



up to 450 there are 14% grades and then it goes to 10% grade and down to 7%. Cynthia states we are talking about quite a bit of disturbance. Frank states the profile does show three areas; two with a 17 foot cut to the road and one with a 9 foot cut. Frank states at the last Public Hearing the comments and discussion were centered around the entrance portion, sight lines, and stormwater management practices in that area. Frank states the Applicant came back with a proposal to test in that area, because maybe that is how they understood the request. Cynthia states yes, at a minimum, we knew we wanted the Applicant to do the entrance. Frank states that, in his opinion, would show us what is in that area. Frank states as far as the road width goes, and the stormwater management practice goes, it is something different. Frank states the soil tests were done for all the stormwater management practices to show that they have to be feasible, and they were. Frank states in this case, they didn't go down to the full depth, but because of the detention basin there is no infiltration involved and they can go into rock if they have to. Frank states they got close, approximately 7 ½ feet down to approximately 10 feet down, and it is not critical for the function of the detention basin. Frank states the proposal shows what is in the area, but doesn't show the whole road. Frank refers to approvals being granted and states the approvals would allow the excavation to be done. Frank refers to it being contingent upon how long it would take them to do it, such as 10 days to chip rock out or 30 days. Frank states he doesn't know if that will affect the Board's Final Approval. Cynthia refers to the extent of blasting or chipping as well as the construction disturbance. Frank states they show the worst case disturbance if there is no rock there and they have to grade back. Frank states additional testing would provide the Applicant with more information so as when they are dealing with contractors they will be able to narrow down how much work and rock is involved. Cynthia asks whether the testing would have to be done later on during construction anyway, so wouldn't it be better to know the extent of the blasting and chipping now. Frank states it doesn't have to be, it comes down to the relationship they have with their contractor and how blindly they want to go into it. Frank states a contractor doesn't want to be surprised if they are going to have to deal with a lot of rock. Frank states it is between the Applicant and the contractor. Cynthia asks Will from a SEQR standpoint and disturbance, whether the Board would gain important additional information if they asked for the tests further down on the road or is this something that should be left open during construction time. Will states we need to determine whether there is an impact to be learned. Will states if the Board is not confident in the extent of the disturbance involved certain aspects cannot be done later. Cynthia asks the Board what they think. Gary states it seems to him the only piece of information the Board would be gaining is whether it is going to take 10 days or 30 days and asks what else would be gained. Cynthia asks Mr. Gregory whether he has thoroughly looked at whether the road could be slightly to the left or right, and would it cut back on some of the disturbance in terms of cutting. Mr. Gregory states they studied a lot of different layouts at the entrance. Cynthia states she knows about the entrance, and refers to further in. Mr. Gregory states the maximum grade is the issue. Cynthia refers to an area on the Plan further in and states there is a lot of cut and fill and disturbance. Cynthia asks Mr. Gregory whether moving it to the left or right will change anything. Mr. Gregory states no, because they would still be trying to continue to the upper area of the property. Mr. Gregory refers to preserving areas for stormwater and septic's. Will states the question is whether we have a handle on how much blasting, how often, and how long it will take to get the road in. Mr. Gregory states they are not opposed to providing additional test holes and talks about going up another 150 to 200 feet and states they may get a good idea as to where there may be rock. Mr. Gregory states if it is consistent with some of the other test holes being 7, 8, or 9 feet deep of soil, they can get an idea where they may encounter rock. Mr. Gregory states he doesn't think they will really get an idea how difficult it will be to remove the rock until construction. Mr. Gregory states some of the upper layers of rock may come out very easily and as they get deeper it may be more difficult and make it harder. Cynthia refers to an area on the Plan where the big cut is located at approximately 17 feet based on the estimation from Frank and asks how deep the test boring would be. Mr. Gregory states they would like to start initially with a backhoe going down 8 to 10 feet and see if they hit rock in that range. Mr. Gregory states if the rock is deeper, then they would need to consider bringing in a different piece of equipment to bore down to see where they encounter the rock. Mr. Gregory refers to providing information back to the Board in order to address some of the concerns of the neighbors as to what the extent would be in

the critical area. Mr. Gregory asks Cynthia to scroll down on the Plan in order to see the stations of the road. Cynthia puts the high point to the edge and scrolls down. Cynthia states it is stationed between 600 and 650. Cynthia states it is just nearing the driveway to the first lot which is at 700. Cynthia states if a test were to be done in this area it would give her a comfort level. Mr. Gregory states he doesn't have a problem with that and states they will try and concentrate between the entrance and up to the station Cynthia referred to. Cynthia asks Charlotte whether she would like to see anything more beyond that. Charlotte states she doesn't think so. Charlotte refers to the location of the big cuts and states those areas are the most important. Cynthia refers to the other areas with exposed bedrock in terms of giving the Board an example of what it will be like. Cynthia asks if there is exposed bedrock along the road. Mr. Gregory states he believes there is a little bit right now, but it could be impacted by going through. Mr. Gregory states he believes they show ledge rock on their existing conditions drawing. Will asks Mr. Gregory whether the tests will provide better information in terms of whether there is exposed rock or retaining walls. Mr. Gregory states he thinks so and that is the reason they concentrated in certain areas. Mr. Gregory states what he thought he heard at the last Meeting was that there was concern visually. Mr. Gregory states he believes this will help Mr. Pilch in terms of developing what we will have the ability to do along the front, where it is critical. Will states it is not only environmental, but also visual. Mr. Pilch refers to the Plan and states it is especially important in this area due to the visibility, so if we can determine whether there is bed rock, we will have an idea as to whether it will be graded back and landscaped or just exposed rocks. Cynthia states there will be additional test borings done up to station 650. Mr. Pilch states they will just use the backhoe to start with and go down 8 to 10 feet. Mr. Pilch states when you look at the profile it is a good way to start. Will asks what the timeframe is in order to get this done. Mr. Gregory states one week. Cynthia asks Frank if his office needs to observe any of the testing or should they just do it and report to him. Frank states it is better for them to observe. Cynthia confirms that Mr. Gregory will coordinate with Frank. Cynthia asks Frank whether he would like to see a revised Plan first. Frank states he thinks they can go forward based on the understanding.

Cynthia states since the Public Hearing is still open is there anything else we want to bring up at this point, or is there anyone in the audience with questions. Pam Pooley states she is curious as to whether the well testing has been done yet. Mr. Gregory states no, they have not performed anything regarding the water supply at this point. Cynthia states we don't normally have well testing on something such as a three-lot subdivision. Will states the Applicant will have to obtain Subdivision Approval by the Health Department. Cynthia states that is correct, but there is no draw-down test. Mr. Gregory states they are going to be speaking with well drillers who have knowledge of the surrounding areas as part of the Health Department review.

Cynthia asks whether there are any other questions or comments. Cynthia states if not, the Board will continue the Public Hearing at the next Meeting. Cynthia states if we have results from the tests we will continue the discussions, otherwise we will just hold it over until the Applicant is ready with the borings.

## **REGULAR MEETING:**

2. **Homeland Towers, LLC:** Robert Gaudioso (owner - Bloomerside Coop.)  
**Cond. Use/Site Dev. Plan** Anthony Morando (location – 101 Bloomer Road)

- Consider Report From Town Engineer Regarding Stormwater Management Performance Bond
- Consider Draft Resolution of Approval Regarding Extension Requests (Verizon & AT&T)

Cynthia states Robert Gaudioso is here tonight. Mr. Gaudioso states that Anthony Morando is here as well on behalf of AT&T. Cynthia states we are ready to move forward with the Performance Bond. Cynthia states she thinks the Board will do the Extension. Mr. Gaudioso states the Plans have not been signed yet. Cynthia states the next Meeting is not until the beginning of September and there will not be a Work Session between

now and then. Mr. Gaudioso states as a status, they have revised the Bond based on the comments from Mr. Hahn's Office. Mr. Gaudioso states they have the Memo from Mr. Agresta and are still working on the branch design which they to obtain from the manufacturer. Mr. Gaudioso states they have a Purchase Order to have that drawing done. Mr. Gaudioso states the drawing will be submitted for review. Mr. Gaudioso states the only other item for Homeland Towers and Verizon has to do with the curb cut. Mr. Gaudioso states the County has approved it, they just need to pay the fee and the Permit will be issued, which they will submit. Mr. Gaudioso states that AT&T still has some items that are outstanding and he is not sure about their status. Mr. Gaudioso requests that Homeland Towers and Verizon could move forward if AT&T, for some reason, were to lag behind. Cynthia states it depends on what that part and piece is. Mr. Morando states one item that AT&T is responsible and still outstanding is the Indemnity Agreement, which is with AT&T. Mr. Morando states he understands they need to obtain three signed copies and submit them to the Board. Mr. Morando refers to the Removal Bond estimate and states they need to submit that for the Engineer to review. Mr. Morando states AT&T is working on these items, and they hope to have them soon. Mr. Morando states in the same regard they are asking for an Extension as well. Cynthia states she cannot sign the Mylar's until we at least have received the Removal Bond, and have done the Referral over to the Town Board. Mr. Gaudioso states his concern is that if AT&T never should happen to provide the Removal Bond, that would hold up Homeland Towers and Verizon who are separate Applicants. Mr. Gaudioso states he had thought they would have a separate Approval Resolution, which that wasn't the case. Mr. Gaudioso states a concern about AT&T not performing and states they were a separate Applicant that joined the Application. Cynthia states she assumes the Approval would have to be modified. Roland states Homeland Towers and Verizon would have to submit their own Removal Bond. Mr. Gaudioso states they already did. Mr. Gaudioso states they already submitted the signed Plans and everything else and asks if there is any way they could deal with this tonight just in case it does come up. Mr. Gaudioso states once they have the signed Plans they would like to get the Building Permit and get started after the bat date which he believes is November 1st, and get this done before the winter really sets in. Cynthia states she believes we could deal with this at the September Meeting if it becomes an issue and asks Mr. Morando if he can get everything in before it. Mr. Morando states he can try, but cannot promise. Mr. Morando states the way the Resolution is drafted so they each have separate Approvals, it will appear to allow for the Plans to be signed and move forward with the Building Permit process. Mr. Morando states they would understand that they could not get a Building Permit prior to submitting the two items discussed tonight. Will states that is partially correct as there are separate Approvals, but they are both contingent on getting the Plans signed. Will states the Approval would have to be modified to some extent to state that AT&T could not obtain a Building Permit without a Performance Bond. Mr. Gaudioso states he would feel more comfortable for that to be done. Cynthia asks Will whether he would like to draft something for the Board to act on tonight that would allow us to sign the Mylar's. Roland suggests waiting until September and if AT&T hasn't produced the two documents it could be done at that Meeting. Will confirms the Performance Bond and the Indemnity Agreement are the only two outstanding issues for AT&T. Mr. Morando states there is a tight window and he just wants to be honest and not mislead the Board. Mr. Morando states submitting the two items within the next two weeks may be hard to achieve. Mr. Morando states he doesn't want to hold Homeland Towers and Verizon up. Roland states the Board should plan on doing it at the next Meeting. Will tells Mr. Morando to try and have the two items done. Mr. Morando states he is trying. Mr. Gaudioso asks whether it would be necessary for them to attend. Cynthia states no.

Cynthia reads the first Resolution and states it is for two separate Extensions written as one document for both Verizon and AT&T. "Resolved that the North Salem Planning Board hereby grants Homeland Tower, LLC/New York SMSA Limited Partnership ("Verizon Wireless"), and New Cingular Wireless PCS ("AT&T") each a ninety-day extension of their Conditional Use Permits/Site Development Plan/Stormwater Management and Erosion and Sediment Control Approval from September 7, 2015 to December 7, 2015 for the communications tower proposed at 101 Bloomer Road, per written request from Robert Gaudioso of Snyder &

Snyder, LLP, and Anthony Morando of Cuddy & Feder, LLP”. Cynthia states she inserted the word “each” in the first sentence.

**Chairwoman motions that the North Salem Planning Board adopt the above-read Draft Resolution as Amended. Charlotte Harris seconds. All in favor. No opposed.**

Chairwoman reads the second Resolution whereas it states “Resolved, that the North Salem Planning Board hereby recommends to the Town Board that a Stormwater Management Performance Bond be posted in the amount of \$27,000.00 for the Communications Facility being proposed for 10 Bloomer Road. Cynthia states the address should be 101 Bloomer Road. The Resolution continues whereas it states “based on a recommendation, see attached, by the Planning Board’s Consulting Engineer, after his review of the Removal Bond Cost Estimate submitted by Raymond Vergati”.

**Chairwoman motions that the North Salem Planning Board adopt the above-read Draft Resolution as Amended. Gary Jacobi seconds. All in favor. No opposed.**

After the motions Will refers to the actual construction and asks whether it is being handled together. Mr. Gaudioso states no, Homeland Towers will be building the tower, compound, and stormwater management. Mr. Gaudioso states whether Verizon uses the same kind of tractor or not remains to be seen as it has to be bid out. Mr. Gaudioso states they will receive separate Building Permits, and then AT&T would have to obtain their own Building Permit as well. Will states it isn’t as if Homeland Towers is building certain portions for both Verizon and AT&T. Mr. Gaudioso states Homeland Towers is building only certain aspects that are common to the facility, such as bringing in the power, doing the access drive, and doing the landscaping. Mr. Gaudioso states they are not going to put in the antennas for the carriers. Mr. Gaudioso states it may end up being the same contractor, but separate Building Permits would be required. Mr. Gaudioso states it is done this way in case someone has violations. Mr. Gaudioso refers to the Meeting in September and asks when he should reach out to Dawn to tell her they would like the Board to consider a modified Approval. Cynthia states if the documents are not in by the Friday before the Agenda is circulated, which would be August 28<sup>th</sup>, this matter will automatically go on. Will states it would be good for a piece of correspondence to be submitted requesting the modification. Mr. Morando states that is not a problem. Mr. Gaudioso thanks the Board and tells them to enjoy the rest of the summer.

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

- Discussion Regarding Reserve & Off-Street Parking Monitoring Protocol and Agreement
- Consider Report From Town Engineer Regarding Stormwater Management System Performance Bond
- Consider Referral of Stormwater Control Facility Maintenance Agreement to the Town Board

Cynthia states we have a Stormwater Management System Performance Bond to get over to the Town Board. Todd Zorn is here tonight and states the revised estimate also includes the erosion control information now. Mr. Zorn states he was surprised to see last Friday that he needed to include that information in the estimate. Mr. Zorn states his Engineer was getting ready to go on vacation, but he put something together quickly for submittal to Dawn. Cynthia asks Mr. Zorn if he is talking about the actual Bond or the Agreement. Mr. Zorn states he is talking about the Bond and asks the Chair if she is talking about the Agreement. Cynthia states she is talking about the Bond. Cynthia states the submitted estimate from Mr. Zorn was \$111,000.00, and the recommendation from the Town Engineer after factoring in the contingencies is \$150,000.00. Mr. Zorn states he didn’t see that Memo. Frank he just submitted it today. Mr. Zorn states he cannot really comment on it.

Cynthia asks Frank to quickly explain why he boosted up the numbers. Frank states they review the unit costs that were submitted in this case. Frank states a few of them were a little bit low. Frank states normally we would want to see a contingency in there. Frank states they have to look at this so that the Bond is there in case the Town has to come in and do the work. Frank states there are administrative costs and prevailing wage rates the Town would have to pay. Mr. Zorn states the Bond is in perpetuity anyway. Frank states no, it is usually for a minimum of two years. Mr. Zorn states the revised estimate now has the erosion control information and when they originally they put their estimate together it was just for the stormwater management. Frank states it didn't include all of the stormwater management as in this case the porous pavement is a controlled device. Mr. Zorn asks for a copy of the Hahn Memo. Dawn gives a copy to Mr. Zorn and apologizes as she thought she e-mailed it to him.

Cynthia states we also have the Monitoring Protocol Agreement for the parking. Cynthia asks Mr. Zorn if he received those modifications. Mr. Zorn states he did, and it was totally different than what he supplied to the Town. Cynthia states it is not totally different. Mr. Zorn states he asked for a workable copy and was told he could not get one. Cynthia states she is talking about the protocol for the parking, and puts the copy up on the screen that Will had revised. Cynthia asks Mr. Zorn if he has had a chance to read the revised copy from Will. Mr. Zorn states yes. Cynthia asks Mr. Zorn if he has any issues with it and states she likes the modifications from Will. Cynthia confirms with the Board that they are happy with the modifications. Cynthia asks Roland if he had a chance to look at it. Roland states he hasn't seen it. Mr. Zorn refers to No. 5 and states he has a question regarding the possible extension of the three year monitoring agreement and asks who determines what aspect determines the extension. Cynthia states Mr. Zorn is supposed to report to us each year. Mr. Zorn states that is correct, for three years. Cynthia states if everything seems to be running smoothly she doesn't think the monitoring would be extended. Cynthia states if there are issues, we will be talking about them each year. Will states No. 5 builds on No. 4 which was taken from the draft submitted by Mr. Zorn whereas it states that the Board will assess the need for continued monitoring and any changes to the built parking. Cynthia states this should not come out of the blue, it should be expected after we see what transpires during the first, second and third years. Mr. Zorn states that is fine and he has no issues. Cynthia states we will forward the comments from Will to Mr. Zorn so he may drop in the changes. Mr. Zorn states sure. Will states he will clean up the Agreement and forward it to Mr. Zorn. Roland states his only concern with this is that if the Golf Club should change hands this Agreement isn't going to be on record unless it is in a form that could be recorded. Will states it is part of the Approval though. Roland states it is part of Approval but it might not make its way through due diligence by a new purchaser, versus being on record with the County Clerk. Roland states this is actually a Land-Banked Parking Agreement, as we are not requiring reserved parking to be built unless the Planning Board triggers it. Will asks whether the Plans have been signed yet. Cynthia states no. Will suggests adding it to the Plans. Roland states that would help, but he has a form of a Land-Banked Parking Agreement in his Office if we want to use it. Roland asks if the reserved parking is shown on the Plans. Will states yes. Roland states so we know where it is going to go and it is up to the Planning Board to trigger it. Roland states if we put it on record then a future owner is going to know about it. Cynthia asks if that would be a separate document from the Protocol Agreement. Roland states it would be in place of it. Will states the Protocol Agreement is just for the monitoring. Roland states the Protocol Agreement could be used, as well as a Land-Banked Parking Agreement because the Protocol Agreement definitely better defines the monitoring aspect than the Land-Banked Parking Agreement he has. Roland states both Agreements could be used. Cynthia asks Roland if he wants to package the Protocol Agreement in with the document he has. Roland states no, he thinks they should be kept separate. Roland states to leave the monitoring part, and he will provide Will and Cynthia with an example of a Land-Banked Parking Agreement that is in recordable form. Cynthia states that will also need to be signed by the Owners. Will states he had a few comments regarding the parking forms that were submitted. Will states the body of his e-mail had comments regarding the monthly and yearly form. Dawn gives Will a copy of the forms that were submitted. Will states he didn't understand the differences between all of the columns. Mr. Zorn states they could eliminate one column.

Cynthia asks Will which columns he is questioning. Will refers to the monthly parking utilization summary form and states he didn't understand the difference between the first and second column and states they both seem as if they could be the same. Cynthia states she likes the idea of having whether it is a Saturday or a Monday written down. Will states if that is what it means, that is fine. Will refers to the yearly form and suggests October, November, and December be taken out. Will states the title should be "Yearly", such as on the other form where the title was "Monthly". Mr. Zorn states 2016 is listed. Will states that is fine, but it would be good to have a title.

Cynthia refers to the Stormwater Control Facility Maintenance Agreement and states Roland has suggested we use a different Agreement which she just typed in Word in case Mr. Zorn needs it. Roland states that Frank had made a few improvements to it. Cynthia states she had not plugged in the comments from Frank yet. Cynthia asks Roland what the term "PL" is and asks if it may be changed property owner. Roland states yes that is fine. Cynthia states or maybe the facility owner. Roland states aren't they the same. Cynthia states no, if someone was leasing the property they may be responsible for the stormwater. Roland states he would think we would always want these agreements to trace to the owner. Cynthia states alright. Cynthia asks Frank if he remembers his comments. Cynthia states one of them was about the Bond. Cynthia states we might, in some cases, have a Maintenance Bond after a Performance Bond. Cynthia states she thought that was one of the comments from Frank. Roland asks Frank if we did have a Maintenance Bond would it be for a definite term, because he doesn't know whether Maintenance Bonds run in perpetuity. Frank states if the Board wants it to be in perpetuity, he guesses they would require it to be renewed. Roland states that is how it is going to read as most Maintenance Bonds are for a term of three years, and then it may be renewed, but the Town has to somehow track these things. Will asks whether the Bank usually gets in touch with the Town to see if the Bond still needs to be alive, or whoever is holding the Letter of Credit. Roland states sometimes they do and sometimes they don't and they are not so good at it. Roland states very often it goes to the Town Board and gets lost in translation. Roland states he can see having a Performance Bond and a Maintenance Bond as is done with roads for three years and then if everything is working properly after that if there is a problem the Town goes in and does the work and puts a lean on the property, which is what these Agreements provide. Cynthia states in this case the first major inspection is five years out. Frank states that is in there, but it is an overlapping requirement. Frank states it also refers to the SWPPP which requires inspections based on what is being proposed. Frank states it is not fair to say that the first inspection would be after five years. Cynthia states inspections are done during construction and annually, but at least five years out there has to be one more inspection. Cynthia states she was suggesting instead of three years, we might want to tie in with the five year requirement. Roland suggests making the Maintenance Bond for five years out. Cynthia reads the language in the draft whereas it states "the owner or any subsequent owner or owners of the property, shall provide for the periodic inspection of the facilities to determine the condition and integrity of said measures. Such inspection shall be conducted no less than every five (5) years and shall be performed by a professional engineer". Cynthia states there are ongoing five year inspections and asks if they should be tied into the first five years. Frank states that is only if the Board sees a need to establish a Maintenance Bond. Cynthia states yes. Cynthia states it seems to her that the Board would make that requirement based on Frank's recommendation as to the type of stormwater facilities in terms of whether they will require a lot of maintenance and whether he is nervous that they might not be maintained, then she thinks a Maintenance Bond would be important. Cynthia states unless it is a type of facility that doesn't need a lot of maintenance. Frank refers to the SWPPP and states it does specifically require these types of inspections, notwithstanding this one. Frank states it would be based on his recommendation, or how the Board feels. Cynthia states there is a back-up as if it is 10 years out and an inspection shows that it fails, then the Town has the right to go in, fix it, and put it as a lean against the property. Frank states that is correct. Cynthia asks if we have that protection why would we need a Maintenance Bond. Mr. Zorn states that is right, why would they need a Maintenance Bond. Frank states we haven't used them, but it is there in the Code and was based on a format provided by the State Department of Environmental Conservation. Cynthia states maybe for the purpose of a

Generic Maintenance and Access Agreement which is going to go in the back of our Code as a Schedule B, we should put in a paragraph about a Maintenance Bond, if required, just to have it there. Cynthia refers to Salem Golf and asks Frank, for this purpose, if he sees something that would trigger the need for a Maintenance Bond. Frank states he doesn't see the need for it. Cynthia confirms we are just dealing with a Performance Bond. Cynthia states this particular one may be drafted just for the life of a Performance Bond. Cynthia states because there are a few oddities in the sample we are using, such as switching from a property owner to a facility to a lot owner, now that she retyped it and it is in a word document, she will forward it to Roland so he may finalize it as a form and then Dawn can send it over to Todd to take a look at it. Cynthia states Roland will finalize the form specifically for Salem Golf Club, and later the one that goes in the Code will be generic. Roland states he doesn't want to do their legal work. Cynthia states that is true and confirms Roland will do the generic form. Mr. Zorn states he already spent money on legal work because he drafted a version as requested and his professionals spent the time to do it which cost the Club money. Mr. Zorn states basically their draft was thrown out the window. Cynthia states she is sorry but these things happen. Roland states once Mr. Zorn has the generic all he has to do is fill in the blanks. Mr. Zorn states he understands that. Cynthia states we can clean up the generic form and forward it to Mr. Zorn very quickly. Cynthia states for tonight she thinks we need a Resolution that accepts the Monitoring Protocol and Agreement for the parking as amended, as well as the Resolution to refer the Performance Bond to the Town Board. Cynthia states the Board could do the Resolution to refer the Stormwater Control Facility Maintenance and Access Agreement subject to final review by the Town Attorney. Mr. Zorn states as well as his Attorney. Cynthia states then Mr. Zorn would not need to come back for the September 2<sup>nd</sup> Meeting.

**Chairwoman motions that the North Salem Planning Board hereby recommends to the Town Board that a Stormwater Management System Performance Bond be posted in the amount of \$150,000.00 for the Salem Golf Club located at 18 Bloomer Road based on the Recommendation of the Planning Board's Consulting Engineer, after his review of the Removal Bond Cost Estimate submitted by Ralph Peragine. Gary Jacobi seconds. All in favor. No opposed.**

**Chairwoman motions that the North Salem Planning Board hereby accepts the Reserve Off-Street Parking Monitoring Protocol and Agreement, as amended by Will Agresta who will generate the final form and a Land-Bank Parking Agreement to be submitted by the Town Attorney for execution by the property owner, and return to the Town Attorney. Charlotte Harris seconds. All in favor. No opposed.**

Cynthia refers to the Stormwater Control Facility Maintenance and Access Agreement and talks about doing it tonight or holding it over to the September 2<sup>nd</sup> Meeting. Cynthia states all the parts and pieces work for her and refers to the switch from the owner to the lot owner that she thought was a little odd. Cynthia pulls up the e-mail from Frank whereas he suggests language be added so as the owners shall perform the Maintenance and Inspection Procedures pursuant to Appendix A and the approved Stormwater Pollution Prevention Plan (SWPPP) and shall pay all expenses. Cynthia refers to the next comment from Frank and states she will include it and forward over to Roland to finalize.

**Chairwoman motions that the North Salem Planning Board hereby accepts the Stormwater Control Facility Maintenance and Access Agreement as modified with comments from Frank Annunziata to be finalized by the Town Attorney to hereby be the form used by Salem Golf Club for fulfillment of their requirements of their Approval granted by the Planning Board, and hereby recommends referral of the Stormwater Control Facility Maintenance and Access Agreement to the Town Board for their consideration. Gary Jacobi seconds. All in favor. No opposed.**

After the motion Mr. Zorn states he would still like his Attorney to take a look at the Agreement. Cynthia states if he has an issue, he should get back to the Planning Board and will be placed on the next Agenda. Mr.

Zorn states he understands, but he hasn't seen the Agreement. Cynthia states she understands. Roland asks Mr. Zorn who his Attorney is in case he receives a call. Mr. Zorn states his Attorney is Steve Silverberg

#### **4. Financial Report:**

- July, 2015

**Chairwoman motions that the Planning Board Approve the July, 2015 Financial Report. Gary Jacobi seconds. All in favor. No opposed.**

#### **WORK SESSION:**

**5. Palaia: Matt Gironda** (owners – David Palaia & Dawn Didomenico)  
**Subdivision** (location – 1 Wallace Road)

- Discussion of Proposed Pre-Application

Cynthia states we have Matt Gironda here tonight from Insite Engineering. Mr. Gironda states that Daniel Hollis is here in addition to the Applicants David Palaia and Dawn Didomenico. Mr. Gironda states a Pre-Application of a Sketch Plan was submitted for the subject property. Cynthia states she was surprised this Application was submitted because when she met with Mr. Gironda to go over this she did point out to him the Sections of the Zoning on bulk, and he ended up submitting the exact same thing they talked about. Cynthia states it appears as though Mr. Gironda didn't do the calculations for the wetlands and steep slope deductions. Cynthia states Mr. Gironda should do the presentation to the Planning Board and then we will go over the correct calculations to consider these lots. Mr. Gironda states the Project consists of a two-lot subdivision and the existing parcels total 7.995 acres. Mr. Gironda states the property is located at 1 Wallace Road with frontage on Wallace Road as well as Titicus Road. Mr. Gironda states the subject lot obviously exists in a four-acre zone and to create two four-acre lots would require an Area Variance of .005 acres. Mr. Gironda states .005 acres is roughly equivalent to 200 square feet, which is approximately a parking space. Mr. Gironda states what they are here for tonight, and as was discussed at the preliminary meeting prior to their Pre-Application submission, is simply for the Board to review the Sketch Plan and refer them to the Zoning Board of Appeals (ZBA), so they may pursue the Variance Application. Cynthia states that is not going to happen. Cynthia states lets first talk about how you are supposed to calculate lots and see whether or not this is a meaningful subdivision when you don't have the required number of acres, and how significant the Variance may be. Cynthia states as she mentioned, she pointed out to Mr. Gironda that he has to do his lot calculations based on the Section of our Code that shows what the minimum lot requirement is. Cynthia refers to 250-16. Mr. Gironda states he believes 250-16 defines minimum lot area and asks if that is correct. Will states no, the minimum lot area that you have requires looking at the deduction for open water and steep slopes. Will states this property has those features, so Mr. Gironda's calculation for lot area did not take those into account. Mr. Gironda states they understand that the subdivision right now does not meet the Zoning Code, so they would have to go before the ZBA for a Variance regardless. Mr. Gironda states their interpretation of the Zoning Code is that in a four-acre zone not more than two acres of the property may consist of wetlands, easements, and steep slopes which are particular site constraints. Mr. Gironda states in this particular case, if you look at the property, they do have some wetlands, and a wetland buffer. Mr. Gironda states the area to be developed is a small portion of the proposed lot, as well as an area pointed out on the Map. Mr. Gironda states this is approximately one acre which is only 25%. Mr. Gironda states based on their interpretation they do have the required minimum lot area with the exception being that they are 00.5 acres short. Will asks Mr. Gironda where he got the two acres from. Mr. Gironda states there is a Definition of minimum lot area that defines usable land. Mr. Gironda states he has the Definition with him tonight if the

Board would like to read it. Mr. Gironda states it is Section 250-16 whereas it states “As any part of any minimum lot area requirement of this chapter for residential uses, not more than 50% of any land (1) under water, (2) within a freshwater wetland, (3) subject to or within the one-hundred-year-frequency floodplain, (4) within easement or right-of-way for overhead utilities, (5) with slopes (unexcavated) of over 25% or (6) within the designated street lines of any road....”. Mr. Gironda states in this case, he believes the designated street line would refer to certain situations where you have a deed that extends to the center line of the road so a portion of that property could not be counted as it would be a street. Mr. Gironda states in this particular case, as shown on their drawing, they have more than two acres of usable land for each lot. Mr. Gironda states tonight they are not here necessarily for an interpretation of the Zoning Code, they are only here to see if they can get the referral to pursue the required Variance with the ZBA. Cynthia states the Board wouldn’t even think of a referral until they have a formal Application and start the SEQR process and she doesn’t see why they would entertain an Application when the Applicant doesn’t have the minimum acreage. Will states from his perspective technically there is no such thing as a referral. Mr. Gironda states it is disapproval essentially. Will states it is not a disapproval because there is no way to get to the ZBA on a subdivision legally. Will states Mr. Gironda is talking about the disapproval of the Building Inspector on something in regards to the Zoning Ordinance. Roland states no. Will states yes, absolutely. Will states the Zoning Enforcement Officer and the ZBA have no power over the Subdivision Code. Roland states he understands and it is appellate only but now it has been refined to include referrals from the Planning Board. Roland states on a request for a subdivision there has to be a recommendation from the Planning Board saying yes or no for the Variance. Will asks Roland where that is written. Roland states it would be in the Zoning Ordinance. Will asks Roland if he is referring to Site Plan. Roland states no, he is talking specifically for subdivision and the rules are a little bit different. Roland states the Planning Board can refer but it has to include a recommendation saying yes or no for the Variance. Will asks if the Town Law was changed in order to do this. Roland states yes, years ago, it is not recent. Will states he would have to look at that as he is not familiar with it. Roland states Will is the Planner and he is the Lawyer. Will states he believes Roland. Roland states this doesn’t mean the Planning Board has to do it tonight. Roland states it just means they need to have a full Application. Roland states he is not following the logic of the deductions and Mr. Gironda’s statement of having two acres, as all of that needs to be explained. Roland states all of this will come out during the review process. Roland states Cynthia is right, the SEQR process has to be commenced before a referral. Mr. Hollis refers to the calculations and states if the Board disagrees with Mr. Gironda’s calculation then that would be part of their reason for a no response. Mr. Hollis states he believes Mr. Gironda is correct and he believes he is correct, and the Code is correct. Mr. Hollis states if the Board is going to state that his client does not meet the requirements that would be part of their reasoning on the recommendation for a non-approval by the ZBA. Mr. Hollis states he does not believe the Planning Board can just say they are not going to make a referral. Roland states the referral has to happen when the Planning Board deems it to be something that should happen and based on the Sketch Plan it is inadequate. Mr. Hollis talks about submitting a formal Plan so the Planning Board may declare themselves to be Lead Agency in order to start the SEQR process going, and then make their referral. Mr. Hollis states they recognize there can be no Final Approval as Mr. Baroni and he know from other forums until SEQR is complete as no Final Approval may be obtained. Mr. Hollis states they have to go to the ZBA in order to get back to the Planning Board. Cynthia states if the Applicant wants to start down that road, that is their option. Cynthia states the Board has quite a bit of review to do on this before they would even be in a position to consider whether or not they would recommend a Variance. Mr. Gironda states as he understands it a Sketch Plan Submission, if the Application is deemed generally complete, the Planning Board can either disapprove or approve the Sketch Plan with or without modification. Mr. Gironda states if they received a disapproval of the Sketch Plan tonight would it be sufficient to go to the ZBA. Cynthia states this was a Pre-Application discussion to talk about the issues. Cynthia states this was not reviewed by our Planner as any kind of Sketch Plan review or anything. Cynthia states as she previously mentioned to Mr. Gironda, if he wanted to talk with the Board, he had to submit a Pre-Application. Cynthia states the Pre-Application discussion would give Mr. Gironda a sense of how the Board feels about the subdivision. Cynthia states there

was no completeness report done on this or anything. Will states he understands this to be a Pre-Application which is a separate process and informal presentation and discussion only. Will states it is not the Applicant's Sketch Plan Application or Preliminary Plat Application. Mr. Gironda states there is language in the Code about disapproval or approval of a Sketch Plan. Will states he knows that, but his understanding of why we are here tonight is for a Pre-Application which is also in the Code and that is a step before a Sketch Plan. Mr. Gironda states the formal step forward would be to submit a Sketch Plan for an approval or disapproval so at that point they could then pursue going to the ZBA. Cynthia states she is not comfortable sending anything over to the ZBA on a Sketch Plan. Cynthia states it would have to be a Preliminary Application. Will states there is no approval or disapproval of a Sketch Plan because the Board cannot make an approval or disapproval without doing SEQR. Roland states this has more to do with the Board providing direction and feedback. Roland states if the Applicant wants to go through that step it is up to him, but it is still not going to get him to the ZBA. Mr. Hollis states they need to get to the ZBA and talks about not wanting to go through a whole hearing here, and total review whether it is a Sketch Plan or a Final Plan and then go to the ZBA. Roland states the Applicant has to present a Plat for Preliminary Approval and commence a SEQR review process, and get past the basic issues in terms of what the proper deductions are. Roland states if we cannot get past the issues the Applicant may also be referred to the ZBA for an interpretation. Mr. Hollis states that is exactly what he said a few minutes ago. Cynthia states it is up to the Applicant if he wants to submit a Preliminary Application. Will states to submit a Preliminary Application, if a coordinated review were to be done, we would also need to review the impact of the Variance as part of the Application for which the ZBA would need to render a determination on. Mr. Hollis states the impact of the Variance of 217 square feet because that is what we are talking about. Cynthia states she does not know if that is what they are talking about. Cynthia states she looked at the Assessment Roll and the acreage listed is quite a bit less than what is being shown, so we have to review all that. Mr. Hollis states they have a certified survey. Will states whether it is 200 square feet, 300 square feet, or 6,000 square feet, the magic number is four acres. Mr. Hollis states no, that is not exactly correct because substantiality is one of the factors to be considered under a Zoning Variance if it is not determined in and of itself. Mr. Hollis states the map doesn't really count so you are not correct about that. Mr. Hollis states sometimes a 200 square foot Variance could be more impactful than a 6,000 square foot Variance. Mr. Hollis states it depends and here we are talking about something that is akin to a parking space down at Target in Mt. Kisco literally. Gary states Plans should be submitted and the acreage should be checked against what is on the Assessment Roll. Gary states to check the wetlands and the steep slopes to see how much will be carved out. Gary states if it is only 200 feet and everything else is as has been stated tonight, the Applicant is probably in good shape. Mr. Hollis states he thinks they are correct on the survey. Mr. Hollis states if he could get by just referring to Assessment Cards in every jurisdiction he goes to he would be a happy camper because they are very often not correct. Gary states all he asked for was a reconciliation, not to point fingers, or defend. Roland asks that a narrative be provided relating back to the discussion as to how the deductions work so the Board may follow it. Mr. Hollis states sure, even though it is in 250-16. Mr. Hollis states the engineers will do a demonstration as to how they exceed the limitations that are in 250-16. Gary states perfect. There is a discussion about the Applicant making another submittal. Cynthia states the submittal date was today for the September 2<sup>nd</sup> Meeting. Mr. Hollis asks when the first Meeting in October would be. Roland states the first Wednesday in October. Mr. Hollis states they will be here. Mr. Gironda states they will provide a narrative based on their interpretation of the minimum lot area requirements. Mr. Gironda states so he is clear, should they come back with a Sketch Plan Submission? Cynthia states if the Applicant wants to go through that step it will not get him over to the ZBA. Mr. Gironda refers to going through a Preliminary Subdivision Application and SEQR process before they could get their official referral to the ZBA. Cynthia states the Planning Board has to commence the SEQR process. Mr. Hollis refers to obtaining a referral to the ZBA once it is commenced. Roland states a decision may not be made from the ZBA until the Planning Board has a conclusion. Mr. Hollis states he would ask for a coordinated review.

Carol Goldberg asks whether anyone is allowed to speak tonight. Cynthia states she thinks we should hold off on that as we have another Applicant to go. Cynthia states to Mrs. Goldberg she may want to wait until the end of the Meeting. Mr. Hollis states he is not in favor of that as this is not a Public Hearing. Cynthia states it is up to this Board whether the public gets to speak and she just let Mrs. Goldberg know she may want to sit and wait until the end of the Meeting since there is another Applicant waiting. Mr. Hollis states that means they have to sit and wait until the end of the Meeting also, but he just doesn't think it is appropriate to have commentary. Mr. Hollis states we know this person is an opponent and the person will have a full and fair opportunity at every Public Hearing before this Board and every Public Hearing before the ZBA. Mr. Hollis states commentary criticizing the Application before it is even in a form that is acceptable to the Board is inappropriate. Cynthia states she has no idea what the commentary is going to be. Roland states to Mr. Hollis that this is the Chairman's call, not the Applicant's call. Mr. Hollis states he would like to voice his objection on the record and he will stick around. Cynthia asks the Board whether they would like to hear the comment now and asks Mrs. Goldberg if it is going to be short. Mrs. Goldberg states yes. Mrs. Goldberg states she lives at 22 Wallace Road across the way. Mrs. Goldberg states it is not just 200 feet that the Applicant is looking for of a larger use of the land. Mrs. Goldberg states it is a huge impact on the Zoning that we all worked very hard for back in 1987. Mrs. Goldberg refers to the Master Plan and states it made that area four acre zoning and to break that zoning to put another house in, not just a place to park cars, opens up the flood gate for every other lot right along the road. Mrs. Goldberg states there are three other lots that would be under eight acres. Mrs. Goldberg states does that not allow them to also put in an Application in the future to divide. Mrs. Goldberg states it is a Pandora's Box, and in the big scheme of things she doesn't see why it would be allowed, not after the work we have all done to get the four acre zone and protect the land. Mr. Hollis asks whether he may respond. Cynthia states there will be time for that. We are going to move onto the next Applicant.

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

- Discussion of Open Items

Cynthia states Renea Dayton is here with us tonight, and she is working her way through the issues so she may make one Submission. Mrs. Dayton asks whether the Board has copies of the documentation she had e-mailed. Cynthia states we have the comments that were submitted today. Cynthia states when the Board did the Resolution of Approval they had a set of Plans in front of them and based their Approval on that set of Plans. Cynthia states the night the Board did the Resolution Mrs. Dayton's Engineer had drafted another set of Plans which the Board did not review and then there was another revision after that. Cynthia reminds Mrs. Dayton that the Board needs to go back to the set of Plans from when they adopted the Resolution and make sure they are pulling in all of the changes Mrs. Dayton wants from that set. Cynthia states when Mrs. Dayton sits down to talk with her Engineer she should go back to the set of Plans that are referred to in the Resolution of Approval. Cynthia states the Board needs to know about any changes Mr. Allen did after the Approval was granted. Mrs. Dayton refers to items such as the new fence, and the dumpster location. Mrs. Dayton refers to the latest notes five points, A through E, that she had e-mailed. Mrs. Dayton states the first item has to do with the bollards. Mrs. Dayton states they will install bollards around the awning and the outdoor seating area as an effect of the supplemental parking. Mrs. Dayton states they prefer the bollards to be large planters that are decorative and not the standard bollard. Mrs. Dayton states she has spoken with Mr. Allen and there is a 300 pound weight limit. Mrs. Dayton states there are plenty of planters that are 250 pounds, plus dirt to get to the 300 pound weight. Mrs. Dayton states they would be five feet apart. Charlotte asks whether they have to be anchored or not. Cynthia asks whether Mrs. Dayton talked with the Building Inspector. Mrs. Dayton states no she has not. Cynthia states when she referred to the language "as per design standards", she was assuming that at some point Mr. Allen would figure out what the design standards should be and the Planning Board's

Engineer would have to decide whether the design standards are acceptable. Mrs. Dayton states that Mr. Allen knows that before the Board does an Approval they want to see the specifics. Cynthia states in response to the question from Charlotte, we don't know if 300 pounds, not secured to the ground, will be sufficient or not. Mrs. Dayton asks whether the Board wants to see specifics from a New York State rule. Cynthia states maybe she should have a conversation with the Building Inspector and asks Will whether he has any input. Will states if the manufacturer's specifications are submitted they should tell us what the weight limitation is. Cynthia asks Will whether the weight alone will be sufficient. Will states there are planters, and then there are planters that are designed for the purpose of a car hitting them. Cynthia states that Mrs. Dayton was going to use the planters she has. Mrs. Dayton states she would buy more because she doesn't have enough. Will asks whether Mrs. Dayton whether she can go to the manufacturer of the planter and obtain the specifications. Mrs. Dayton states she brought the book with her tonight to show the Board one of the manufacturers. Mrs. Dayton refers to the Plan and states it would show the spacing and the language "as per design standards", and there would be a separate page that shows what they want to do. Cynthia refers to the spacing and states to Will that she didn't know what the spacing was, but assumed it has to be tight enough so that a car could not get in between the planters. Mrs. Dayton states she has been told there should be five feet in between. Will states there isn't a lot of room, but suggests staggering the planters slightly, and states that will provide more protection. Mrs. Dayton states they were thinking that two thirds would be outside the awning and one third would be under the awning. Cynthia states that is fine.

Mrs. Dayton refers to the seating and states they would like to have 18 seats and would request to be referred to the ZBA for a Variance. Mrs. Dayton states that the Health Department Application lists 18 seats. Mrs. Dayton states for the calculations she took the window room inside and one third of the covered awning. Cynthia states Mrs. Dayton has to take the outside seating area too. Cynthia states she is sorry as there must have been a misunderstanding. Cynthia states that is where Mrs. Dayton will be setting up tables. Mrs. Dayton states she thought it wasn't part of the building space. Cynthia states she is pretty sure outside restaurant seating has to be counted as part of the parking. Will states it is based on the seats. Mrs. Dayton states the seats were counted, but not the square footage. Cynthia states Mrs. Dayton is right, the square footage does not have to be counted. Mrs. Dayton states the square footage was taken out of the retail space so they didn't double up the calculation. Mrs. Dayton states the parking is based on 18 seats, 14 outside and 4 inside. Cynthia states that gives you 22 and asks Mrs. Dayton whether she is showing 22 on her Plan. Mrs. Dayton states yes. Cynthia states she doesn't know how the Board feels about boosting the number of seats from 14 to 18 and asks whether they would like to comment on that. Mrs. Dayton states it would be from 14 to 16. Charlotte states given that the Health Department is fine with that number she doesn't see why the Board shouldn't be. Mrs. Dayton states the Board discussed last time about being consistent with the Health Department. Will asks what the Health Department standard is based on. Mrs. Dayton states the number of bathrooms. Mrs. Dayton states in order for her to have only one bathroom, she has to have less than 19 seats. Mrs. Dayton states she did the maximum on her Application so she could obtain an approval from them on the maximum amount. Will states that is a maximum number from the Health Department, and doesn't necessarily need to be. Will states the Town Board did adopt a certain number. Mrs. Dayton states yes, 16 seats. Mrs. Dayton talks about going before the ZBA for a Variance for the parking. Will states the problem he sees is that the Town Board just adopted the Ordinance for 16 spaces. Cynthia states she doesn't have a real issue with it, and probably at some point, if we are going to consistently increase the amount of seats, we may want to consider changing the Ordinance. Cynthia states we are still keeping it at a very small number and below a restaurant requirement.

Mrs. Dayton refers to the setback behind the greenhouse and states they will settle for the 15 foot rear yard setback and states on the Plan they will change the language from side yard to rear yard. Mrs. Dayton states there will be 15 feet on the rear and 10 on the side which is already there. Will asks whether that is status quo. Mrs. Dayton states no, it was 25 feet. Cynthia states we are using the additional use requirements column g in

regards to the buffer to get Mrs. Dayton to the 15 feet. Cynthia states no accessory parking, loading or storage area shall be provided within 15 feet of any residence district. Cynthia states she is not quite sure how we would word that, but would take it into consideration. Cynthia tells Roland that the ZBA granted a Use Variance for outside storage based upon the recommendation of the Planning Board. Cynthia states the rear yard is 25 feet so that is what the Use Variance was based on. Cynthia states it was also based on the recommendation on the Site Plan of the Planning Board. Cynthia states she doesn't think anyone realized that there was a provision in the NB District in the Code so that accessory parking, loading or storage can be 15 feet of any residence district. Cynthia reminds Mrs. Dayton that Mr. Allen changed some of the notes and he has to put the notes back the way they were. Cynthia refers to the area by the dumpster where the parking configuration kept changing and states now people will be able to pull up so their cars may be loaded there.

Mrs. Dayton refers to the pickup access/parking and states the original plan had three parking spaces, but they will keep it to two parking spaces. Mrs. Dayton talks about meshing both Plans together and putting lines there to show that is where a truck could park. Mrs. Dayton refers to the dumpster and talks about putting a label for employee parking. Cynthia asks Mrs. Dayton whether she needs the space in front of the dumpster to get to the 22 count. Mrs. Dayton states she doesn't think they need it, as they have 24 spaces. Cynthia states it is not a bad idea to have a sign on the dumpster for employee parking only. Cynthia asks whether the dumpster sticks into the parking space at all. Mrs. Dayton states only if the doors swing open, otherwise it is flush with the fence. Will states 17 spaces plus the front spaces. Mrs. Dayton states that is 24 spaces. Mrs. Dayton asks whether she should count it as a parking space and label it. Cynthia states for Mrs. Dayton's use, she may want to put reserved or for employees only on the Plan. Mrs. Dayton states she will count it as a space.

Mrs. Dayton refers to the supplemental parking and states she wanted to speak with Mr. Allen about this because she is worried about the sight lines for drivers on Bloomer Road. Mrs. Dayton states that Mr. Allen has confirmed that it won't affect the sight lines for drivers on Bloomer Road. Mrs. Dayton refers to the fence and states it is straight, but as they push it back it would be curved. Mrs. Dayton states they will have 25 feet of a two-way driveway. Mrs. Dayton states the Board had told her it needed to be 24 feet. Mrs. Dayton states this is based on 20 foot parking spaces. Mrs. Dayton states she is doing 20 foot parking spaces so trucks could fit. Cynthia states that there had been discussions about there being gravel. Mrs. Dayton refers to a lawn area with a little bit of a lip and also a paved area. Will states if Mrs. Dayton holds the line at 24 or 25 feet and then draws the 18, she could just bring the line straight across and still have a little bit of vegetation. Mrs. Dayton talks about planting something that is very long and lean instead of wide and fat. Mrs. Dayton states she would plant something that goes all the way across. Will refers to the area and where the gravel could be stopped. Mrs. Dayton asks whether she should show where the gravel stops. Will states yes. Cynthia asks Mrs. Dayton whether she is doing a bike rack. Mrs. Dayton states. Cynthia asks will whether the Board needs to worry about a bike rack in the front or side yard. Will asks Mrs. Dayton whether it will be movable. Mrs. Dayton states yes, they would bring it in during the winter. Cynthia asks whether it should be part of the parking. Will talks with Mrs. Dayton about the location she picked. Mrs. Dayton states the only reason it is there is to help keep the entrance closed off. Mrs. Dayton states that bikers line their bikes up along the fence. Will asks Mrs. Dayton what she is keeping the area open for. Cynthia states it should be closed off. Will asks what the reasoning is behind the areas being kept open. Mrs. Dayton states originally it was because they didn't want to change the Site Plan, but that is obviously not the case now. Mrs. Dayton states she doesn't want to spend any more money on property she doesn't own. Mrs. Dayton states if the Christmas tree truck comes and for some reason it cannot fit, the entrances may be used. Mrs. Dayton states that so far every massive truck that has come in has not had any issues. Charlotte states she thought Laura didn't want the entrances closed. Cynthia states she thought the previous Planning Board wanted them closed and she doesn't know why it wasn't completed on the Site Plan. Cynthia states she doesn't have a problem with the location of the bike rack, but at some point the Board needs to figure out whether it needs to be part of a

recommendation to the ZBA for a variance. Will states it will be movable. Cynthia states it is a structure. Will states it is not really attached to the ground. Charlotte states it is seasonal too. Cynthia talks about doing it rather than letting someone else worry about it. Will states that Mrs. Dayton is going to the ZBA anyway, so it should be added to the list. Mrs. Dayton states she doesn't care because they do need one. Cynthia states it should be mentioned to the ZBA that the Planning Board is allowing the bike rack in the front yard as a seasonal structure. Cynthia refers to the fence that is up and states it is six feet. Mrs. Dayton states it is four feet. Cynthia refers to the fence in the back of the greenhouse and states that is six feet and the Board would need to do a recommendation to the ZBA for a Variance. Will confirms that is just for the portion that is in the yard. Cynthia states yes, it is probably not all of the 10 feet, and may be 7 feet. Mrs. Dayton confirms the six foot fence also needs a Variance. Mrs. Dayton states the supplemental parking would require a Variance, but moving the fence would not. Mrs. Dayton states she is referring to the split rail fence out front. Roland states there were some great cars parked there a week ago Sunday. Mrs. Dayton states they can fit a lot of cars. Mrs. Dayton states the people just come out of the woodwork and it is pretty amazing. Charlotte states they probably miss Marcus Dairy and this is a replacement. Will states this weekend they were up in New Milford at a church. Cynthia states the other thing we needed was the calculation of the building space which Mrs. Dayton has done. Cynthia states that will go as a Note on the Plan itself. Cynthia refers to the chart for the parking spaces and states Mr. Allen has to put the two lines on, one for the retail and one for the dining.

Cynthia states she thinks that is everything and talks about Mr. Allen making a submission for an Amended Site Plan. Cynthia states that Mr. Allen probably has a Memo from Will. Cynthia asks Will whether he reviewed the paper submission. Will states he reviewed one set of Final Plans. Cynthia states Mrs. Dayton should remind Mr. Allen to go back and look at the Memo from Will, as some of the items may still be relevant. Mrs. Dayton states if there are questions would it be alright to call ahead of time. Cynthia states absolutely. Mrs. Dayton asks what the next step will be. Cynthia states the Approval lasts only so long, so an Extension may be needed. Cynthia states she believes Mrs. Dayton is okay for the first Meeting in September, but hopefully Mr. Allen won't take any longer than that. Cynthia states the submittal date was today. Gary states if Mrs. Dayton will not be ready to go in September she should ask for an Extension. Mrs. Dayton states she will be ready. Charlotte states the submittal date was today so how do we get around that. Cynthia asks whether Mr. Allen could submit by Friday. Mrs. Dayton states she told Mr. Allen to be ready to go this, but he will probably charge a rush fee. Cynthia states the work may not be done until the fall anyway. Cynthia states Mrs. Dayton should request the Extension for the September Meeting if need be. Cynthia states the Board may have a Work Session in September, but right now she wasn't planning on it. Cynthia states Mr. Allen should make the submittal as soon as possible. Cynthia states she doesn't think this matter will go on the September 2<sup>nd</sup> Agenda, but may go on the Meeting afterwards. Cynthia states if Mrs. Dayton needs to request an Extension, we will make sure that is on the September 2<sup>nd</sup> Agenda, so she doesn't lose her Approval. Will asks whether Mrs. Dayton should just ask for the Extension. Cynthia states we already have her penciled in on the Agenda for an Extension. Charlotte asks whether Mrs. Dayton should ask for the Extension tonight. Will states Mrs. Dayton needs to write a short letter. Mrs. Dayton asks who the letter should be written to. Cynthia states to Dawn. Mrs. Dayton asks when they come back with a Final Plan, would the Planning Board do their recommendations to the ZBA. Cynthia states yes. Mrs. Dayton asks whether she has to do anything with the ZBA ahead of time such as trying to get on one of their Meeting schedules. Will suggests Mrs. Dayton pick up an Application. Cynthia states Mrs. Dayton may want to find out what their submission dates are. Gary states Mrs. Dayton should reach out and find out when they meet and when their submission dates are. Roland states they usually meet the second Thursday of the month and he would guess their submission date is going to be before the next Meeting of this Board, so you are probably not on a ZBA Agenda until October. Mrs. Dayton asks how long the ZBA process takes. Roland states usually one Meeting. Cynthia states Mrs. Dayton should keep in mind that her April Approval is good for 180 days, so the Board has to deal with the Extension in September. Mrs. Dayton asks whether she should speak with Mr. Thompson about the Bollards. Cynthia states she thinks Mrs. Dayton needs a comfort level with Bruce. Gary states if he is happy, we will be happy.

Cynthia states he probably has access to the standards as easily as Mr. Allen.

**7. Next Meetings:**

- Work Session – August 19, 2015 – discuss cancelation
- Regular Meeting – September 2, 2015

**8. Comments from the Chair:**

Cynthia refers to the Gilport/Salem Hills Subdivision and states the Applicant's Representative has contacted Roland and they want to have a discussion on the whole 280-A versus private road. Cynthia states that Roland has set something up for tomorrow morning so she is going to sit down with them to go over that. Will is going to participate via conference call. Roland states they may have other engineering items but the legal item is the 280-A.

**9. Resolution:**

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