

**North Salem Planning Board Minutes
September 16, 2015
7:30 PM – Town Meeting Hall**

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

ABSENT: **Roland Baroni, Esq. – not required to attend**

ATTENDANTS:	Gilport Develop. Corp:	Peter Gregory
		Rich Morgante
		Seth Mandelbaum
		Steve Wrabel
	Salem Hills Healthcare Center:	Dan Gallagher
		Mark Halliday
	Fuelco/BP (Getty):	Marc Petrero
		Joseph Bryson
		Ann Morley
	Papovitch/Piedmont:	Don Rossi
		Wayne Papovitch
		Renata Papovitch
	Office of Emergency Management:	Kurt Guldan
	Conservation Advisory Council:	Lori Tripoli

Chairwoman Cynthia Curtis calls the September 16, 2015 North Salem Planning Board Meeting to order.

WORK SESSION:

- 1. Gilport Develop. Corp.: Peter Gregory** (owner - Richard Morgante)
Subdivision (location – Oak Ridge/Overlook Rd.)
 - Discuss Conceptual Plans

Cynthia states we met with the Applicant; Frank attended and Will participated by phone. Cynthia states we are sort of stuck at this crossroads where we are figuring out whether we are doing a Town Board Open Space or a Private Road with frontage. Cynthia states we asked for a comparative to look at the environmental considerations and we have Peter Gregory here with us tonight who will take us through the two comparatives. Cynthia asks Mr. Gregory to introduce his Team. Mr. Gregory states he is from Keane Coppelman in Mt. Kisco and is the Project Engineer. Mr. Gregory states Seth Mandelbaum, Steve Wrabel, and Rich Morgante are also here with him tonight. Mr. Mandelbaum states he would like to give a brief overview before Mr. Gregory takes the Board through the Plans. Mr. Mandelbaum states he is with the law firm of McCullough, Goldberger & Staudt, and is new to this Project. Mr. Mandelbaum states he and his Associate, Steve Wrabel

have done a lot of reading and have talked with Roland Baroni about some of the issues that have been vexing the Application and the Board on this Project regarding primarily the access roads off of Oak Ridge and Overlook. Mr. Mandelbaum states he is not sure if everyone is familiar with how long this Project goes back. Mr. Mandelbaum states he went back to 2002 when there was a nine lot subdivision which received a Negative Declaration and Approval. Mr. Mandelbaum states his client bought the property approximately 10 years ago, and the proposal then was to have a nine lot subdivision with Public Roads and ultimately the Town determined it didn't want to take dedication of the roads which is very typical in Westchester County during the last 10 years or so. Mr. Mandelbaum states there are other options such as the possibility of an Open Development Area. Mr. Mandelbaum states Mr. Gregory has been working very hard with the New York City Department of Environmental Protection (NYCDEP), and the Westchester County Department of Health (WCDOH) on various issues regarding stormwater and the watershed. Mr. Mandelbaum states he knows the Board is pretty familiar with how long this Project has been around. Mr. Mandelbaum states they are committed to working with the North Salem Bridle Trails Association (NSBTA), and did reach out to Planning Board Member Charlotte Harris following the August Meeting. Mr. Mandelbaum states the Applicant is committed to maintaining trail access through the property which may involve relocation of some of the trails in the back because they do go through a couple of the Lots. Mr. Mandelbaum talks about having the appropriate identification and insurance. Mr. Mandelbaum states Mr. Gregory will take the Board through the Plan for the 13 acre parcel. Mr. Mandelbaum states he went through both the MDRA and Hahn Memos and looked at the evolution the past couple of years and where this Project has become stuck is on the issue of an Open Development Area and the Town Board authority to allow that mechanism of Common Driveways. Mr. Mandelbaum states he and Mr. Baroni have kicked this around and did research and the conclusion they reached, which led to the Meeting tonight, is whether there is another way to do this where frontage does not become an issue, where it is actually a Private Street, which is allowed under the Code. Mr. Mandelbaum states he has done other situations in Westchester with Subdivisions that have a small Homeowners Association (HOA), and every Lot is a member of that HOA, which is created for the sole purpose of maintaining the road in terms of making sure it is plowed, and stormwater basin maintenance is done. Mr. Mandelbaum states this works nicely with small Subdivisions. Mr. Mandelbaum states when people here the term HOA they think of condominiums, but it does work in a small Subdivision environment to maintain a Private Street. Mr. Mandelbaum states the streets, as designed in what they believe is a preferable layout, would require three Waivers from this Board, which you have the authority to do under your Subdivision Law. Mr. Mandelbaum states he understands there may be hesitation to set a precedent, but believes these are very unique circumstances. Mr. Mandelbaum states when you hear about the difference in the amount of disturbance to conform to Private Streets, which they are proposing here, which the Fire Department has taken a look at and are comfortable with, you will see that the Waiver scenario, with the slightly more narrow, and slightly steeper Private Street is clearly the most protective of the environment and is the best way for this Subdivision to be developed. Mr. Mandelbaum states Mr. Gregory will take the Board through the Waiver Plan for the Amended Plat versus the Conforming Plan which has approximately 25,000 square feet more disturbance than the Plan with the Waivers, and which would also have more of an impact on the neighbors. Mr. Mandelbaum states they really would like to have a discussion with the Board tonight since this is a Work Session. Mr. Mandelbaum states the Chair suggested at our Meeting in August that before we go spending more money on engineering, doing an Environmental Assessment Form, and getting a full package ready for processing, we get the Board's preference to see what they are comfortable with.

Mr. Gregory states prior to the August Meeting they had a Plan where there was some confusion in terms of how they were configuring their Lots, creating frontage, and lot width. Mr. Gregory states since that Meeting they have come up with a Plan where they are able to demonstrate that they will be able to maintain minimum Lot frontage, areas, and widths utilizing a 50 foot right of way coming off of Oak Ridge Road. Mr. Gregory refers to the Plan on the screen and states they will utilize the 50 foot right of way to establish their frontage on the lower Lots 4, 5, 6, and 7. Mr. Gregory states in doing so this will eliminate lot lines along the front portion

of the property and create a two acre Open Space Parcel, which will extend all along the rear of the properties on Oak Ridge Road up to their upper area that they will have their Easement coming through for their stormwater and draft fire line. Mr. Gregory states the Open Space Parcel will still consider to serve as their Stormwater Mitigation Area for the upper roadway and some of the homes. Mr. Gregory states in looking at this configuration he thinks that they have the ability to allow for a 50 to 75 foot plus buffer along the homes to the rear of Oak Ridge Road. Mr. Gregory states this is also an area they are possibly considering continuing some of the trails to get back up to Sunset Drive. Mr. Gregory states with regards to the upper portion, Lots 1, 2, 3 and 8, they were also able to demonstrate minimum frontage, widths, areas, and bulk zoning for sloped areas. Mr. Gregory states in utilizing this Plan there are Waivers that they would need from the Board with regards to a couple of items such as maximum slope on the roadway coming up from Oak Ridge Road. Cynthia asks how much and what sections are proposed at 14%, and states she would like Mr. Gregory to take the Board from the bottom of the Plan. Mr. Gregory refers to the Plan and states the entrance is approximately 4% coming in off of Oak Ridge Road and that extends to a point of approximately 100 feet into the Site. Mr. Gregory refers to the Plan and states at that point they are at 11 to 12% coming up to the mid-portion of the roadway. Mr. Gregory states at that point they change to a 14% grade which brings them around the curve and up to the top to a point where it levels off to approximately 8% where they end with their turn around. Cynthia states the 14% is the whole curve and up. Cynthia asks Mr. Gregory if he is calling this a Private Road to Private Road Standards. Mr. Gregory states yes. Cynthia refers to the 14% and states this is where she goes a little crazy. Mr. Gregory refers to the curve and states he believes they are at a 100 foot centerline radius, and the Standard is for 75 feet. Cynthia talks about comparing the two and states the other layout will have a 175 foot curve. Mr. Gregory states this layout is consistent with the previously approved Plat that had the roadway layout. Mr. Gregory states there was also a 10% grade that was proposed for the roadway to make the climb up to the top. Mr. Gregory states the problem here is that with the larger radius and the 10% grade they would have an excavation condition where the roadway is almost coming through a tunnel with an exposed cut on each side of the road. Mr. Gregory states the problem he sees is that they will have limited distance for cars to see through. Cynthia asks where the driveway is being proposed for Lot 6 because that is where the issue will come into play. Mr. Gregory points out the driveway for Lot 6 on the Plan. Mr. Gregory states the concerns they have at a 10% grade is that this will require very deep cuts, between 15 to 18 feet on the uphill side. Cynthia asks what this will do to the driveways. Mr. Gregory states it will cause them to have to regrade and excavate further into the areas to lower the existing grade as they approach the houses. Mr. Gregory talks about the additional disturbance of 25,000 square feet and states they will have to push their stormwater features closer so there will be an increase in disturbance toward the properties on Oak Ridge Road. Mr. Gregory states the area up on top is consistent. Cynthia asks Mr. Gregory if he is at 10% grade. Mr. Gregory states that is correct. Cynthia states she is pretty sure that with a Private Road we could go to 12% and asks Mr. Gregory how that will improve this situation if there were some sections that were 12%. Mr. Gregory states they are still going to have significant cuts, as both sides will have a cut coming up. Mr. Gregory states they are going to have to lower the grade, although it may not be to the 18 foot depths they had talked about. Mr. Gregory states he thinks it compounds the problem with accessing the higher Lots, and the road down below. Mr. Gregory refers to the other scenario and an area that will have a fill condition. Christopher states a 14% grade with that kind of angle is not the safest driving condition during the winter and other circumstances. Mr. Gregory states they agree that this is a difficult curve and have started to look at whether they have the ability to reduce the percentage. Mr. Gregory states they would like to take advantage of the 14% to get up quickly and started to look at whether they have the ability to reduce the 14% to flatten out the approach for people who are coming back down. Mr. Gregory states they may have the ability to reduce the slope and talks about requiring a deeper cut which wouldn't be as much of a significant impact to the upper roadway area.

Cynthia asks Frank to weight in and comment on which is the tougher one to deal with; the curve, the slope, or both. Frank asks if Cynthia is referring to people driving. Cynthia states in terms of if we were to give a little

on anything, would he rather see something closer to the 175 feet, which the Code says on the curve, or something of a lesser slope, or is it where the slope is that matters in relation to the curve. Frank states they compound each other. Frank states the slope should be considered first. Cynthia talks about maybe compromising on the curve a little bit and states she does not know whether going from 175 down to 100 is reasonable. Cynthia states the slope really scares her.

Mr. Gregory states the only thing that helps the situation is that vehicles that are coming up will be able to see across to vehicles that are approaching the curve coming downhill because of the grade taking place. Mr. Gregory states this configuration also has a reduced width of pavement, as this Plan shows a 16 foot pavement width, whereas the other Plan, on the 100 foot curve, will be 18 feet wide, which was a conforming dimension for a Private Street. Mr. Gregory states they did provide, with the expanded shoulders, for vehicles to pass. Mr. Gregory states the nice benefit is that they have calculated approximately 4,000 square feet less of roadway compared to what the other conforming Plan is showing.

Cynthia asks whether the curve will be an issue for the Fire Department if the radius of curvature is taken down this much when combined with the slope. Frank states that area could always be widened to 18 or 20 feet on that portion of the curve. Frank refers to templates being utilized to see whether the vehicles would work. Frank states the inside of the curve may be cut to increase the sight line and aid in terms of turning movement. Mr. Gregory states they are in a good location where the pull off is proposed where it is not a difficult situation to use an area to expand additional width. Mr. Gregory states they are pretty close to grade up on this side which will allow them to widen the roadway. Frank states they will get a better sight line if they widen the road in that area. Cynthia states she would like to start at the bottom again as they have to start pretty shallow at 4% and asks if they then go immediately to 14%. Mr. Gregory states this Plan shows them at 10 or 11%. Cynthia states 10 or 11% and then you get up to the 14%. Mr. Gregory states that is correct. Cynthia asks if the 14% could be stopped sooner or in the middle of the curve and take it way down for the rest of it. Mr. Gregory states if they start it a little bit sooner they might be able to do that. Mr. Gregory states he will study that. Christopher asks if someone could explain to him why we need more rather than less distance of a lower angle at the beginning of the driveway in terms of what the engineering point of it is. Cynthia states it is in the Town Rules that for a Town Road there should be a graduate slope. Christopher states he understands, and talks about the Board reducing the length. Cynthia states Mr. Gregory is not talking about the initial portion as that is pretty much set in stone. Cynthia states in a few instances the Town has installed speed humps and states the concern here is someone coming down, and slowing them down. Cynthia states maybe when the Board sees the profiles it will be easier to understand the slope, as we have to make sure people slow down coming down, and make sure the fire trucks get up, and are able to get around the curve. Cynthia refers to the curve and states we don't want people racing down and then if they don't make the curve end up in someone's living room or knock a tree into someone's house. Cynthia talks about getting rid of the 14% slope. Mr. Gregory states when the Plan was designated as a Common Driveway with an Open Space Development it would give the Fire Department the ability to have two trucks pass and that is when they agreed to have the expandable shoulders with mountable curbs. Mr. Gregory states it is their understanding that if trucks are shuttling water in and out the idea was for the water to be taken from the upper portion of the property and then by a draft hydrant fed through the pumper. Mr. Gregory states it is his understanding that there would not be a lot of trucks passing back and forth during a fire. Mr. Gregory refers to delivery trucks or homeowners driving and talks about the ability for a pull off and possibly widening the area. Mr. Gregory states they should be able to pass with a 16 foot wide pavement. Will asks whether the hydrant will work from both ways. Mr. Gregory states he is not sure about the pull and states the idea is to have the tankers pull up and connect. Mr. Gregory refers to portable pools that are filled with water. Cynthia refers to the location of the staging area on the plan and states there would be a pipe underground and they could draw from the hydrant. Mr. Gregory states they would run that pipe parallel with their stormwater pipe that will be capturing runoff from the upper roadway so it goes into the infiltration system down below. Cynthia refers to the

hydrant location and asks if it will be sufficient so as to reach the houses or will there be another transport of water. Mr. Gregory refers to the hammerhead and shows where the hydrant will be in terms of attaching hoses to get up to the house sites. Cynthia asks what the furthest distance to a house site would be. Mr. Gregory states Lot 5 would probably be the furthest distance away. Cynthia states we happen to have in the audience tonight, for the next Applicant, the Head of the Office of Emergency Management, Kurt Guldan. Cynthia asks Mr. Guldan if he knows the distance that the Fire Department can run their hoses. Mr. Gulden states they usually carry 150 foot lengths on the truck and can add more in order to connect to 340 feet. Mr. Gregory states it is about 200 feet to the house on Lot 5. Mr. Guldan states to not forget they need enough line to go into the house. Cynthia refers to the curve in terms of it being a little more subtle and softer in a specific area, not the whole length. Cynthia states that is what Frank was talking about as far as widening a portion to soften the curve. Cynthia states her general position is everything from the curve to the houses has to be under 10% grade and the Board could look at a Waiver in a specific area to get everyone coming up and rethink how we can slow people coming down. Cynthia refers to the curve and states if there is another conversation with the Fire Department and they don't have an issue with their biggest and longest trucks getting around the curve and passing one another it might be something the Board could consider. Cynthia asks if she has given a good summary in Frank's opinion in terms of providing guidance. Frank states there are things you could do to mitigate the issues to make it work better. Frank states he thought the question tonight was what to call this in terms of a Private Road. Cynthia states she thinks that is the direction the Applicant is going in. Frank states the last time we saw the full Plan with the grading it was going to be called a Private Driveway but there were frontage issues, so the alternative was to keep it a Common Driveway, and deal with the frontage issues through an Open Development process. Frank refers to the specific engineering issues in terms of going one way or another as far as what to call it. Frank refers to the Waivers and what they are likely to end up with. Frank states if you call it any kind of a road, in his opinion, it implies a certain level of safety and service issues as opposed to calling it a Common Driveway. Cynthia states we have never done a Common Driveway for four homes; we have done it for three, so that also raises an issue here, plus we have never taken a Private Road over 12%. Cynthia states if it were at 12% going up can we keep the top at 10%. Will asks if there is a Standard relative to the number of homes on a Common Driveway. Cynthia states no. Cynthia states we just went back and looked at all of the different Subdivisions over the years and the existing situations. Cynthia states on two other Applications at least four of the Members of this Board reached a comfort level that they could work with three. Will refers to the Standards for roadways or driveways having changed and asks what is the fundamental difference from a legal and engineering point of view to have a Common Driveway in this situation versus a Private Road. Cynthia states the width for one thing. Cynthia states with a Private Road two cars could pass. Will states we have Private Road Standards and refers to the Waivers. Christopher asks if we are talking about 16 versus 18 feet. Cynthia states yes, but not to the point where it is a driveway. Will states he is trying to wrap his head around whether we are calling this a Private Road for some reason, and waiving Standards. Will states we are getting close to a Common Driveway in reality. Frank states the only Private Road Standards that he could find had to do with reducing the right of way width and road width. Cynthia states that is right, as it is 30 feet. Cynthia states we don't have Driveway Standards. Cynthia asks Frank whether we have a radius of curvature for Private Roads. Frank states he didn't see anything about that. Will states Frank didn't see anything different.

Mr. Mandelbaum states he thinks he can clarify what they are calling it and why they are calling it a Private Street. Mr. Mandelbaum states it goes back to his original discussion with Mr. Baroni who couldn't be here this evening. Mr. Mandelbaum states they talked about this a lot. Mr. Mandelbaum states they went back and forth with Will on the call about the Open Development Area and whether that was appropriate for a property that is set up like this one. Mr. Mandelbaum states the conclusion that Mr. Baroni reached, for which there are very few cases that analyze this Section of the Law that authorizes an Open Development Area, was the way the Code describes Public Streets versus Private Streets and the way the Standards were laid out, with the ability to grant Waivers in appropriate situations. Mr. Mandelbaum states it just made more sense, for this

development, to call it a Private Street, and ask for the Waivers while showing the comparison requested as what a conforming Private Street would look like versus getting sort of knotted up in the very vague, not really clear cut legal issues of whether an Open Development Area could work on this kind of property. Mr. Mandelbaum states they started really struggling with frontage issues. Will states he is not so hung up on the frontage issue because an Open Development area gets rid of the frontage, but then they need to think about how to measure aspects of width which is pretty clear. Mr. Mandelbaum states what he is almost hearing is for them to take a hybrid of the two Plans and make sure Mr. Annunziata, Mr. Agresta, the Board, and the Fire Department are okay with the massaging of the curved area, as that sounds like the biggest concern. Cynthia states that has been their issue and approach and figured somewhere between Will and Mr. Gregory's Office they would figure whether or not, from a Zoning standpoint, it could actually work. Cynthia states this Board hasn't quite waived from the fact that they are very concerned about the steep slopes. Cynthia talks about getting it to 12% going up and no more than 10% around the corner and states she would like to see a comparison of the cuts and fills for that. Cynthia states if 12% was the most the Board would grant in terms of a slope going up, with a curve like this, or as Frank stated, a little better, and then keeping it at 10%, what are the impacts. Will refers to the Plan and states there is, perhaps, a sight line issue. Will talks about two of the houses sharing a driveway which could shorten up the sight distance. Will refers to the lower portion and states he is less worked because there are no driveways coming off of it. Christopher refers to Will's point and asks why the street/driveway goes the way it goes rather than going up into Lot 4. Mr. Gregory states the topography is just too steep. Christopher states neither design is great but the turn is just too severe on one design on such a steep slope.

Cynthia talks about the Applicant coming back to another Work Session to talk in more depth. Cynthia asks Mr. Gregory to compare the Plan at 12 and 14% and keeping it under 10% in another area to improve the sight distance a little, and look at the comment from Will about a common cut. Mr. Gregory refers to the Plan and talks about starting at 14%. Cynthia states her first comment was to get it down to 12%. Mr. Gregory states they looked at that early on and had a difficult time in terms of the impacts to each side. Mr. Gregory states the 14% grade follows the existing trail. Cynthia asks Frank if it is better to have a long 14% grade or a 12 and 14% grade broken up. Frank states it is better to keep it constant. Cynthia states in keeping it as a Private Road she would like to talk about them not having to do the pavement as wide and states isn't that a better Waiver than starting with a driveway and making it wider, then there would be frontage. Frank states they are proposing narrow driveways. Cynthia states we are fluctuating back and forth with Private Roads and Private Driveways and haven't landed this. Will states without getting up on a Private Road versus a Private Driveway it is really the engineering and the geography that matters and the level of safety. Will states the Applicant should concentrate on how to open the curve and reduce the grade. Mr. Gregory states he would like to try and keep a large platform entry, starting at 14% grade for a short distance and see about getting it down to 10%. Mr. Gregory states there may be enough distance to create the curves and separations that they need. Mr. Gregory refers to an area on the Plan and states they will need a long vertical curve because the change from a wider slope to a steeper slope which would require a longer length curve. Mr. Gregory states as he gets up to the top, going from a 14% to a 12 or a 12%, the curve won't need to be as long as it is down below. Cynthia asks Frank if that makes sense. Frank states yes.

Mr. Mandelbaum states they really appreciate the input because now Mr. Gregory can focus on these issues prior to filling out a whole EAF. Cynthia states the Board has been wrestling with this road/driveway for a long time. Cynthia states the Board did go out on a Site Walk which really helped. Mr. Mandelbaum states they will plan to get back on the October Work Session. Cynthia states in the meantime the attorneys can hash out the driveway/ road/frontage issue. Mr. Mandelbaum states he thinks he and Mr. Baroni are in agreement, and as Will mentioned, it is almost semantics in terms of what it is called, as long as it is a safe/workable road. Cynthia refers to the upper portion of the road and confirms the frontage is all worked off of a Private Road scenario.

**2. Salem Hills Healthcare Center: Dan Gallagher (owner – Mokray Acquisition I, LLC)
Amended Site Development Plan (location – 537 Route 22)**

- Discussion With Office of Emergency Management and Fire District Representatives

Christopher asks Cynthia whether she has any materials to put up on the screen. Cynthia states she will pull up a Plan the Board looked at previously and asks Dan Gallagher what page he is putting up on the easel. Mr. Gallagher states Plan Sheet SP-2. Mr. Gallagher states Kurt Guldan is here tonight and they would like to talk about the planted islands. Mr. Gallagher states he was here two weeks ago and expressed that the emergency services had some concerns about the islands. Mr. Gallagher asks Mr. Guldan to refer to the Plan and talk about which islands he has concerns about. Cynthia states Mr. Guldan wears many hats when it comes to this Site, he is the Head of our Ambulance Corp., a Fireman, and Head of the OEM. Cynthia states Mr. Guldan actually works on this Site. Mr. Guldan states a few years ago they hosted a drill to practice for a mass incident on a portion of the building. Mr. Guldan talks about the issues they had and states the ladder truck they have today is not as big as neighboring Towns. Mr. Guldan states to reach this Site they need two ladders that are 100 feet plus. Mr. Guldan refers to the Plan and states originally the parking lot was not there, nor were the handicapped parking spaces. Mr. Guldan refers to the handicapped parking spaces and the island and states they are his biggest concerns. Mr. Guldan states they need to get the trucks aligned to reach this section of the building. Mr. Guldan states these are his concerns with the curve. Mr. Guldan states it is great that the area was opened up as it gives them more room to maneuver, but having the island does not give them the proper swinging radius. Christopher refers to coming in and asks Mr. Guldan to point to the access way. Mr. Guldan shows on the Plan how one ladder truck will come in. Mr. Guldan states the extra space is great, but he is very concerned and would prefer to see the Police enforce the parking areas and give out tickets because it is a lot easier to move a car out of the way versus moving a curb. Mr. Guldan states they could damage the trucks that way. Mr. Guldan refers to a turn on the Plan and states it worries him because there is not much distance between the areas to make the full turn. Mr. Guldan refers to the area where the portable ponds would be located and states they set up three or four. Mr. Guldan states if they have a situation there will be two operations going on; the first is the fire and the second is that 128 people live there, plus staff, which means they have to bring in tankers and ambulances. Mr. Guldan states the tankers come up the driveway and need to make the turn. Mr. Guldan shows on the Plan where the tankers are stored. Mr. Guldan states he also needs to store the ambulances in the same area. Mr. Guldan states as one tanker or ambulance backs up, the tanker comes in and dumps water in the pond, the tanker leaves and the next one backs up. Mr. Guldan states with two planting areas and the tankers, it is a lot easier to push a car than an island. Mr. Guldan points out a total of five planting areas and states they are the most worrisome to him in regards to emergency services. Mr. Guldan states he would rather see no parking signs and have the Police ticket the people who park there, just like they do at any commercial facility. Mr. Guldan states they have tested this and done the drill, and know how much room they need. Mr. Guldan states it if was just fire equipment that would be one thing, but they also have ambulances. Cynthia refers to the winter and asks Mr. Guldan to show where the snow is plowed to, and how it helps or hinders the emergency operations. Mr. Guldan refers to the Plan and shows where the snow is pushed to fit under the trees. Mr. Guldan states the snow is pushed under the guardrail and you can see where the bottom of the pines have broken off. Mr. Guldan refers to the Plan and states all of the snow from this area gets pushed straight across up into a grass area. Mr. Guldan refers to the Plan and shows where the snow is plowed down and pushed up on the grass area near the front of the building. Mr. Guldan shows where snow gets pushed against a big mulched area. Mr. Guldan states the snow from the driveway goes on either side. Mr. Guldan refers to an area where snow is pushed up into the dirt. Mr. Guldan refers to the curb and plants and states there would be nowhere for him to put the snow. Christopher asks if there could be mountable curbs with grass or something that could be driven over and states he doesn't have high confidence that if no parking signs were to go up the parking would be enforced. Mr. Guldan states he thinks if there is more parking there isn't any reason why people can't park there. Christopher states he agrees except the other

area is closer. Mr. Guldan states maybe not if the people know the Police are going to come and write them a ticket. Will states the Police aren't going to come. Mr. Guldan states they have done it a few times when he worked at Waterview Hills. Mr. Guldan talks about asking the Police to do a daily patrol. Mr. Guldan refers to the mountable curbs and states he is worried about jumping them and plowing the snow off of them so he can jump them. Cynthia states if this were a Site that was down along a main road the landscaping would be a lot more important. Cynthia states she recognizes this Site is at the top of a hill and the only people that see it are the people who come and go, and it is not a Town visible Site. Cynthia states we want to make sure first that it is safe and second that we use nice items like plantings and landscaping to help enforce good parking practices, so as not to cause safety problems. Mr. Guldan states there may be areas to put the snow but he is more concerned with public safety as that is his number one priority all the time. Cynthia states maybe a choice for plants would be trees where you could push the snow under, rather than low bushes. Mr. Guldan refers to the islands and states his main concern is safety and making sure the emergency apparatus flow continues. Mr. Guldan states he spoke to the Chief of the Fire Department and went over all of this. Will states he would like to see the templates and points out an island on the Plan that he sees as problematic because the configuration is wrong. Will refers to another island on the Plan and states he does not see a problem. Mr. Guldan refers to the Plan and states if the island goes in there will be only eight feet. Cynthia states it can't be eight feet. Mr. Guldan states there is not much room there. Cynthia states there is a marking on the Plan for 50 feet, and it has to be half of that which would be at least 25 feet. Mr. Guldan states the trucks that could come in aren't just from North Salem. Will states again, without seeing the templates, he finds it hard to believe this. Will refers to the staging areas and states he agrees that the Site is running out of room. Mr. Guldan states they went up to the Site three times before they did the drill and one truck had to turn around three or four times to get in there. Mr. Guldan states he is going from history and knows what works. Cynthia thanks Mr. Guldan. Mr. Guldan asks whether the Board would like him to follow up with a letter listing his recommendations. Cynthia states no, she doesn't think that will be necessary. Cynthia asks Frank whether he has any words of wisdom for the Board to consider. Frank states no, not about those issues. Mr. Gallagher states back in 2010, when the parallel parking areas were addressed, they were supposed to install stripping, but that was never done, and now the islands have been requested. Christopher states to try it with the stripping and see whether people don't park there, and if they do, then tickets are actually written. Cynthia refers to the Plan and talks about having a ½ mountable curb. Mr. Guldan states he can see a two foot curb there, but not much more than that. Cynthia asks for something that will clearly delineate the last parking spot, and suggests maybe having stripping in front of it. Cynthia states if bushes are problematic, maybe trees would be better for the snow. Mr. Gallagher states someone suggested grass. Will states plants are there already. Cynthia refers to two locations on the Plan and states there are huge areas for backing up. Mr. Guldan states he knows for a fact that one of their tankers would not be able to make that turn. Mr. Guldan states it has to pull up and then back out. Cynthia states Mr. Guldan just told the Board this is what the tanker would do. Mr. Guldan states that is what the tanker is doing, but if the area is made any smaller, he can guarantee it would not fit. Will states the Board had asked for templates to be provided at this time. Cynthia states Mr. Gallagher should work through the templates and tell the Board what will work if more room needs to be on the side for the tankers to maneuver around. Mr. Gallagher asks Mr. Guldan what size the tankers are. Mr. Guldan states he will provide a map to Mr. Gallagher. Mr. Guldan states it is not just their equipment coming. Cynthia asks Mr. Gallagher if he has enough guidance now to come up with an alternative. Mr. Gallagher states yes.

Mr. Gallagher states they did stormwater calculations and he doesn't have a Stormwater Pollution Prevention Plan (SWPPP) prepared for tonight. Mr. Gallagher states their engineer took the comments from Hahn and studied just the effect of the parking area, and using 1.3" of storm, the runoff increased from .132 cubic feet per second to .25 cubic feet per second. Mr. Gallagher states the engineer said they should isolate their calculations to the parking lot. Mr. Gallagher states if that is going to require mitigation that would be a 26 x 26 foot retention pond which is two feet deep. Frank states that is not what he was saying. Frank states he

tried to suggest to get away from the cubic foot per second analysis and just get the 1.3” over the new impervious area and come up with volume to try and find a way to put it into the ground either by rain gardens or even an improvised infiltration trench as deep as possible so it may be filled with rocks. Frank talks about having filter fabric around it with rocks on top so that if it gets clogged it can be easily cleaned off and maintained, but will allow the volume to go into the ground. Cynthia states it was all about the trenching.

Frank states Will brought up an issue in regards to the grade of the parking area. Frank states this is not Macy’s and 13% is a bit excessive. Frank talks about going all the way down to 5% and states you could need another 7 feet of cut. Mr. Gallagher states the existing lot is 13%. Mr. Gallagher states if they just did the new section they would end up with a hump. Cynthia states it is 13% in the existing lower lot. Mr. Gallagher states there is a dip. Cynthia confirms the upper lot is not as steep. Cynthia refers to the newer part and asks if it can go down a bit. Cynthia asks how much of a cut will it cause at the other end. Frank talks about it going down to 5%. Cynthia suggests somewhere in between. Frank refers to a vertical curve in between the two. Christopher asks Frank if there has to be a 7 foot cut to go to a 5% grade. Frank states yes. Mr. Guldan states 7 feet down they will hit the water mains. Cynthia states look at it and try to compromise with some of the grading. Charlotte asks where the water mains are. Mr. Halliday shows on the Plan where it splits off. Cynthia brings up the Utility Plan and the hydrant is discussed. Cynthia confirms with Mr. Gallagher that he has everything he needs to resubmit. Cynthia asks Will whether he has any further comments. He does not.

3. Fuelco/BP (Getty): Marc Petroro (owner – Joseph Bryson)
Amended Site Development Plan (location – 2 Fields Lane and Hardscrabble Rd.)

- Consider Referral to the Zoning Board of Appeals

Cynthia refers to the Plan on the screen and the list on Page 2 in the cover letter from Marc Petroro and states this is all about getting him over to the Zoning Board of Appeals (ZBA) for all of the Variances. Cynthia states she didn’t realize that 10 Variances are being requested. Cynthia states the first Variance is the most important. Cynthia states we have traditionally viewed this as a Use Variance for the Gas Station and the Convenience Store as an Accessory to it. Cynthia refers to the list and states we are going to change Items 1 and 2 to be a Use Variance for the pumping of gas, and Item 2 an Accessory to the Convenience Store. Will states better yet, just call it a Gasoline Station with an Accessory Convenience Store. Cynthia thanks Will and talks about putting it together as one. Cynthia states can we not call it the same thing that currently exists in the GB District and asks if that meets the description of the Site Use which is a Motor Vehicle Service Station with an Accessory of Retail. Cynthia states it would be a Use Variance for a Motor Vehicle Service Station with an Accessory Convenience Store. Cynthia states she understood the first item on the list which comes later on and states what we are going to suggest to the ZBA is they actually point to that in the Code, use those Standards, and use the related Bulk Standards, which Mr. Petroro refers to in No. 10 as being Use Group L. Cynthia states if we use Use Group L the distance is supposed to be 100 feet and Mr. Petroro is telling us he is at about 60 feet, so that would be the first Variance. Cynthia states the second Variance is for the front yard setback for the gas pumps which the Board understood was going to happen no matter what. Cynthia states the third Variance is for the canopy structure. Cynthia asks Mr. Petroro what the fourth Variance is for. Mr. Petroro states the fourth Variance is in relation to the remote dispenser and the rear yard setback. Cynthia confirms the rear yard faces I-684. Cynthia states if the Board has any issues, as we are going through the list, they should stop us. Cynthia refers to the fifth Variance. Mr. Petroro states this is in relation to the dumpster enclosure fence and points it out on the Plan. Cynthia refers to the sixth Variance. Mr. Petroro states this is in relation to the proposed retention wall which also faces along the I-684 side. Cynthia states that is a good wall so it needs a Variance. Mr. Petroro states the seventh Variance is for the landscaped screening area and refers to the side yard. Cynthia refers to the length. Mr. Petroro refers to the Plan and states they are cutting down planting materials in this area just to put in the utilities. Cynthia refers to landscaping that is being done in

another area. Mr. Petrero states that is subject to Department of Transportation (DOT) approval and they will pursue it with them. Mr. Petrero refers to the Plan and states the landscaped screening area is outlined in the dashed area. Cynthia states in their Recommendation, the Board can point out that there are other landscaping areas that better achieve the effect. Mr. Petrero states they have tried to maximize the landscaping wherever they could. Cynthia refers to the eighth Variance and asks if there will be another dumpster enclosure, or is that listed twice. Mr. Petrero states the fifth Variance was actually related to the dumpster fence itself, and the eighth Variance is actually for the dumpster structure as a whole within the setback. Mr. Petrero states typically the Code does not want dumpsters in the setback so this is for the dumpster as a whole. Charlotte states so you need to have both Variances. Mr. Petrero states yes, that is correct. Mr. Petrero states one is for the fence and the other is for the dumpster. Cynthia asks Mr. Petrero how he is achieving the 50 feet and which yard is 30 feet, or is he splitting it and doing 25 feet and 25 feet. Cynthia states the way the side yard is set up, one side yard can be 20 feet, but the total of the two has to be 50 feet. Cynthia refers to having a square box and one side yard is 20 feet and states the other side yard is supposed to be 30 feet or they both can be 25 feet. Cynthia asks Mr. Petrero if he used 20 feet all around. Mr. Petrero states yes, and since they are on a corner lot, there are two front yards. Cynthia states she doesn't know how the ZBA does it, and once they do it, it is set. Cynthia suggests Mr. Petrero have a conversation with the Building Inspector to make sure he is comfortable with the chosen side yard being 20 feet, and it shouldn't be 30 feet or something else. Cynthia states this sounds reasonable because they are subjected to two front yards which are both bigger, so Mr. Petrero may be alright with the 20 feet, but it is not this Board's call, and she thinks it is the Building Inspector's call. Will suggests it would be helpful if a diagram were to be created keying everything in. Mr. Petrero confirms Will is talking about a diagram stating where the Variances are located. Will suggests Mr. Petrero use the Layout Plan. Charlotte states that would make it easier for the ZBA. Cynthia states that would be very helpful. Cynthia refers to the ninth Variance. Mr. Petrero states this is in relation to the loading space within the setback and is similar to the dumpster whereas the Code doesn't want it in the setback. Cynthia states she is comfortable recommending these Variances and asks the Board how they feel. The Board agrees. Will states there is another side yard and refers to a little piece on the Plan. Will refers to the screen and shows where areas match and states there is a line. Cynthia states that could be the 30 feet side. Will states the other could be 20 feet. Cynthia suggests Mr. Petrero make that change and then go talk to the Building Inspector to see if he agrees to the 20 and 30. Cynthia thanks Will and states that was a good suggestion rather than calling it another rear. Cynthia asks Mr. Petrero what he will be submitting as a package to be referred to the ZBA. Cynthia asks Will whether this will be going to everyone now and if we are at a point where it can go to the Fire Commissioner's, Conservation Advisory Council (CAC), and ZBA, or just to the ZBA. Will states if you are going to send it to the ZBA you might as well send it to everybody else. Will states the Board is not doing a Negative Declaration yet and shouldn't pre-judge that. Will states the point is to get to the ZBA for their initial input, and if the Board is ready, it might be good to get input from the Fire Commissioner's and CAC. Christopher refers to procedures and asks if the Board shouldn't make a recommendation now. Will states he wouldn't until the SEQR portion is completed. Will talks about going to the ZBA first and states they cannot act until the Planning Board does a Negative Declaration. Cynthia confirms the Board is going to refer Mr. Petrero to the ZBA, they will open the Public Hearing and get started. Will states the ZBA will give Mr. Petrero feedback and their initial feedback to the Planning Board under SEQR. Cynthia confirms there will be no recommendation right now, but conceptually Mr. Petrero knows how the Board feels. Cynthia states we will see what the ZBA has to say and defer to their consideration. Cynthia states in the past the ZBA has been very interested in landscaping to counter some of the Variance requests. Cynthia states we might get feedback from the ZBA about how we think the landscaping will work. Cynthia states Mr. Petrero should let the Board know the outcome of the discussions with the DOT about landscaping the area. Mr. Petrero refers to procedures and asks if he has to come to another Meeting. Cynthia states no, she just wanted to obtain clarification from Will what parts and pieces should constitute the package that goes to the ZBA. Cynthia confirms a full size set of all the Plan Sheets and the EAF, in addition to the diagram should be submitted. Will asks Cynthia if the package will be sent with a letter. Cynthia states yes, and because of the uniqueness

of this, would he draft the letter to the ZBA. Will states yes. Cynthia states make sure to send the letter to Dawn because she is going on vacation so it might be Charlotte who signs off on it. Cynthia asks Will to send it to both Dawn and Charlotte as well as herself. Cynthia states to Mr. Petrero that we will need at least three packets and one digital copy so she may put it up in drop box for the Planning Board Members. Cynthia states she will also send a digital over to the ZBA, but would like three hard copies for the Referrals to the Fire Commissioner, CAC, and ZBA. Cynthia states the ZBA may want more copies. Will suggests Mr. Petrero create the diagram. Cynthia confirms the only item Mr. Petrero is going to change on his list is the first one to a gasoline station with an accessory convenience store. Cynthia states Dawn will need a hard copy for her file too, so that will make at least four, and she might come up with another one. Cynthia states she wants to go back and check the mandatory Referrals for the Site Plan.

4. Papovitch/Piedmont Prop.: Don Rossi (owners – Wayne Papovitch/Piedmont Prop. LLC)
Lot Line Change (locations – 7 & 5 Bloomer Road)

- Consider Draft Resolution of Approval

Don Rossi states he had mentioned at the last Meeting that Mrs. Papovitch was not entitled, but he was incorrect. Mr. Rossi states she is entitled so he will keep her name on the Lot Line Change Map. Mr. Rossi states there are two construction trailers on the property, and Will had a comment about them in the Draft for them to be removed. Mr. Rossi states ultimately they will be removed. Mr. Rossi states they are being used for construction related activities on the Site and he suggests in addition to the wording “to be removed”, the wording “upon completion of construction” also be added. Will asks whether the trailers are there in relation to a current Building Permit. Mr. Rossi states no, there is no current Building Permit yet. Mr. Rossi states the trailers are related to the construction that will commence as soon as this Lot Line Change has been completed. Cynthia asks if the trailers are related to a Building Permit that is about to be submitted. Cynthia confirms they have nothing to do with the construction of the other buildings, and are only for the Papovitch home. Mr. Rossi states other than that, the Draft Resolution is fine. Mr. Rossi talks about not showing the trailers on the Map. Cynthia states she would like to see them off. Mr. Rossi states he agrees. Cynthia states she doesn’t want anyone to think they are permanent structures that the Board is allowing to be there. Will states they will be taken off the Map. Will states he will list this as a Condition of Approval that the Map will be revised to remove the construction trailers. Cynthia states we have noted that the spelling of Mrs. Papovitch’s first name is different between the Deed and the Assessor’s records. Cynthia confirms the correct spelling is “Renata”. Cynthia states she did mention this to Karen Roach who told her it should be discussed with Karen Futia. Cynthia states she isn’t sure whether she mentioned this to Will, but the acreage that Mr. Rossi is now showing doesn’t match the acreage that is on the Assessment Roll which seems odd because these are newly created subdivision lots and they should be exact. Cynthia states Mr. Rossi lists Lot A as having 7.939, and it is 7.94 on the Assessment Roll, which is rounded up. Cynthia states Mr. Rossi lists Lot B as having 7.013, and the Assessment Roll had a different number. Cynthia states it is just off by a minor amount. Mr. Rossi states he will speak with Ms. Futia about it. Charlotte asks Mr. Rossi if Lot B would care that it is now under the Ag. Acreage. Mr. Rossi states he doesn’t think so. Will refers to the Draft Resolution and states he will correct the spelling of the name and also change Item G on Page 4. Cynthia confirms the Board doesn’t have any other questions.

Chairwoman motions that the Planning Board Adopt the Draft Resolution of Lot Line Change Final Subdivision Plat, as Amended Tonight, for Papovitch/Piedmont Properties LLC. Bernard Sweeney seconds. All in favor. No opposed.

5. Next Meetings:

- Regular Meeting – October 7, 2015
- Work Session – October 21, 2015

6. Comments from the Chair:

Cynthia asks Frank if he has heard from Hawley Woods. Frank states he spoke with Peter Gregory before the Meeting and Mr. Gregory is going to put a Plan together showing what was observed out in the field. Frank states they observed a lot of rock. Cynthia asks Frank if he got the impression the Board may receive something so as to have this matter on the October 7th Agenda. Frank states he doesn't know. Frank states it wasn't necessary to use a boring machine. Frank states they scooped what they could get with the backhoe. Christopher states there will be a lot of blasting.

Cynthia refers to Work Session items and states she just sent the first draft of the Stormwater Report over to Bruce. Cynthia states now that it is off her plate the Board can get back into some Work Session Items. Cynthia states she started re-reading the Subdivision Regulations which triggered items in other Sections that could use a lot of work. Cynthia states she is thinking of bringing this to the top of the list to see if the Board can work on fine tuning. Cynthia states if we have an October Work Session maybe Will could give them an overview of some of the areas of concern that they should be looking at. Cynthia states if Will isn't ready for October, they will do it in November. Cynthia refers to the October 7th Meeting, if Will is ready by then, depending on whether the Agenda is light and states she will leave it up to him. Cynthia states the Board should start to look at the Subdivision Regulations. Cynthia states the Sections in the Subdivision Regulations are about roads and driveways, but there is also a Chapter in the Code called "streets and roads", so if they change something in one area they need to make sure it does not create a conflict in another area. Will asks Cynthia if she is referring to the Town Code. Cynthia states yes. Will states that is probably the Standard Specifications and something that should be coordinated in terms of changes. Cynthia states the Board should be looking at Chapter 200, as well as a Chapter for Streets and Highways. Cynthia states there are items in the Zoning 250 Chapter that relate to Subdivisions, and Chapter 195 is related to streets. The Board talks about the latest Amendments. Cynthia refers to the screen and states they should click on the New Laws tab to see the latest set of Chapter 250 Zoning Amendments. Cynthia states everything is searchable.

7. Resolution:

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