining 10 feet from the original Approval. Christopher asks Mrs. Dayton if that is workable, unless she requests an Area Variance. Mrs. Dayton states she will go out and see what that does. Will states the Planning Board could give Mrs. Dayton another five feet. Mrs. Dayton states they can work with that. Gerry asks where there may be a spot for a shed. Cynthia refers to the RO Zone and states everything has to be enclosed.

Cynthia states there is a spot for a shed and there used to be a shed there. Gerry states the ZBA approves sheds on a monthly basis. Gerry states if that is the issue, maybe that should be considered. Gerry refers to a shed that blends in. Mrs. Dayton states that is the point of the fence. Gerry states a fence is not an enclosure if he understands the Board. Will asks to see the RO Sheet. Mrs. Dayton states a shed would be a limitation and refers to the height of the tree stands. Mrs. Dayton states she believes they will be able to work within the 15 feet. Cynthia states she thinks with the 15 Mrs. Dayton may still do the bulk storage. Cynthia states she thinks the Board can work with Mrs. Dayton down to 15. Gerry states Mr. Allen should put the bollards on the Plan. Cynthia states yes, he has to.

Christopher states if the Board goes through this whole approval process and doesn't end up with bollards to provide stoppage, if someone gets hurt, we are in trouble, as well as Mrs. Dayton. There is a discussion about the style of the bollards in terms of them being planters. Mrs. Dayton states there are two already there. Will states Mrs. Dayton needs an actual planter that is made for the purpose of a bollard, not landscaping planters. Will states those would be crushed in 10 seconds and a car would go right through them. Will states they make specific planters that also act as bollard barriers. Mr. Dayton asks if the Board is suggesting the parking be kept. Cynthia states that has to go through review, as we need to hear from Will and maybe Frank as to whether they agree with Mr. Allen that it will work and function safely. Mrs. Dayton states after the first four months of being open, people are parking in the front. Mrs. Dayton states from a business standpoint it looks as if we are busy. Cynthia states there could be four parallel parked cars instead of parking straight in. Mrs. Dayton states it doesn't look as if anyone is there if cars are parked on the side. Mrs. Dayton states it will help her business to have cars parked in the front. Will refers to the car show that was held on the Site and states it was impossible to park anywhere else. Cynthia refers to the planters and states Mr. Allen has taken four feet away from the area. Cynthia asks whether the planter bollards may go right under the edge of the awning. Mrs. Dayton states they have two cement planters that are not movable in this specific area. Mrs. Dayton states they are already in place. Cynthia states her question is whether they are in front of the awning. Mrs. Dayton states yes. Cynthia states that is part of the dimensional problem and asks if they can be back further under the awning. Mrs. Dayton states yes. Cynthia states that Mr. Allen is not showing us enough. Will states it still isn't going to work. Christopher refers to the grass area past the split rail fence and states there would be enough room for parking. Will refers to the parking isle and states it doesn't work per the Code. Cynthia states when Mr. Allen had been before the Board previously we asked him if the parking could go there and he told us it didn't work. Mrs. Dayton states Bruce Thompson asked us to add this because this is what is happening now. Cynthia states Bruce doesn't deal with Site Plan, dimensional matters, and safety issues. Cynthia states the Board has to deal with whether it could be designed and whether an engineer would sign off on it. Bernard talks about the bollards being pushed back more. Will states there isn't enough room. Cynthia talks about moving closer to the lot line. Cynthia asks where we go from here and asks Mrs. Dayton whether she wants Mr. Allen to re-work the Plan. Cynthia states he has to re-work it. Mrs. Dayton states she doesn't want to pay any more money than she has to. Cynthia states this has to be safe. Gary states that a lot of Variances are being asked for. Will states Mrs. Dayton is not going to support a Zoning Variance. Cynthia refers to the beautiful split rail fence and states it is nicely landscaped so why give that up. Christopher asks why not put in four parallel parking spots. Will states people will still need to be taught how to park. Cynthia states it could be striped. Charlotte suggests putting up signs that state parallel parking only. Will asks whether it matters if there are four cars there versus six cars. Charlotte states business-wise it does. Mrs. Dayton states that six cars would fill up the corner. Will states they would still fill the entire space. Mrs. Dayton states they do have people that parallel park there. Will states that is because there is no control of where to park. Will states he doesn't think having cars parked there make a big deal for the business. Will states to Mrs. Dayton that makes people go to the business is her and what she gives them. Mrs. Dayton states she has been there every single day for the last six months and she knows what works and doesn't work. Mrs. Dayton states yes, she has done better than the previous owner. Gary states Mrs. Dayton should go back to Mr. Allen and tell him what he submitted will not fly. Gary states Mrs. Dayton should push back on Mr. Allen

and tell him he should never have submitted a Plan that wouldn't work in the first place. Mrs. Dayton asks what the Board is suggesting in regards to the supplemental parking. Mrs. Dayton talks about moving into the lawn area. Cynthia states she believes parallel parking would work. Christopher suggests that people parallel park or move into the lawn area which he doesn't think is a great idea because it looks nice as it is. Bernard states he would move into the lawn area. Gary states that is up to Mrs. Dayton. Cynthia states it is up to us also because we are talking about Variances and people are not supposed to park in their front yard. Cynthia asks why we would recommend getting rid of beautiful plantings in the front. Cynthia states maybe Mrs. Dayton could push a foot or two. Gary states Mrs. Dayton would like to have the spots in front so when it is filled it looks busier. Cynthia states she still doesn't know if there is enough room to do that. Mrs. Dayton states if there was, she would be interested in that idea. Bernard states Mr. Allen should measure it out. Bernard states he hadn't been to Hayfields until today and he pulled right in where Mrs. Dayton has been talking about. Charlotte states everybody parks there. Bernard states there were two cars already parked there. Bernard talks about pushing the grass out. Bernard states Mr. Allen should look at it. Cynthia talks about the Board signing off on it. Bernard states he would sign off on it. Cynthia states she isn't going to sign off on it if the Planner does not feel it is safe or dimensionally it doesn't match the Code. Bernard states if it satisfies the Code, there is nothing wrong with it. Cynthia states she doesn't want to see all of the landscaping and greenery go away. Bernard states if a shed was there, why was it taken down. Bernard states he hasn't seen a shed there in years. Cynthia states a shed was there when Laura was there. Cynthia states the Board has given Mrs. Dayton a lot of suggestions and this has taken a lot of Will's time. Cynthia states the Board doesn't agree with Mr. Rossi. Will refers to measuring from the dumpster. Mrs. Dayton states she met on the Site with Mr. Rossi, Mr. Allen, and Mr. Kamenstein. Will states when cars are parked that way, they are not parked the way the Plan states it. Mrs. Dayton states if a car is parked in a spot, a truck cannot go through there. Will states that is not a spot, that is the dumpster area. Will suggests Mrs. Dayton transpose the lines onto her Site and she will see there is not enough room. Cynthia states Mr. Allen got rid of one spot and moved two spots down which narrowed the gap. Mrs. Dayton states Mr. Allen took out the third spot and put in a display cabinet. Mrs. Dayton states a car may be parked right up to the display cabinet. Will states Mr. Allen took out the third space and shifted the other two. Will shows on the Plan where the spaces used to end. Will states if Mrs. Dayton looks at both of the Plans she will see it. Mrs. Dayton states she believes Mr. Allen did this based on what is currently happening at the Site. Cynthia suggests the measurement be taken from the end of the building. Mrs. Dayton states she will look into it. Mrs. Dayton refers to the truck access parking, the 15 feet setback, the parallel parking or moving the fence, and the bollards. Cynthia states to undo the changes on the Notes. Cynthia states the Board is not sure about the bike rack. She likes the idea of a bike rack but doesn't know if it is in the right place and whether it needs a Variance. Cynthia states she doesn't have a problem supporting a Variance. Mrs. Dayton also confirms having 16 seats as a total for inside and outside. Will states the maximum of 16 is by Zoning, but there has to be enough parking to support them. Will states the parking calculation has to be done for the retail plus the seating to get to the total.

**6. Continental:
Subdivision**

- Consider Draft Resolution of Approval Regarding Performance Bond Default

Cynthia refers to the four lot Continental Subdivision with a house that was put up and never finished, as well as a road with a bottom and top coat that was never finished. Cynthia states there is a Bond in place and Warren met with some of the Owners and there are a lot of issues going on. Cynthia states that Roland suggested we call in the Bond and she thinks that would be wonderful because she is so tired of trying to figure out whether the Bond is still in effect or not. Cynthia states she just got a notice from the insurance company asking her for the latest on it and reminding her that it will expire on August 15, 2015. Cynthia states the Town would get the money and cause the work to be completed using that money. Gary asks Cynthia which

property this is. Cynthia states Brookside Lane, near Bloomer Road. Cynthia states it was a four lot subdivision. Gary states it is up for sale. Cynthia states there are two lots that are always up for sale. Gary states the house that wasn't finished is up for sale. Cynthia states yes. Charlotte states she thought someone was going to buy it. Cynthia states yes, and a lot line change had been talked about. Cynthia states she guesses they changed their mind.

Cynthia reads the Draft Resolution and asks the Board whether they have any questions. They do not.

Chairwoman motions that the Planning Board hereby recommends that the Town Board consider calling the Performance Bond No. 41039834 from Platte River Insurance Company, for the Continental Subdivision private road "in default" and take action accordingly. Gary Jacobi seconds. All in favor. No opposed.

After the motion Gary asks how much the Bond is. Cynthia states it is \$100,000. Cynthia states the Town would use the money to have the road done. Cynthia states the Town will have the money and it can only be used for the road.

7. Minutes:

- March 18, 2015
- April 1, 2015
- April 22, 2015
- May 6, 2015
- June 3, 2015

Christopher Brockmeyer motions that the Planning Board Approve the Minutes of March 18, 2015. Chairwoman seconds. All in favor. No opposed.

Christopher Brockmeyer motions that the Planning Board Approve the Minutes of April 1, 2015. Chairwoman seconds. All in favor. No opposed.

Christopher Brockmeyer motions that the Planning Board Approve the Minutes of April 22, 2015. Chairwoman seconds. All in favor. No opposed.

Christopher Brockmeyer motions that the Planning Board Approve the Minutes of May 6, 2015. Chairwoman seconds. All in favor. No opposed.

Christopher Brockmeyer motions that the Planning Board Approve the Minutes of June 3, 2015. Chairwoman seconds. All in favor. No opposed.

8. Financial Report:

- June, 2015

Chairwoman motions that the Planning Board Approve the Financial Report for June, 2015. Charlotte Harris seconds. All in favor. No opposed.

9. Next Meetings:

- Work Session – July 15, 2015 - canceled
- Regular Meeting – August 5, 2015

10. Resolution:

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