

North Salem Planning Board Minutes

March 2, 2016

7:30 PM – Town Meeting Hall

PRESENT:
Cynthia Curtis, Chairwoman
Charlotte Harris, Board Member
Christopher Brockmeyer, Board Member
Gary Jacobi, Board Member
Bernard Sweeney, Board Member
Roland Baroni, Town Attorney
William Agresta, AICP

ATTENDANTS:	Railyard:	Don Rossi
		Ed Delaney
		Erik Ryzerski
		Evelyn Ryzerski
	Homeland Towers, LLC:	Ray Vergati
	39 Fields Lane:	Joe Lazarcheck
		Merv Blank
		Sherry Blank
	Gizzi:	William Kenny
	Salem Hills Healthcare Center:	Dan Gallagher
		Mark Halliday

Chairwoman Cynthia Curtis calls the March 2, 2016 North Salem Planning Board Meeting to order and reminds all of the presenters that we do have microphones and when they are turned on they have to be used or else people will not be able to pick up the sound if the Meeting is viewed at a later date. Cynthia states the Board Members and Consultants have microphones and everyone else has to use the one at the podium.

PUBLIC HEARING:

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

- Carryover of Public Hearing

Cynthia states this Public Hearing will be held over to the April 6th Meeting.

- 2. Fuelco/BP (Getty):** (owner – Joseph Bryson)
Amended Site Development Plan (location – 2 Fields Lane & Hardscrabble Road)

- Carryover of Public Hearing

Cynthia states this Public Hearing will be held over to the April 6th Meeting.

REGULAR MEETING:

3. **Railyard (former Lakeland Lumber):** Ed Delaney (owner – Rylan West Realty, Inc.) **Site Development Plan** (location – 621 Route 22)

- Open Public Hearing

Cynthia asks Dawn whether there is proof that the Public Hearing Notice was given to all of the residents and appeared in the newspaper. Dawn states yes. Cynthia states for the record that two e-mails were received and one phone call. Cynthia states she will read the e-mails into the record later on. Cynthia states this Project is the redevelopment of a pre-existing lumber yard and the Uses for this property were already determined months ago by the Zoning Board of Appeals (ZBA). Cynthia states this is called a Limited Tradesman Use and could have any of the Uses that are normally in the General Business District. Cynthia states in this case there will be two Tradesman Uses and one Medical Office Use. Cynthia states all of the offices will appear in the front building. Cynthia states in a little while the Applicant's Representatives will explain the layout. Cynthia states she wants it to be clear that the Uses were already pre-determined by the ZBA, which is the exception to what may be used in the General Business District. Cynthia states the Planning Board will be working through the Permits for the Special Use Permit for the Tradesman's Uses, the Site Plan Approval, Stormwater Approval, and a Merger of the two Lots into one Lot. Cynthia states at this point she would like to ask Don Rossi, who is the Attorney for the Applicant, to introduce everybody on the Team and tell us who will give a brief overall presentation.

Mr. Rossi states he will give a brief overview. Mr. Rossi states he is from Hogan and Rossi up in Brewster. Mr. Rossi states Erik Ryzerski is here and he is one of the Principles of Rylan West Realty, Inc., the Developer, who is also looking forward to having his business situated there, as one of the Tradesman Uses. Mr. Rossi states Ed Delaney from Bibbo is the Design Engineer for the Site, and he is also with us tonight. Mr. Rossi refers to the Plan and states they have a depiction of the Site as it currently exists. Mr. Rossi states there is a building to the front, which had been the old main Lakeland Lumber sales offices. Mr. Rossi states there are storage sheds along the left side and a big storage shed to the rear. Mr. Rossi refers to the Plan and states the areas that are depicted in yellow are parts of the buildings that are going to come down and not be replaced. Mr. Rossi states there will be an extensive amount of removal of existing buildings that are on the Site. Mr. Rossi asks Cynthia if she would like to put the Site Plan up on the screen. Mr. Rossi asks if it is alright not to stand at the microphone. Cynthia states if you talk really loud. Mr. Rossi states he will stay at the microphone. Mr. Rossi refers to the Site Plan on the screen and states the property is orientated in a way that New York State Route 22 is at the lower part of the screen. Mr. Rossi states the two existing driveway entrances will be maintained on the Site, but they will be lined with markers and arrows so there will be one way in on the right side and one way out on the left, with the interior traffic flow set up to accommodate the traffic pattern. Mr. Rossi states one of the major improvements they think that is being proposed on the Plan is the elimination of parking on Route 22, which included parking right up to the building in the past and in the New York State Right of Way. Mr. Rossi states they will be replacing that with a grassed area, planters, and other architectural components to the front of the building. Mr. Rossi refers to the front building and states it will be an office building. Mr. Rossi states the prior building is going to be demolished and replaced with a two-story building with a mix of Retail and Office Uses. Mr. Rossi refers to Sheet A-2 on the screen and points out the proposed front elevation of the building and the covered entrance way. Mr. Rossi states the sign is depicted on the left side. Mr. Rossi states they received a Variance from the ZBA for a 10 square foot sign. Mr. Rossi states they were able to eliminate individual Use signs and just utilize the name, which is The Railyard. Mr. Rossi refers to the design of the building in terms of setting the tone for the Site and states there will be brick along the bottom and board and batten. Mr. Rossi states the color will be Hemlock Green. Mr. Ryzerski shows everyone a sample of the color. Mr. Rossi refers to the screen and states the lower part of the

Plan shows the right side when driving in which will again be brick and board and batten. Cynthia refers to the screen and asks whether there will be public access from that side. Mr. Rossi states no. Mr. Rossi states the access is in the front. Mr. Rossi refers to the screen and states there will be an overhanging light. Mr. Rossi states there will be handicapped parking, a planter box proposed, and people will walk to the right of the building to go into a covered walkway. Mr. Ryzerski states that is the main entrance. Cynthia states in the back. Mr. Ryzerski states the front entrance is really an auxiliary entrance, and people will be able to get to all of the offices from the rear. Cynthia states that makes sense since all of the parking is within the lot in the back. Mr. Rossi refers to the screen and points out the parking where the arrows are located. Mr. Rossi states there is an intended separation of the Tradesman parking and storage areas which are to the rear of the property. Mr. Rossi states they are calling that Building B. Mr. Rossi states there will be space for two Tradesman and parking within the rear area which is separated by a proposed safety fence which extends from one planter to another. Mr. Rossi states they have included within the Site Plan landscaping improvements. Mr. Rossi states they will maintain no access out to Maple Avenue. Mr. Rossi states that area will be improved by some plantings and landscaping, but it will not be used as any access, as it will continue to be closed off. Mr. Rossi refers to the building to the left, entitled Building C on the Plans, and states it will also be used for storage of equipment and materials in connection with the Tradesman Uses. Mr. Rossi states overall he thinks they have a very attractive and well thought out Plan for the improvement of the property, which is very consistent with the Hamlet of Croton Falls and the goals that are set out for the Hamlet in the Town's Master Plan. Mr. Rossi states they think this will be a very visually pleasing Project without any additional impacts to the neighborhood other than positive ones.

Cynthia states the Board is required to refer these Applications to the Westchester County Planning Department, Fire Commissioners in Town, and the Conservation Advisory Council. Cynthia states those Referrals only happened last week, so this Public Hearing is most likely going to stay open for another month to give those individuals sufficient time to respond and send their comments in. Cynthia states some of the comments that we have received so far are two e-mails she had previously mentioned. Cynthia refers to the screen and points out Route 22 and Maple Avenue which is around the corner. Cynthia states there is a bus stop there. Cynthia states the comments had to do with how to go about getting signs concerning a notification about the bus stop. Cynthia states she has already referred those comments to the North Salem Town Board, Tom Howley, Chief of Police, Ward Hanaburgh, Superintendent of Highways, and Ken Freeston at the School. Cynthia states this is a State Road and it is up to the State whether or not signs go up on the road, but she thought it was important to bring this to the attention of the Town Board who usually confers with the Chief of Police and the Highway Superintendent. Cynthia states if they think it is something that we should be concerned about and asked for, their help would be very good in getting a sign from the Department of Transportation (DOT). Cynthia states they also try to decide where the best place would be for a sign in terms of warning people about bus stops and children. Cynthia states it is very important on a Site like this because with Tradesman Uses we all know they start very early in the morning which is about the same time the school buses are coming around. Cynthia states it is also reflective of what the situation was before when Lakeland Lumber was in full swing and a lot of the Tradesmen came early in the morning around the same time as the buses came. Cynthia states if the person who inquired about the USPS delivery, is here tonight, contact her later, as she has a little bit of experience with that and can fill the person in on what steps to take. Cynthia states the other comment that was received was by phone call. Cynthia states someone made a point that there was quite a bit of jackhammering this past summer and the question was, going forward, whether there will be more jackhammering of any of the existing surfaces. Cynthia states that is a very loud activity and disturbing to the neighbors. Mr. Rossi refers to the Site and states there were two long rectangular sections of concrete which had been used for the stacking of lumber. Mr. Rossi states he believes that was probably the area where the jackhammering had occurred. Mr. Rossi refers to work on the driveways and the demolition of the buildings and states there will be noise. Cynthia states there are underground utilities that will need to be installed and asks whether that will prompt jackhammering. Mr. Delaney states no, it is all sand and gravel.

Cynthia refers to the concrete in some areas and asks whether that will need to be disturbed. Mr. Ryzerski refers to the screen and states there is very little bit of the same type of concrete in another section that may require approximately two hours of jackhammering. Mr. Ryzerski refers to the removal of the footings for the front building and states he doesn't foresee it requiring a jackhammer as he thinks it is just going to fall apart. Mr. Ryzerski refers to the drilling of the wells and states that may be the loudest issue, which will take place over a two or three day period. Cynthia asks what the wells will be for. Mr. Ryzerski states they will be for the geo thermal heating and cooling system. Mr. Ryzerski states the well drilling is loud and the loudest thing he foresees to happen down there. Mr. Ryzerski states the noise would be similar to the jackhammering noise. Cynthia states the Board should be told what the potential duration of the drilling or loud noises would be as part of their SEQR Review.

Cynthia confirms Mr. Rossi is done with his presentation and opens the floor up for questions and comments from the public. Cynthia states we have to use microphones and states there is one at the lower table, and at the podium.

Tom Christopher states he works across the street from the Site and he thinks this is not only going to be more attractive, but it is going to be a great addition to the neighborhood, by bringing people and workers in. Mr. Christopher states he can't think of anything bad about it. Mr. Christopher states approximately 98% of people in the business area and the neighbors are 100% behind this Project.

Cynthia asks if anyone else would like to speak or ask a question. There are no further comments or questions. Cynthia asks whether any of the Board Members have questions at this point. The Board does not have any further questions. Cynthia states we do not have a review tonight by our Consultants because we are still waiting for the Final Plans that will include the Stormwater. Cynthia asks Mr. Delaney when the Board may expect them and states it would be nice if we could have them reviewed before the continuation of the Public Hearing. Mr. Delaney states that is what they are counting on too and refers to finalizing their activity on the DOT Right-of Way. Mr. Delaney states he believes they are submitting their Final Plans tomorrow. Mr. Delaney refers to the green areas on the Map which show landscaping and all the new trees that are going in. Mr. Delaney states there will be a substantial amount of trees going in. Mr. Delaney states they will be taking roof drainage off the main roof and bring it to a planter filter that he and Frank Annunziata talked about. Mr. Delaney states the drainage will filter down through peat and sand. Mr. Delaney states there will be plantings at the top and a drain at the bottom. Mr. Delaney states the drainage will go into a catch basin. Mr. Delaney refers to the roofline and states the drainage will also go out to a front planter which will also serve as a planter for ornamental grasses. Mr. Delaney states stormwater will come off the building and filtered before it is discharged whereas none of it has been filtered yet. Mr. Delaney states that is the medium they hit in the Town Stormwater Regulation between the 5,000 square feet disturbance and the 1 acre threshold. Mr. Delaney states they have all agreed on the calculations of the square footage. Mr. Delaney states the planters will be two or three feet high. Mr. Delaney states the numbers are the numbers and they are designed by the New York State Department of Conservation Manual. Will asks what Mr. Delaney means when he states the planters will be two or three feet high. Mr. Delaney states the planters will be off the ground. Will refers to people parking in the handicapped spaces. Mr. Delaney states there will be an approximate two or two and a half foot wall. Will asks how that will affect opening of the car doors. Mr. Delaney states he believes there is enough room. Mr. Delaney states there was always a curb there. Will states a curb is only six inches. Will states two or three feet would be a door length. Mr. Delaney states they will take care of that. Mr. Delaney states they would like to finish up with the Town Engineer first in terms of the planters. Mr. Delaney talks about the entire roof drainage being filtered. Mr. Delaney states they are providing an aqua swirl sediment so all of the water that flows off the impervious surface will go directly out to Route 22 and dropped into a grate. Mr. Delaney states the DOT has asked them to change the type of grate so it will not allow logs to go in. Mr. Delaney states they will be catching sediment that has not been caught up until now and also filtering the

water. Cynthia refers to the screen and points out an odd shape in the front and confirms that is also a planter. Cynthia confirms it has to be odd shaped due to the property line. Mr. Delaney states it is a container that will be filled with dirt, peat, sand and gravel. Cynthia confirms there will be plants in it. Cynthia states the question about the handicapped parking in terms of the doors opening has to be looked at.

Cynthia states the Public Hearing will be held over to the April 6th Meeting.

4. Homeland Towers LLC/Verizon Wireless: Ray Vergati (owner – Bloomerside Coop.)
Cond. Use/Site Dev. Plan (location – 101 Bloomer Road)

- Consider Selection of Environmental Monitor

Cynthia states Homeland has chosen their Monitor for the Monitoring Plan and we checked with Will and it appears as if the person being proposed would meet the requirements for the stormwater monitoring. Cynthia asks Will whether he has any issues with the person who has been chosen. Will states no. Charlotte states that Frank Annunziata didn't have an issue with the person who has been chosen.

Chairwoman motions that the Planning Board approve the Environmental Monitor requested by Homeland Towers LLC. Charlotte Harris seconds. All in favor. No opposed.

5. 39 Fields Lane: Joe Lazarcheck (owner – 39 FL LLC)
Sign Approval/Site Plan (location – 39 Fields Lane)

- Discuss Sign Plan Proposal
- Consider Recommendation to ZBA

Joe Lazarcheck states he is here regarding the relocation of the APA sign from 31 Fields Lane to 39 Fields Lane. Cynthia states the picture she has up on the screen shows the existing building and sign at 31 Fields Lane. Cynthia asks Mr. Lazarcheck whether the sign is up yet at 39 Fields Lane. Mr. Lazarcheck states no, that is a rendition. Mr. Lazarcheck states per their last Meeting with the Board, the sign at the street entry on the left hand side is going to be removed. Mr. Lazarcheck states they thought that removing the sign from the street would give them possible mitigation to allow them to put the APA sign on the new building façade. Cynthia states the size of the lettering greatly exceeds what our Code allows, but given this is on Fields Lane, which is all commercial, and these buildings are set back from the road, the request is to have larger lettering so the sign may be seen from the road. Cynthia states there is a request for an Area Variance and referral over to the ZBA. Cynthia asks Mr. Lazarcheck if he has the measurements with him. Mr. Lazarcheck states the Code requires that the lettering cannot be more than one foot, and the sign itself can be two feet. Mr. Lazarcheck states the “A’s” are 27 inches, and the “P” is 12 more than what the Code allows. Christopher asks if these are the same size as the lettering on the 31 Fields Lane sign now. Mr. Lazarcheck states they are identical. Cynthia states a Variance was never obtained when the original sign went up, so we are dealing with it now. Mr. Lazarcheck states the sign has been up approximately five years. Charlotte states the new building is further back. Mr. Lazarcheck states yes, it is approximately 255 feet back. Cynthia asks Mr. Lazarcheck if he only needs a Variance due to the height of the individual letters. Mr. Lazarcheck states that is correct. Cynthia states a Variance may be needed in regards to the overall size of the sign. Mr. Lazarcheck refers to the way the Code is written and states this a single tenant building. Cynthia states she doesn't have a problem with the length, but refers to the height of the sign. Cynthia states if the Board is agreeable she will send a Recommendation to the ZBA for them to consider the Variance. Charlotte and Christopher agree. Merv Blank states the “A’s” are 3 inches too long and the “P” is 12 inches too long. Mr. Blank states when they originally became before the Board for their Approval Mr. Agresta noted in the Approval that they had

discussed that if they were to take down the blue monument at the bottom that they could mitigate this without having to go to the ZBA. Mr. Blank states they are occupying this building and they have no identification on it. Cynthia states the Planning Board does not have the authority to grant Variances. Cynthia states what Will said is the same thing that she had said, which is that stating that the blue monument would be taken down in the Recommendation may help in terms of getting the Variance. Cynthia states only the ZBA may grant Variances, so the Planning Board has to make the Recommendation to them. Mr. Lazarcheck asks whether they will have to come back before the Planning Board once they receive the Variance. Cynthia states she believes the way the Resolution was written the Applicant may go right to the Mylar's because this is part of the Approved Site Plan for which the Resolution was given. Will asks Cynthia whether there are requirements for street number identification. Cynthia states yes, there has to be a number out on the street, so part of the post out on the street has to have the number on it.

Chairwoman motions that the Planning Board send a Recommendation over to the Zoning Board of Appeals to consider a Variance on the height of the sign and the height of the individual letters for Air Professional Associates (APA). Bernard Sweeney seconds. All in favor. No opposed.

6. **Gizzi:** William Kenny (owners – Marilyn & John Gizzi)
Chapter 189 Permit, Wetlands Permit (location – 886 Peach Lake Road)

- Consider Report From Planning Consultant and Wetlands Inspector
- Consider Report From Town Engineer

William Kenny states since they last met with the Board they submitted additional information and revised the drawings in their attempt to address comments from Will Agresta, the Planning Consultant and he has reviewed those documents, as well as the Town Engineer. Mr. Kenny states they would like to go through the comments as well as talk about a request from the homeowners that has been made since the documents were submitted. Mr. Kenny states something came to the attention of the homeowner's that they hadn't focused on previously and that is the proposed planting component of the Project. Mr. Kenny states the homeowners were really focused on the removal of the invasive plants and didn't realize how much planting had been shown on the drawings. Mr. Kenny states the homeowners would really rather avoid the planting. Mr. Kenny states he had proposed shrub and flowering tree planting to the right of the driveway. Mr. Kenny states that is one item they are asking the Board to consider. Mr. Kenny states to remove invasive plants and the natural vegetation in that area will continue to make this a good Project. Cynthia refers to the screen and confirms that the area is all forested trees right now. Cynthia confirms that there will be no clear cutting, and that thinning will take place in addition to taking out the dead and diseased trees. Cynthia refers to the previously suggested trees and asks whether they were being proposed just to add some color. Mr. Kenny states they are native flowering trees such as Magnolia and Dogwood. Cynthia asks what the purpose of the shrubbery was and refers to screening. Mr. Kenny states he saw it as a boarder, except the homeowner really enjoyed the idea of opening everything up there in terms of the removal. Cynthia states she did re-read the file when Mr. Kenny called her and she didn't see a purpose from the wetlands standpoint that the planting would serve. Cynthia states Mr. Kenny slightly changed the area that he is proposing for the first phase. Mr. Kenny states the Forest Management Plan that the Board has refers to Forest Stand 3. Mr. Kenny refers to the screen and points out Forest Stand 3 and Forest Stand 1. Mr. Kenny refers to Forest Stand 1 and states they cut off a little portion of it. Mr. Kenny states they are basically above where the slope starts to get steep and go down towards the lake. Mr. Kenny states they are keeping a good buffer off the lake. Christopher asks whether the plan now is to not have the shrubs. Mr. Kenny states yes. Christopher states he is not a landscaper but that makes more sense to him. Cynthia states she wanted to make sure this wouldn't be turned into a lawn area. Cynthia confirms there will still be the forest, only it will be thinned. Mr. Kenny refers to the screen and points out the edge of the forest. Cynthia refers to the pathway and asks Mr. Kenny whether the trail exists right now. Mr. Kenny states

that was essentially the path that they walked on the Site Visit and that is the path they worked with the Building Inspector on. Cynthia refers to the screen and asks whether anything else will be done other than the wall in this phase. Mr. Kenny refers to the screen and points out the wall and talks about extending it down to the driveway where the neighbor has an easement. Mr. Kenny states it is approximately 450 linear feet and most of it is right against the property line. Cynthia asks whether that will be new wall. Mr. Kenny states yes. Cynthia confirms there will be no thinning in that area. Christopher asks whether the new wall will be dry set so it will look seamless with the old wall that is already there. Cynthia refers to the old wall on the screen. Christopher states there is an old dry set wall. Mr. Kenny states there is 150 feet of wall and it will match that style. Cynthia refers to the Plan and asks whether the homeowners would consider more of a fieldstone wall. Cynthia refers to the pillars and the curve. Christopher states when driving around Town, most of the walls are made of dry set fieldstone from the 18th and 19th century. Mr. Kenny states he will review that with the homeowners.

Cynthia asks Mr. Kenny whether he has any questions in regards to the information that Will is still waiting for. Mr. Kenny states yes. Mr. Kenny states in general everything is fine, except a big piece that will change is related to the proposed plantings, as approximately 40% of the comments relate to that. Mr. Kenny states with the elimination of the plantings those comments will not be relevant anymore. Mr. Kenny refers to the first comment on Page 2 and states it is their feeling that they provided the 60 to 70 Page Forest Management Plan that has a tremendous amount of information about ecological communities and the forest and species that are present. Mr. Kenny refers to bullet point one and states it is very easy and can be done. Mr. Kenny refers to bullet point three and states he does not see great value in spending more time out in the field to identify the species composition and doing detailed inventories of the plants out there. Mr. Kenny states as far as the trees go, they have plenty of information about them. Mr. Kenny states the shrub layer is nearly entirely Barberry and they were wondering whether they could avoid the additional field work. Mr. Kenny states he will provide information about the functions and values of the wetland. Cynthia states in general we want to know whether there will be a disruption of the existing flora and fauna. Will asks Mr. Kenny why he thinks this would require extensive field work as they are talking about the area they are working in, which is 2 ½ acres. Will asks Mr. Kenny whether he has this information already based on the work he has already done. Cynthia states Mr. Kenny would reformat the broad information that he has in all the different sections and just concentrate on this one section. Will states this is a focus on the Wetland Delineation Report. Will states we are only talking about this one area at this point, not the rest of the Site. Mr. Kenny states the wetland line is the line that was from the previous delineation and when building a house or doing some improvement it is very critical to know where that wetland line is because you are keeping a certain distance. Mr. Kenny states they will be cutting Barberry both next to the wetland and in the wetland, and talks about having to know exactly where the line is. Will states this isn't about the line, it is about the contents of the line. Mr. Kenny states he is missing the value of knowing the contents of the line. Will states this is the baseline of what you have and what you compare it to down the road. Mr. Kenny states they have 100% coverage of Barberry shrub layer and the trees are very well covered in the Forest Management Plan. Cynthia asks Mr. Kenny if he has identified any flora or fauna in this specific area aside from the Barberry. Mr. Kenny states they have to some degree. Will asks whether it is possible for Mr. Kenny to speak directly with Joe Bridges to figure this out. Cynthia states yes. Mr. Kenny states yes, he appreciates that. Cynthia states she thinks there is a misunderstanding here and Mr. Kenny has done a lot of this work, and it is in the initial Report. Cynthia talks about focusing on this specific controlled area and highlighting the existing flora and fauna. Cynthia states it shouldn't require a lot of field work. Cynthia confirms the Board agrees with direct contact. Mr. Kenny refers Page 2, Item 2 in regards to the use of herbicides and states they will provide that information. Cynthia states we talked briefly about not using herbicides and shovel digging some of the plants out. Cynthia asks Mr. Kenny what the big problem is with shovel digging the plants out and asks whether it is the quantity of plants. Mr. Kenny states yes, it is the quantity, and the disturbance. Mr. Kenny states they will be keeping all of the root system. Mr. Kenny states they have no soil disturbance and will limit the potential for erosion

substantially by leaving the leaf litter in place and leaving the root systems in place which will avoid a tremendous amount of disturbance and is ultimately a quicker process. Cynthia states it still bothers her but she will consider it. Mr. Kenny refers to Page 2, Item 3 and states they are fine with the proposed text that would pull out reference to proposed planting, otherwise they will keep in the reference to monitor for invasives. Mr. Kenny refers to Page 4, Item 6a and asks whether that comment is from Mr. Agresta or Mr. Bridges. Mr. Kenny states it has to do with building the wall across the small watercourse. Mr. Kenny states he can explain how they are proposing to do that. Mr. Kenny states he thinks it achieves the objectives that Mr. Bridges is trying to obtain with that comment. Mr. Kenny states maybe he should speak with Mr. Bridges about this as well. Will asks Mr. Kenny if he could explain it now. Mr. Kenny refers to the screen and states the watercourse is just two or three feet wide and they are proposing two openings to match the openings that are below the driveway. Mr. Kenny refers to the screen and states if this is where the stream is today, they will construct one opening first to allow the water to continue through. Mr. Kenny states it will all be done by hand. Mr. Kenny states once the first opening is in place, just using sandbags, they would divert the water flow into the opening they just created so they may create the opening where the existing channel is. Mr. Kenny states this will keep the water separate from the activities that are occurring. Mr. Kenny states Mr. Bridges mentioned pumping the water around, but he thinks they can do it without pumping, just by managing the channel there. Mr. Kenny states by having two openings they will be able to do one at a time and then shift the channel from one opening to the other. Cynthia and Charlotte states it seems to make sense to them, but Mr. Kenny should also run it by Joe. Cynthia refers to a specific area on the screen and asks if there is a pipe going through. Mr. Kenny states they actually use a pipe to hold the stone in place. Cynthia asks if the bottom is piped also. Christopher asks whether the pipe will be removed afterwards or will it be kept there. Mr. Kenny states they would keep it there. Mr. Kenny states for structural purposes, they propose to have a full pipe there and then fill it with stone. Cynthia states she was just going to ask what the base would be in case critters tried to get in. Cynthia states it will have a natural base. Mr. Kenny states the length is just 2 ½ feet. Mr. Kenny Refers to Page 4, Item 6b(6) in regards to the sequence. Mr. Kenny refers to the screen and states they have a sequence of activities in the lower right hand corner which was based on being able to get started this winter. Mr. Kenny states based on the approval schedule now, things are going to change slightly. Mr. Kenny states they had proposed the first cutting of the Barberry in the winter or spring to get ready to do a round of spraying in the summer. Mr. Kenny states the recommendation is to not have any cutting during the spring. Mr. Kenny states they do not want to avoid an opportunity to cut at all this year. Mr. Kenny states they do not want to wait until next winter so they would like to leave open an opportunity to do the cutting during the summer. Cynthia asks Will if he knows why Joe would not want cutting during the spring. Will states it is wet. Charlotte states it is wet and Joe wanted it frozen. Mr. Kenny states they are pleased to work with the Wetland Inspector to look at the conditions and at that time if he finds it is too wet they would wait. Mr. Kenny refers to the screen and states the areas have seasonally saturated soils and by summer they are dry. Cynthia states maybe instead of spring it would be late spring or early summer when the areas start to dry. Cynthia suggests Mr. Kenny talk with Joe about that as well. Cynthia states to Will that this is a case when there would be a Pre-Construction Meeting when Joe goes out to the Site and maybe they can check the conditions at that time. Will states this is talked about in the monitoring. Christopher states if in Joe's judgement it is okay, considering there is no snow pack, the thaw will be less impactful than usual. Christopher states he understands the desire to get started, but does not want overly wet ground disturbed. Cynthia states when we get this Application Complete we will have to set a Public Hearing and it is going to take a few months anyway to finish, which may take us into the early summer. Cynthia asks Mr. Kenny how quickly he will be able to turnaround the responses so a Public Hearing may be held in April or May. Mr. Kenny states he thinks the changes are fairly minor this time and he should be able to submit something within the next week or two. Cynthia states we are having a Work Session this month and if we received a package it wouldn't be completely reviewed, but at least we would know whether the Applicant is on track. Cynthia asks Dawn if it is reasonable to set the Public Hearing in that short amount of time for the April Meeting. Dawn states she thinks so except the circulation to the neighbors for Wetland Applications is longer. Will states he

believes it is 15 days. Cynthia states the circulation is quite long. Mr. Kenny asks whether the same neighbors are notified for both Permits. Cynthia states probably, but the Permits are not all lined up in terms of how much lead time you need. Cynthia states some of them are 10 days and some of them are 15. Mr. Kenny asks if it is possible to waive the longer one and still hold the Public Hearing, so the same members of the public are notified. Will states it is one noticing, but the one with the longest lead time is used. Will states this is not something that the Board can change. Mr. Kenny states no, not the lead time. Cynthia states Mr. Kenny is referring to waive the Public Hearing on one Application and hold it on the other in order to save time. Roland states if the time periods are different he is sure the Board doesn't have the power to waive it. Cynthia states that is right. Will states he thinks Mr. Kenny is referring to waiving the Hearing altogether and he doesn't think the Board would want to do that. Mr. Kenny talks about having an official Hearing for the Tree Removal Permit. Christopher asks if Mr. Kenny is talking about choosing to have a Hearing on one Application but not the other. Mr. Kenny states that is right, and you are still holding a Hearing and people are being notified. Mr. Kenny states there would be less restrictions on the notification. Cynthia states she thinks the Town Attorney just answered that question. Roland states no, he doesn't think so. Will states there still may be time to do it. Roland states if Mr. Kenny is able to make a submittal for the Work Session, it might be able to be done. Roland asks when the first Meeting in April is. Dawn states April 6th. Gary states there is three weeks before the Work Session and the first Meeting in April. Cynthia states it might work. Cynthia asks Mr. Kenny if he has any questions in terms of his next submittal package. Cynthia states Mr. Kenny will iron out a couple of the issues with Joe. Will refers to an area on the screen and asks Mr. Kenny if he could explain how he plans to work in this one area as it is open and thick at the same time. Will refers to the screen and states there had been discussions about coming in at two locations. Mr. Kenny states the last go around they didn't show access there, but there had been discussions that because of how busy the road is, they would request access from that side. Mr. Kenny states he doesn't see a problem, and will ask his client. Mr. Kenny talks about walking this area with the Wetland Inspector in order to do this in such a way so there is a minimal amount of disturbance. Mr. Kenny states this is really just to drop off stone. Cynthia asks whether this could be done from Route 121. Cynthia asks whether there is a ditch there. Mr. Kenny states they are still in communication with the DOT, and there may be an issue. Mr. Kenny states that is why he is trying to leave both options open. Will refers to the screen and points out an area where a truck may drop off rock. Cynthia states her question was whether the truck could pull up and dump the stone on the other side. Mr. Kenny states that is what they had in mind initially. Mr. Kenny states there may be an issue with the DOT. Mr. Kenny states it is their hope to have the DOT information for the next submission. Mr. Kenny states otherwise they have reviewed everything. Cynthia states if Mr. Kenny does a quick turnaround he may be put on the Agenda in two weeks for the purpose of setting the Public Hearing. Will asks Mr. Kenny if he has any questions in regards to the Hahn Memo. Mr. Kenny refers to Page 2, Item 1 and states he believes it is not applicable because they are not proposing to grub the vegetation, they will just cut it flush with the surface. Mr. Kenny states the only disturbance is for the wall. Mr. Kenny states they will address the other comments in the Memo. Cynthia confirms Mr. Kenny will not be removing the root; he will cut right to it. Mr. Kenny states they are just cutting flush with the ground surface. Mr. Kenny states Mr. Annunziata has described grubbing which would be the removal of the root system. Cynthia states Mr. Kenny should make it clear in his response.

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

- Consider Report From Planning Consultant
- Consider Report From Town Engineer

Cynthia states the Applicant is under the gun to conclude here and the Building Inspector is concerned. Cynthia refers to the Memo from Frank and states the major concern was the steepness of the new parking lot,

which the Applicant pointed out is the same slope as the existing parking lot. Cynthia states that Frank was looking for a way to reduce the slope. Mr. Gallagher states that would require more excavation into the bank and more rock removal. Mr. Gallagher states they would end up with a hump transition from the existing to the new parking area. Cynthia states it is really up to the Board now as to whether they are comfortable with maintaining the same slope even though it exceeds the recommendation as opposed to shifting and more site disturbance. Cynthia asks whether there are three shifts for people who come and park here and leave. Mr. Gallagher states yes. Cynthia states there must be a pretty aggressive maintenance program to keep the lots clear. Mr. Halliday states as soon as it starts to snow there is a truck on the property plowing until the snow stops. Mr. Halliday states there is one truck that plows the driveway and one truck that plows the parking lots. Cynthia asks whether the Board has an opinion. Christopher refers to the major site disturbance in terms of rock and soil removal. Christopher states he is not a big fan of going against our professional's advice to do something otherwise. Christopher states there really are not great options here. Charlotte states the hump isn't great to have either between the two parking lots. Cynthia states the Code would put it at 12% maximum as opposed to 13%, so there is one additional percent. Will states usually it would be 5% for a parking lot. Cynthia states that is right, roads would be 12%. Cynthia states if parking lots are supposed to be at 5%, how did the first lot get built. Mr. Halliday states that is a good question. Mr. Halliday states he wasn't there then when the building was built. Cynthia refers to the screen and asks where there was a concern about car doors opening because of the 13%. Cynthia states we are not talking about retail where it would happen to a lot of people. Mr. Halliday states it would be for the employees, as most of the visitor's park in the front of the building. Cynthia states she doesn't want to have a whole series of chipping and blasting of rock to get the slope down as it would be extremely noisy and disruptive to the neighbors. Cynthia asks Gary and Bernard what they think. Gary states Christopher expressed it properly, it is the least bad choice. Cynthia states it is in use now. Charlotte confirms the same grade would continue. Cynthia states there are a lot of things that could be changed about this Site if it were to be done all over again. Cynthia states the Board is inclined to let it be. Cynthia refers to the screen and states before the Meeting started Kurt Guldán came in and asked if the curbs were still there or if they were off the Plan. Cynthia states Mr. Guldán was rather insistent that his office, the Ambulance Corp., and the Chief of the Fire Department did not want to see the curbs. Christopher asks whether that includes mountable curbs. Cynthia states yes. Cynthia states Mr. Guldán described to her the pattern for the big ladder trucks and states once they are in place and the staging is done there is not continued movement, but parked cars have to be dealt with. Cynthia refers to the screen and states if another car decided to park in this area because there is nothing to prevent it other than maybe striping on the ground, then maybe the first big vehicles would not be able to make it around there. Cynthia states Mr. Guldán described that they start stacking the 10 foot by 10 foot pools as best as they can in this area with the pumpers in between. Cynthia states when the tanker comes to dump, this is the area that really needs to be cleared. Cynthia refers to the screen and states she could compromise and get rid of this curb, but she thinks we should hold on to the other one. Cynthia states Mr. Halliday saw the drills and asks whether he thinks the Board is being unrealistic. Christopher asks whether the curbs would be mountable curbs. Cynthia states one of them would be gone. Christopher asks whether the other one would be mountable. Cynthia states it doesn't have to be mountable because it is all about getting the biggest truck around. Will states the truck would be nowhere near it. Cynthia states Mr. Gallagher will square it off. Christopher asks whether there is a problem with the curb next to the handicapped parking spaces. Mr. Halliday states that is not a problem. Cynthia refers to the rest of the Hahn Memo and asks Mr. Gallagher whether he has any questions or comments in terms of what is remaining to be done. Mr. Gallagher refers to Page 2, Item 2 and states he feels the contour lines are clearly indicated as the newer lines are darker and the existing lines are lighter. Will asks Cynthia to put up that Sheet on the screen. Will asks Mr. Gallagher to put in a contour elevation. Mr. Gallagher states that is on a different Sheet. Will states the labeling should go in a box. Mr. Gallagher states they can do that. Mr. Gallagher refers to Page 2, Item 3 and states a contractor has not been selected yet. Mr. Gallagher states they do have the form from the SWPPP certifications and it will be signed and certified when the contractor is selected. Mr. Gallagher refers to Page 2, No. 4 and states the Notice of Intent has been revised since they received the Memo. Mr. Gallagher

states he has a copy that he can leave with the Board tonight. Mr. Gallagher states they addressed the minor items. Mr. Gallagher states they have the form that was referenced on Page 2, Item 5. Mr. Gallagher asks who the official is that would be signing the MS4 Form from the Town. Cynthia states the SMO Officer is Bruce Thompson. Cynthia states she believes both Frank and Bruce sign the MS4 Form. Mr. Gallagher asks who Warren Lucas is. Cynthia states Warren Lucas is the Town Supervisor. Mr. Gallagher states that is who they listed, so they will change it. Will states the SMO is supposed to sign it. Mr. Gallagher states they will have Bruce complete it. Mr. Gallagher refers to Page 3, Item 6 and states the berm is shown in detail on Sheet SP-3. Mr. Gallagher states Mr. Annunziata asked for a swale to divert the water coming from the berm area, so they have added it and put the swale along the bottom of the berm and diverted it onto the existing parking as requested.

Cynthia states given the discussions tonight is it possible to have a Draft Resolution in two weeks. Will states sure. Cynthia states the Resolution may still list that a sign off from the Town Engineer is required, but at least we will have the Resolution and before we sign the Mylar's he would do a final check of everything. Mr. Gallagher asks whether he should submit via e-mail or hard copies. Cynthia states Mr. Gallagher should check with Dawn as it should be the usual submission. Mr. Gallagher refers to Page 2, Item 2 in the MDRA Memo and talks about the plantings that they have added at the new parking area. Cynthia asks whether the plants are deer resistant and states plantings have gone in before and the Building Inspector keeps reminding us that we choose plants that the deer eat right to the ground. Mr. Gallagher states they are recommending Maple and Oak Trees. Cynthia states that is fine. Mr. Gallagher states there are some evergreens such as White Spruce. Will asks whether there is a Plant List. Mr. Gallagher states there is a Plant List on the right hand side on Sheet SP-4. Mr. Gallagher talks about planting a 6 foot tall White Spruce. Mr. Gallagher confirms the Board is happy. Cynthia states the Building Inspector will also be happy when this is concluded.

8. **Salem Golf Club:** (owner – Salem Golf Club)
Site Development Plan (location – 18 Bloomer Rd.)

- Consider Draft Resolution of Approval Regarding Extension

Cynthia states Salem Golf Club has not submitted all of their legal documents yet and asks Roland if he knows what is going on. Roland states they just were not supplying the prep documents which are needed in order to record. Roland states that Dawn handed them to him tonight and he thinks he has everything. Roland states this matter will be on the Town Board Agenda next week so signatures may be obtained from the Town Supervisor. Roland states after next Tuesday night he should be able to record everything.

Chairwoman motions that the Planning Board hereby grants Salem Golf Club a ninety-day extension of their SEQR Unlisted Action Negative Declaration, Lot Line Merger, Conditional Use Permit, Site Development Plan, and Stormwater Permit Recommendation Resolution of Approval from April 14, 2016 to July 13, 2016, per written request from Todd Zorn. Gary Jacobi seconds. All in favor. No opposed.

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

- Consider Draft Resolution of Approval Regarding Extension

Cynthia states that Renea Dayton didn't realize that once she received all of her Variances she needed to come back in and conclude the Amended Site Plan. Christopher asks whether all of the Variances were obtained. Cynthia states yes. Cynthia states Bibbo has to prepare the final Plan that lists all of the Variances and

addresses the last few comments from Will's Memo.

Chairwoman motions that the Planning Board hereby grants Hayfields Market a third sixty-day extension of their SEQR Negative Declaration and Site Development Plan Approval from February 15, 2016 to April 15, 2016, per written request from Renea Dayton. Gary Jacobi seconds. All in favor. No opposed.

10. Financial Report:

- February, 2016

Chairwoman motions that the Planning Board Approve the February, 2016 Financial Report. Christopher Brockmeyer seconds. All in favor. No opposed.

11. Minutes:

- January 13, 2016
- January 20, 2016
- February 3, 2016

Chairwoman motions that the Planning Board Approve the Minutes for January 13, 2016. Bernard Sweeney seconds. All in favor. No opposed.

Chairwoman motions that the Planning Board Approve the Minutes for January 20, 2016. Bernard Sweeney seconds. All in favor. No opposed.

Chairwoman motions that the Planning Board Approve the Minutes for February 3, 2016. Bernard Sweeney seconds. All in favor. No opposed.

12. Comments from the Chair:

Cynthia states we are going to have a Work Session on March 16th and are going to try to get back on track with the Subdivision Regulations. Christopher states he will be out of the Country. Cynthia states a lot of people are doing solar energy and wonders whether other municipalities are looking at their Codes with respect to solar. Roland states he read something in the Association of Towns that had a whole Section about this. Roland states if he still has it he will circulate it. Charlotte states there is a company soliciting the barns in the area in terms of putting solar panels on their roofs. Cynthia states she doesn't think there is an issue with the solar panels going on the roofs of structures. Cynthia states people now want to do fields. Cynthia states a company from the mid-west wanted to know if they could put in a huge public utility type of installation. Cynthia states if it is a public utility she guesses it would be allowed. Roland states he didn't read the article. Will states they do not do it as a public utility. Will states he has had applications in Connecticut where they have gone to commercial retail establishments in order to lease their roofs. Will states the retail establishments are given what they need and the rest goes back to the utility company. Will states they are a private entity. Cynthia states she is not saying that we have an issue, but she thinks we should all get up to speed on this. Cynthia asks Will to pass along any information he may have or receive. Cynthia states we will put something together for the Work Session. Cynthia asks Roland whether the Board is under the gun to do something about the signs or should we wait until the next time we look at the Code. Roland talks about the political signs. Will asks Roland whether he received the information he sent about Gilport. Cynthia states we will stay focused on the Subdivision Regulations and the solar.

13. Next Meetings:

- Work Session – March 16, 2016
- Regular Meeting – April 6, 2016.

14. Resolution:

Chairwoman motions to adjourn the Planning Board Meeting. Gary Jacobi seconds. All in favor. No opposed.