

North Salem Planning Board Minutes

May 18, 2016

7:30 PM – Town Meeting Hall

PRESENT: **Cynthia Curtis, Chairwoman**
 Charlotte Harris, Board Member
 Christopher Brockmeyer, Board Member
 Gary Jacobi, Board Member
 William Agresta, AICP

ABSENT: **Bernard Sweeney, Board Member**
 Roland Baroni, Town Attorney – not required to attend

ATTENDANTS:	North Salem Open Land Foundation:	Gloria Stein
		Liz O’Leary
		Will O’Leary
	Lakeside Field Club:	Scott Blakely
		Neil Alexander
	Railyard:	Don Rossi
		Ed Delaney
		Eric Ryzerski
		Evelyn Ryzerski
	Building Inspector:	Bruce Thompson

Chairwoman Cynthia Curtis calls the May 18, 2016 North Salem Planning Board Meeting.

PRE-APPLICATIONS:

- 1. North Salem Open Land Foundation:** Gloria Stein/ (owner – NSOLF – Bloomer Parcel)
Spec. Use Permit/Site Dev. Plan William O’Leary (location – Bloomer Road)
 - Discuss Pre-Application for Proposed Driveway and Parking Lot

Cynthia states the first item on the Agenda is a proposed Eagle Scout Project on the Bloomerside Parcel owned by the North Salem Open Land Foundation (NSOLF). Cynthia states unfortunately we have two Members of the Board of the NSOLF on our Planning Board, which means she will have a conversation with the Applicant. Cynthia states we have the Planning Director here who will guide us through this also. Cynthia states William O’Leary is here with us tonight and he is the Boy Scout who is trying to do the Eagle Scout Project. Cynthia confirms Gloria Stein is here tonight also to represent the NSOLF. Cynthia asks Mr. O’Leary if he would like to give the Board a quick overview in terms of what he would like to do. Cynthia asks Mr. O’Leary to come up to the microphone. Ms. Stein states she will accompany Mr. O’Leary for support.

Mr. O’Leary states he is a Life Scout with Troop 4 in Purdy’s. Mr. O’Leary states their Troop has been providing community service to the NSOLF for a while. Mr. O’Leary states his Project would be to create four parking spaces and a kiosk. Mr. O’Leary states the parking spaces would be surrounded by a split rail fence. Mr. O’Leary states this will take place on the Bloomerside Preserve. Cynthia states this came to her attention a few weeks ago and there have been quite a few conversations and e-mails between herself, Ms. Stein, the Building Inspector, and Mr. O’Leary’s Parents. Cynthia states we have gone through the Code and

pointed out Sections that are relevant. Cynthia states this Application does involve a Conditional Use Permit from this Board and Site Plan Approval, but it doesn't mean there has to be a full blown engineered Site Plan Approval that we would do with a Commercial Use that is under construction. Cynthia states we wrote this Section for the Recreation Grounds and Facilities to give the Planning Board flexibility especially with designs for recreational uses with low impacts. Cynthia states nonetheless, there is a process which will require a Permit. Cynthia states in a minute she will ask the Planner to give the Board guidance on how they should view a small parking lot like this. Cynthia states the one issue that she believes needs to be resolved is whether or not this is an appropriate or permitted cut onto a County Road in order to invite the public to use it for safe ingress and egress. Cynthia states while we all know that at some point in time the former owners of this property started using this as a way in and out, what we don't know is whether or not there is a County Permit for it. Cynthia asks Ms. Stein whether she has investigated this since they last spoke. Ms. Stein states it is probably unlikely that there would be a County Permit. Ms. Stein states she has not investigated it. Ms. Stein states since it was an unofficial dump for Bloomerside, so she doesn't see why would they get a Permit for it. Cynthia states it is a cut and anyone who puts a driveway or a road off of any road; State, County, or Local, needs to obtain a Permit to do that. Cynthia states the bigger question is why didn't somebody pick up on it and tell Bloomerside they couldn't do it. Cynthia states it is the County and here we are all the way up in North Salem. Ms. Stein states there are remnants of asphalt. Cynthia states it doesn't matter. Ms. Stein states it must have been paved over at one point. Cynthia states that could be, but we don't know. Cynthia states to Ms. Stein that the point is that she is going to have to find out whether there is a Permit for the cut and if there isn't, she would have to apply for one. Ms. Stein asks Bruce Thompson if he spoke with someone at the County about the driveway cut. Bruce states he called the County and spoke with Jim Sabatini who heads up the Department of Transportation (DOT) and oversees this Road. Bruce refers to the improvements that are supposed to be made to the Road and states there is an engineered Plan for it. Bruce states he spoke with the Engineer once, and he has not spoken with him again, but he has a call into him except he has not returned his call. Bruce states he mentioned to the Engineer that this traveled way exists. Bruce states the Engineer went to the same Map that the Board is looking at and did not see it on there, but would welcome further talk about it. Cynthia states what that is going to give us is a comfort level that the sight distances are appropriate. Cynthia states the County requires a certain amount of improvement at the cut in terms of having the width in addition to being so many feet back. Cynthia states certain items need to be done under the County's Permit Requirements. Ms. Stein asks whether they would need to obtain a Permit from the County. Cynthia states yes, or show that one exists. Ms. Stein states the NSOLF obtained this property from the Bloomerside Cooperative so it would have to be something that they did. Ms. Stein states she will see about speaking with someone at Bloomerside, and if not, they will need to apply for a Permit. Cynthia states the Town cannot have the public coming and going off of a County Road without there being a Permit to use it as public access. Cynthia states we just went through this across the street with the Tower, and even for the Tower they had to obtain permission from the County to have a cut. Ms. Stein asks whether it was a big deal for them to obtain permission. Cynthia states she doesn't know. Cynthia states it does involve a certain amount of paperwork. Cynthia states there are minimum requirements in terms of dealing with the cut in terms of the width. Will asks Bruce whether he knows the status of the timing for the work on Bloomer Road. Bruce states they are waiting for the sewer connection from the High School. Bruce states that Warren has been working hard to see that this gets accomplished. Bruce states when he talked with the County they said they are planning on putting it out for Bid this summer with the expectation of paving this fall. Ms. Stein states she has a little bit of time. Will states there is a potential opportunity so that if any Site work needs to be done a deal may be worked out with the County to do it. Bruce states it is an ideal time to talk with the County. Cynthia states when you look at the Plans that Bruce had just talked about, you can see where the County ends their work and when they pave they go in and do a little bit of the driveway because they want to make sure everything is smooth and level. Cynthia states the County skipped over this area and it may mean it is inactive from their point of view, or there never was a Permit. Ms. Stein asks whether there is a data base in terms of driveway cuts. Cynthia states not that she is aware of. Will states they may not have picked it up when they did the field

survey work. Cynthia states it is on the survey but they are not recognizing it like they recognize all the others. Will asks whether there are any other surveys of the property. Ms. Stein states their Plan is based on their survey which was done recently. Ms. Stein states she doesn't have any older surveys. Cynthia states the Plans from the County have the surveys from 1930, 1964, and 1997. Cynthia states it is not on the 1930 or 1964 survey, but on the 1997 survey it shows up with dots as if there is something going into the property. Ms. Stein states she knows dirt had been dumped from the gutter cleaning. Ms. Stein asks whether this would be their only impediment. Cynthia talks about going through what the Planning Board would require for a very small scale parking lot on this property. Cynthia states when reading through the Code, it leaves a lot up to the Planning Board in terms decisions, and she hopes that Will may talk us through some of the items. Will states there are three components; the parking area, the split rail fence which will define the outline of the parking area, and a kiosk. Mr. O'Leary states the kiosk is basically for the NSOLF maps. Will confirms with Mr. O'Leary that those are all of the components of the Project. Cynthia asks Mr. O'Leary whether he will be doing anything on the actual driveway. Mr. O'Leary states no, just the actual parking area. Cynthia states we did not refer to our Town Street opening for the actual specifications for a driveway, we just said a material suitable to the Planning Board. Cynthia states she believes part of the proposal was to just put down Item 4. Mr. O'Leary states yes, that would be for the parking area. Will states the main reason he didn't point to that is because there could be a more active facility versus a less active facility. Will asks whether access to the property is only during daylight hours and refers to restrictions. Ms. Stein states they don't have it on their signage, but most people just come during the daylight because there are no lights. Cynthia asks whether there will be a gate at the beginning or just later on. Ms. Stein states now there is a gate at the street which they are going to have to move back because that is how they keep out ATV traffic. Ms. Stein states they would like to move the gate back so it still provides some sort of protection. Cynthia refers to the Map and states after this area it goes uphill. Ms. Stein refers to having the gate at the street and states it does keep out traffic. Ms. Stein refers to utilizing logs in order to keep people from driving through. Cynthia states it is very steep and refers to the drainage and wetlands. Cynthia states there is a natural flow of water coming down and curving down. Cynthia asks Mr. O'Leary whether any trees will need to be taken down. Mr. O'Leary states no. Ms. Stein states maybe a couple of little trees might need to come down. Mr. O'Leary states it really depends on where they set the parking spots as there are trees on both sides. Mr. O'Leary states there is an approximate 40 foot width which could fit four cars. Mr. O'Leary states possibly only one small tree, if any, may need to come down. Cynthia refers to a dotted line on the other side of the Map and asks Mr. O'Leary if he is going to do improvements there. Mr. O'Leary refers to cars pulling out and states the drawing represents a dotted line to make sure when people pull out there is enough space. Cynthia states the way Mr. O'Leary has drawn the sketch the car wheels will stay on the road and refers to the back end clearance. Mr. O'Leary states it is just to make sure there will be no collisions there. Will asks Mr. O'Leary how wide the area is. Mr. O'Leary states it is approximately 10, 11 or 12 feet wide. Will states if this was a main parking lot, it would be closer to 24 feet with an 18 foot space. Cynthia talks with Will and states if this were to move forward as an Eagle Scout Project, what would be the minimum they should expect to put down in order to keep the area clear, dry, and safe for cars. Cynthia refers to the Item 4 being proposed. Will states he doesn't know what the base condition is. Charlotte states it is pretty dry. Ms. Stein states they have to take the dirt that was dumped by the County and use it to level out areas that are not level before putting down the Item 4. Cynthia refers to the dirt that had been dumped by the County and asks whether it is silt. Ms. Stein states it is just dirt from the gutter cleaners. Cynthia asks what will keep the area from becoming a muddy hole when a lot of cars start using it. Mr. O'Leary states the Item 4 should drain quite nicely. Cynthia asks what is there now. Bruce states he has been out to the Site twice. Bruce states there had been illegal dumping in the area where the four spaces are proposed to go. Bruce states it was like fill material. Bruce states when he started in 2000, the practice was if someone did something in Bloomerside, they took the fill and went across the road and dumped it on the ground over there. Bruce states it is clear that material had been dumped on the proposed Site. Bruce states he visited the Site with Mr. O'Leary, Ms Stein, and Mrs. Pooley, and said to them that by combing through the material that had been dumped there, it looked like it could be leveled very easily. Bruce states right now it is

a concave area, except for what was dumped there. Bruce states the material that is there may be worked with, as well as having an Item 4 base at the top. Bruce states it looks like it would come together quite neatly and easily. Will states over time more Item 4 may need to be added. Ms. Stein states that is correct, as you would do with any driveway. Will states the area will only hold four cars, and not have that much activity. Ms. Stein states they will have more visitors than they do now because now they have no place to park. Cynthia states there are a few spots along Bloomer Road. Miss. Stein states she did that this past weekend and people take their life in their hands when they park there. Cynthia states that is where she parks. Cynthia speaks with Will about the Board considering this proposal with the Condition that it is monitored after a year in order to see how popular, how much it is being used, and whether the materials are holding up. Cynthia states the downside is that if it is failing, then if the NSOLF would like to continue to use it, they would have to do more improvements. Ms. Stein asks whether the Chair is referring to the actual parking area. Cynthia states it is the road and the parking area. Ms. Stein refers to the road going in and states it is solid. Cynthia states we think it is, but what we don't know is that if it is constantly being used, especially during heavy rains, whether it will hold up. Ms. Stein agrees and states they wouldn't want to have something that is unsafe anyway. Ms. Stein states it could be a liability. Cynthia mentions possibly closing it during wet seasons. Cynthia asks Will what he thinks in terms of the monitoring. Will states that is fine. Ms. Stein states they are going to want to make sure it is working and people are not fighting over the parking spots. Ms. Stein states they do not have parking at their preserves unless there is something off street, such as Baxter Road where people just pull up. Cynthia states this is the first time the NSOLF is in for an improvement on one of their parcels. Ms. Stein states there are over 70 acres with great trails and it is by the school, so it is a great place to bring more people to. Will asks whether the road in continues. Ms. Stein states yes, all the way up to the dump. Will asks whether the road is being used. Ms. Stein states they don't use it unless they drive a pickup truck in for cleaning purposes. Will confirms the point of the gate is to keep the ATV traffic out. Cynthia states or keep cars from going any further. Will states the gate will need to be opened sometimes if the kiosk is right there. Ms. Stein states they have a lock on it. Ms. Stein talks about switching to a bigger gate in order to cover a wider area. Ms. Stein states New York State Electric and Gas (NYSEG) has a lock on a gate at their entrance. Ms. Stein states she drove around and this is the best place to put the parking. Cynthia states she doesn't know how Ms. Stein would like to proceed because the County Permit is key. Ms. Stein states she will look into that first. Ms. Stein states if they don't have a Permit, the County will have to give them one and asks whether the County could withhold the Permit. Cynthia states she doesn't know what the County will say. Cynthia states the County may ask for changes due to the sight distance. Will states if anything, the sight distance would be a concern for the County. Ms. Stein states there is a culvert, so they can't really move the entrance. Cynthia states you would engineer over the culvert and refers to piping. Cynthia states it gets very expensive. Cynthia states the sight distance to a layman like her looks pretty good. Cynthia states Bruce also looked at it. Cynthia states she doesn't know the specific requirements of the County and Ms. Stein would need to speak with them. Cynthia refers to moving this forward. Will asks whether the Board would like a drawing of the kiosk. Cynthia states yes. Ms. Stein states the kiosk is still in the discussion stages. Ms. Stein states they would like something very tiny, such as a 2 x 4 kiosk that would display a map and have a holder for maps. Charlotte states that Mountain Lakes has nice kiosks. Mr. O'Leary states that is what he based his proposal on. Ms. Stein refers to the split rail fence and states that would be it. Will asks Mr. O'Leary to expand his drawing on the parking to show a little bit more of the driveway and the backside edge. Will asks Mr. O'Leary to give a rough dimension based on what he sees when he measures it out in the field. Will states the tree aspect should also be double checked. Cynthia asks whether a stake could be put in one corner of the parking lot so if the Board Members went out there they could see exactly where the parking is being proposed. Mr. O'Leary states he had it staked, but took them out. Ms. Stein states they will put a stake in both corners. Cynthia suggests the back corners be staked so the Board may see how far back the lot will go. Cynthia asks the Board whether they would like to go together or separately.

Christopher states for the record, speaking for himself, he is recusing himself from all deliberations on this topic because he is on the NSOLF Board, and toward that end, he doesn't really feel as if he needs to go to the Site and visit. Cynthia asks Gary if he knows where this proposal is and states it is across the street from the Homeland Cell Tower. Gary states we don't need to go. Cynthia states she has been out there. Charlotte states she knows it really well. Gary refers to the fill being there and Item 4 going on top and asks how high it will be. Mr. O'Leary states he thought about six inches. Gary asks whether some type of boarder will need to be installed to keep everything from running off. Charlotte states it is concave right now. Gary states when you make the area flat, what will hold the edges together. Mr. O'Leary states he didn't think about that, but guesses he could put logs in to surround the edges. Ms. Stein states they will go back out and look at it again. Gary states if it is six inches deep, and a car parks on it and it rains, it will spread. Ms. Stein states it will be level with the driveway that is there already and has a little bit of an up-slope. Gary asks how many inches of Item 4 will be put down. Mr. O'Leary states six inches. Mr. O'Leary states with the dirt underneath, that will bring them up to the road level. Gary refers to the sides. Mr. O'Leary refers to utilizing natural logs from the property. Cynthia asks whether the area slopes down. Mr. O'Leary states it actually slopes up. Cynthia confirms the area around is actually higher than the proposed Site.

Cynthia asks whether there are any other questions. Mr. O'Leary and Ms. Stein state no. Cynthia states this will take a Meeting or two. Cynthia states Mr. O'Leary has to go in front of a Board to present this and he would like some type of a feel from us as to whether or not this is something that could move forward. Cynthia states it is up to her and Gary because Charlotte and Christopher have to recuse themselves. Mr. O'Leary states the presentation in front of the Eagle Board would be the first Wednesday of next month. Mr. O'Leary states he knows the Planning Board has a Meeting on June 1st and talks about coming back then. Ms. Stein refers to needing the County Permit by then. Cynthia states Ms. Stein should let the Board know the status in terms of obtaining the County Permit. Ms. Stein states she will make some calls tomorrow. Cynthia states if this is something major with the County it may affect the timing of the Project. Cynthia states in general the proposal sounds feasible to her so long as the NSOLF understands we would probably put monitoring on this and after a year have them come in and talk with us about it, and after the second year they will know how often it is being used and how well everything is holding up. Cynthia states if it doesn't hold up the NSOLF would either need to improve it, or not use it. Ms. Stein states they do monitoring to begin with. Gary states he doesn't want to throw a wet blanket on things but he doubts there will be a response from the County very quickly. Charlotte states Ms. Stein should talk with the cell tower folks as there is pretty much the same sight line. Ms. Stein asks if they received a Permit. Cynthia states yes, Homeland Towers obtained a Permit. Cynthia suggests Ms. Stein give Dawn a call and she will provide contact information. Cynthia asks if there are any other questions. Mr. O'Leary refers to obtaining the County Permit. Ms. Stein states she will see how long it takes and maybe there already is a Permit. Ms. Stein states she will also talk with someone at Bloomerside. Cynthia states the additional details that Mr. Agresta asked for should be submitted as soon as possible. Mr. O'Leary states he will put the stakes in, update the drawing, and include the kiosk.

2. Lakeside Field Club: Scott Blakely (owner – Lakeside Field Club)
Site Development Plan (location – 5 Brookside Lane)

- Discuss Pre-Application

Cynthia states that Scott Blakely is here tonight and asks him to come up and introduce the other people who are here and give us a quick overview.

Neil Alexander steps forward and states for the record that he is a Partner at Cuddy & Feder, representing Lakeside Field Club. Mr. Alexander states that Scott Blakely from Insite Engineering is here, as well as Susan

Siburn who is the President of the Club. Mr. Alexander states he has been doing land use and real estate development for almost 20 years and he has to say that this is a unique one for him. Mr. Alexander states there are three elements out at the Club that received Wetlands Permits, Certificates of Occupancy's (CO's), and Building Permits. Mr. Alexander states a question has arisen as to whether they should have come to this Board at some point in time to receive Amended Site Plan Approval. Mr. Alexander states the Club came in and met with the Building Department. Mr. Alexander states he hopes the Board has had a chance to read the Memo that was issued by the Building Department. Mr. Alexander states the Club came in and talked about what they wanted to do and what the process was. Mr. Alexander refers to having to do a Wetlands Review, obtaining a Building Permit, and a CO in one case, and in other cases a Certificate of Completion (COC). Mr. Alexander states ultimately it comes back to lighting and reconstructing of an existing deck and roofing work. Mr. Alexander states that an issue has arisen as to whether they need to receive Amended Site Plan Approval from the Planning Board, or, when looking at the Code tonight again, take advantage of 250-47, and receive a Waiver of Amended Site Plan Approval. Mr. Alexander states that Mr. Blakely will walk through the elements of the work that was done. Mr. Alexander states all in all, if you added all of the work together, we are talking about less than 4,000 square feet of disturbance, so from their perspective, this is Type II Exempt, and very easily done by a Waiver of Site Plan Approval. Cynthia states except this doesn't qualify as a Waiver because it is a Conditional Use Permit. Mr. Alexander states he disagrees with that and doesn't see how it is a Conditional Use Permit. Cynthia confirms this is a Membership Club and refers to Column A on the Zoning Table in regards to as of right uses. Mr. Alexander states they received a Special Permit in 1970. Cynthia states that is right, so this is a Membership Club. Mr. Alexander states all of their Approvals predate 2012 when the Law changed. Cynthia brings up the Zoning Sheet on the screen and refers to Membership Clubs and states they are a Conditional Use of the Planning Board. Will states before that they were a Special Permit. Cynthia states yes, of the Zoning Board of Appeals (ZBA). Mr. Alexander states they have a Special Permit from 1970. Mr. Alexander states had they been coming in to do work in the future, then he would agree. Cynthia states she understands everything is small and minor. Will states the Waiver provisions didn't change, the Permit Standards for the Use changed. Mr. Alexander states there are a fair number of tools to get this done either tonight or at another Meeting. Mr. Alexander states Mr. Blakely will walk the Board through a couple of the elements and we will see where we go next.

Cynthia states we asked for an electronic version but we didn't get it. Cynthia asks Mr. Blakely if they received it via E-mail. Dawn states we received everything electronically except the Plans. Mr. Blakely states as Mr. Alexander mentioned, there were three Projects that were permitted where CO's or COC's were granted. Mr. Alexander states the one Project that his office was involved in had to do with the new tennis court lighting. Mr. Blakely refers to the Plan and points out the two banks of courts. Mr. Blakely states there were eight light posts installed on each of the two courts back in 2000 and at that time they made a Submittal to the Town and received Wetland Permit through the Building Department. Mr. Blakely states the next Project had to do with the construction of a wood deck on the north end of the pool and that is roughly 700 square feet of area. Mr. Blakely states that was a new structure that was constructed. Mr. Blakely states the next Project consisted of construction of a deck on top of the existing deck with no ground disturbance associated with it. Cynthia asks whether that one was a replacement. Mr. Blakely states yes he believes it was a replacement. Mr. Blakely states there were some other remodels associated with that that were strictly Building Permits issued by Mr. Thompson. Mr. Blakely states the two new Projects back in 2000 were the tennis court lights and the installation of the wood deck. Will refers to the other deck and asks whether it originally had a roof. Ms. Siburn states yes. Will states it was still a repair.

Cynthia states there are other issues that we should talk about. Will refers to the new deck and asks Mr. Blakely what the setback is to the closest line. Mr. Blakely states it is in excess of 80 feet. Cynthia pulls the Zoning Table up and asks whether this is considered a side yard. Mr. Alexander states he would say that they are considered side yards. Cynthia looks at Use A and states 75 foot side yards are listed, but they have to total

200, so if one is 75 the other has to be 125. Cynthia states if it is rear it is 100. Mr. Blakely states one is 85 and the other is 65. Cynthia states there sheds on the other side too that are kind of close. Mr. Blakely states the latest survey was done in 2008. Cynthia states it may have been that back then the items on the other side were different. Charlotte asks what the date is on the survey. Cynthia states 1970. Charlotte talks about the new survey and states it looks a lot different. Charlotte refers to the additional tennis courts and states the buildings look the same. Cynthia shows the 1970 Plan to the Board and states she doesn't know if it was the Final Plan. Cynthia shows the recent Plans to the Board. Charlotte refers to the sheds and additional tennis courts. Cynthia states the difference is that in 1970 it was one Lot. Cynthia refers to the Subdivision and asks whether Variances were granted for the setbacks. Cynthia states it had existed as one huge Lot and in the middle of the Continental Subdivision a portion was sold off. Cynthia states one of the Lots was created recently during the Continental Case. Mr. Alexander states that is what he is thinking as well. Mr. Alexander states he is looking at the filed Map from 2003. Cynthia states they may have dealt with the setbacks at that time so we would have to do a little research on that. Cynthia states the other thing she wanted to raise is that because this is a Conditional Use, and the type of Use that it is, now a days we put timeframes on them because it is good to come in and talk to see how things are going and how things are working, as we know there have been a few issues with a light and some noise. Cynthia states those things we have to deal with. Cynthia states we have to go by the Code and deal with those issues. Cynthia states if there is existing lighting that is going off the property you are going to have to figure out how to cap it and keep it contained on the property. Mr. Alexander states he believes Bruce talked about that in his Memo whereas he stated it had been addressed. Cynthia asks whether this has been taken care of in regards to all the lights. Bruce states no, what he said was that there were no issues with the lights that were put in in 2001. Cynthia states the tennis court lights. Bruce states that is correct. Bruce states the light that is in question was put in in between 1972 to 1974. Mr. Alexander states he is trying to remember in the Code what the foot candle requirement at the property line is. Bruce states his point is that the light went in in 1972 and he doesn't know what it was then. Cynthia states lets deal with today. Cynthia states every Town has a Code now that addresses Light Standards and we are all trying to have happy neighbors. Cynthia states the lighting should serve the Applicant's property and stay on their property and not go off their property and that is what our Code says. Cynthia states we are asking that a cap be put on the light to keep it downward. Mr. Alexander states yes, subject to reviewing insurance requirements, because even though it is a Club, it is different than a residence. Cynthia states if you need a certain area lit instead of lighting it so it goes off property, you might need to put a second light in. Cynthia states the Applicant should see what the shielding can do. Cynthia refers to noise and states the Code states that maintenance cannot start prior to 8:00 a.m., so the Applicant is going to have to figure out how to adjust the maintenance schedule to be in conformance with the Code. Christopher states the two issues Cynthia raised are not Planning Board issues to be considered. Cynthia states they are Planning Board issues in that it's the Code and we are responsible for the Conditional Permits. Mr. Alexander states they are not here for a Conditional Permit. Cynthia states we can make it a Condition of our Approval. Christopher states yes, to make sure it is enforced. Mr. Alexander states he agrees that it is a Building Inspector's domain. Mr. Alexander states they have been on top of this issue and refers to someone screaming from across the Lake and states you can't do anything about the bounce. Cynthia states that maintenance equipment is something you can do something about. Mr. Alexander states he understands and it can be adjusted. Mr. Alexander states things are getting better. Mr. Alexander states they don't use the same power outage for equipment as they used to. Mr. Alexander states they can definitely make adjustments. Cynthia states as far as the improvements go she doesn't see why we can't deal with this very quickly and easily but we have to figure out the setback. Mr. Alexander states that is a wrinkle that none of them realized. Cynthia talks about pulling the Subdivision File to see if it was addressed at that time and how it was addressed. Mr. Alexander states it was an improvement for which a Building Permit was issued almost 15 years ago. Cynthia asks whether it was before or after the Subdivision. Mr. Blakely states it was in 2002. Mr. Alexander states it was before the Subdivision. Mr. Alexander refers to when the wood deck received its Building Permit. Christopher states May 6, 2002. Bruce states the Subdivision was completed somewhere around 2003 and that is when Mr. Bossi

sold to Mr. Zadrina. Cynthia states she is not talking about the four-lot Subdivision next door, she is talking about the Subdivision in 1995. Cynthia states first the Field Club was lobed off and then we had the parcel on the left and the parcel on the right and each of those went through Subdivisions. Cynthia states Lakeside Field Club was sold to the Owners. Cynthia states this is when George Lawrence was the Owner. Mr. Alexander states he is looking at the Filed Map from 1995 whereas Lots 1, 2, and 3 were created with the Subdivision. Mr. Alexander states Lot 3 has been subsequently part subject to the Lot Line Adjustments of those two other sub-parcels that were created outside of it. Mr. Alexander refers to the Map and points out Lot 2 and states Lot 1 is what became of the 4 lot Subdivision. Cynthia states if the deck was built after the Subdivision then it needed to conform to the setbacks. Mr. Alexander states it is tough because we are talking about a deck that was issued all its Permits in 2002 as well as Building Permits and CO's. Mr. Alexander talks about coming to some type of a solution. Cynthia states she can talk with the Town Attorney but it seems to her that the Board would have to send the Applicant to the ZBA for the Variance unless he tells her otherwise. Cynthia states the Board can make their Approval conditioned on that. Mr. Alexander refers to the Bulk Table changing. Cynthia states the Bulk Table did not change with regard to Column A since it was written in 1987. Cynthia states that parts of the Bulk Table changed but not Column A, and you are in Use Group A. Mr. Alexander states it will be interesting to go back and pull the Building Permit file out. Will states if anything changed it would have been whatever Supplemental Standards might affect and override the Bulk Table. Christopher asks how far off we are. Cynthia refers to the combination and states you need a minimum of 75 feet. Mr. Alexander states the other part of this is that it may not be a structure. Bruce states it is a structure. Will refers to it being in the fenced compound. Mr. Alexander states we are talking about something that has existed and there have been subsequent field visits, Building Permit inspections, and work done there for 15 years. Will asks what the total is. Cynthia states 200. Gary states they are about 50 feet short. Christopher states seeking a Variance is one Meeting in front of the ZBA. Cynthia states she sees this moving forward with three Conditions; capping the light, abiding by the construction noise timeframe, and whether or not a Variance is needed. Gary asks whether there has been any progress on the road. Cynthia states it is done.

Christopher asks whether anything is being done with the house that is half built. Mr. Alexander states with the lack of a Homeowners Association that is another kettle of fish.

Resident Jennifer Fogle asks whether she is allowed to ask a question for the clarification in regards to how many Permits there are in conjunction with how many tennis courts there are. Cynthia states sure. Cynthia states in 1970 there were three and later on one was added. Cynthia states unfortunately the Planning file isn't complete. Cynthia states she would have to go back and look at the Building Inspector's file. Cynthia states that originally the three in the front were approved by the ZBA in 1970 and then later on the one that is sandwiched between the three and the building came. Cynthia refers to the Approval from 1970 and points out the location of the tennis courts and states the other court came later. Cynthia states she is not sure of the year, but could look it up. Cynthia states it may have been when it was still under the ZBA. Mrs. Fogle asks when they get approved for Permits whether the lights go accordingly with each tennis court which also get approved. Mrs. Fogle states she thinks the southern-most courts received Permits. Mr. Alexander states the northern light is the one with the problem. Mrs. Fogle asks whether that light has a Permit for the lights. Mr. Alexander states that is the light that was approved in 1970. Mr. Alexander states that is the light closest to the most northerly court and closest to Peach Lake. The Board takes a look at the Plans. Cynthia states the issue is that we are dealing with a Map that does not show the same boundaries. Mr. Alexander states if you go to Land Records and pull Map No. 25343 from January of 1995, which is when the three lot Subdivision was done, before the four lot got folded into the first lot, you can see all of the courts and almost all of the improvements that are out there today. Mr. Alexander refers to the 2003 Map and states that was before the Subdivision was even contemplated let alone any improvements or setting of houses with cognizance of the other improvements that are already out there. Cynthia asks how the next two tennis courts obtained an Approval and whether it was after 1987. Mr. Alexander states he believes there is an Approval from 1974 for

the rest of them. Mr. Alexander states that he and Mr. Thompson have spent untold hours trying to recreate 40 years and there definitely are gaps. Cynthia asks whether the lights came on the tennis courts at the same time they were constructed or later. Mr. Alexander states there are two lighting Projects that are at issue. Mr. Alexander states there is the one that Insite did in 2002 and the light at issue which has been there since 1970. Cynthia states that is the light we just requested a shield for as a Condition. Will states they are probably better off changing the fixtures to make them more energy efficient. Cynthia states to Mrs. Fogle that the short answer is that is the light they are going to improve and the Planning Board is going to make it a Condition of their Approval. Mr. Alexander states the light is right smack in the middle of the property. Cynthia states it doesn't matter. Cynthia states it had been previously commented that the light is shining in someone's bedroom window. Mr. Fogle states there are three bulbs on each post and two face down and one faces out. Charlotte confirms Mr. Fogle is referring to light that is coming into the parking lot and facing his house. Mr. Fogle states the other lights are not a problem if they are directed downward. Cynthia states our Code requires that everything is now downward lighting. Mrs. Fogle states she is trying to understand whether the Club is exempt from the Membership Rules and Special Use Permits. Cynthia states we are making it a Condition. Mr. Fogle states it makes sense to also update the entire survey for the property. Cynthia states if there was an improvement and an As-built was required then that is when an update would be done. Cynthia asks Bruce whether he has any As-builts on this. Bruce states no. Cynthia states probably the closest thing we have to an As-built is the 1995 Subdivision which was a survey and shows all of the improvements as of 1995. Mr. Fogle asks whether the survey could be utilized to check for the Variance. Will states no, but you could see if there are items on the property that are not on the survey. Mr. Alexander states this is a surprise tonight and we are talking about some 14 years ago and it wasn't part of what was an aspect that had been previously mentioned. Mr. Alexander states they will check back through the files. Will asks Mr. Alexander whether he has a copy of the Building Permit Application from that time. Mr. Alexander states he does not have all of those materials. Mr. Alexander states he and Mr. Thompson will have to do more digging. Mr. Alexander states this issue wasn't one that had popped up before. Mr. Alexander refers to shielding the light and the noise time frame issue and states they seem to be heading in a good direction. Gary asks if the light is shielded, will there be sufficient light in the parking lot. Mr. Alexander states that is why he mentioned this being subject to their insurance. Mr. Alexander states they need to figure that out. Will refers to lights being added in terms of meeting insurance requirements, not shielding lights downward. Mr. Fogle states they brought this lighting issue up a year ago and they would hate to go through another season with this lighting. Mr. Fogle asks if the Applicant can work on the lighting sooner than later. Mrs. Fogle states they have asked numerous times for this to be addressed. Cynthia states that is understood and we are moving forward and will try to move very quickly.

Mr. Alexander refers to coming back before the Board on June 15th. Cynthia states yes, if Mr. Alexander can turn the items discussed tonight around very quickly. Cynthia states Mr. Alexander should double check with us to make sure the Board will be meeting on June 15th.

REGULAR MEETING:

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

- Consider Draft Resolution of Approval

Cynthia states to Will when she read the Draft Resolution she was home and later she checked the Sheet, Block and Lot and believes it needs to be corrected. Cynthia states the Sheet should be 1.1 and the Block should be 1731. Don Rossi is here tonight and he states the Sheet, Block and Lot numbers should be revised

in the last line of the first paragraph also. Mr. Rossi thanks the Board for the advanced copy of the Draft and states he did e-mail comments back to the Chair. Cynthia asks Mr. Rossi if he was given the floor. Mr. Rossi states actually no. Cynthia asks the Board Members whether they had a chance to read the Draft and whether there are any other items that are out of sorts. Christopher states no. Cynthia states that Mr. Rossi did send over a few comments and he may go through them now. Mr. Rossi states substantially most of his comments relate to typos. Mr. Rossi reiterates that there are two spots where the Tax Lot Numbers have to be changed. Mr. Rossi refers to the second WHEREAS clause on Page 3 and states in the next to the last line the word “pubic” should be “public”. Mr. Rossi refers to ZF45 on Page 5 and states the word “development” should be “developed”. Mr. Rossi refers to A2 on Page 6 and states the word “agree” should be plural. Mr. Rossi refers to A7 on Page 7 and states the word “their” should be changed to “it’s”. Mr. Rossi states the one important comment has to do with the use of the contractor parking area to the rear. Mr. Rossi states when he read this, he thought the parking of construction equipment was permitted back there. Cynthia states no, the ZBA Resolution specifically says no. Mr. Rossi states the indoor aspect is something he feels they should be able to do without question. Cynthia states that probably is correct and she did pull up the ZBA Resolution and it says “there shall be no parking of construction equipment on the Site”. Cynthia states she was there when the ZBA deliberated on this and she believes Mr. Rossi is correct in that everyone was focused on what was outside and what could be seen. Cynthia states if a piece of construction equipment is parked within a building she doesn’t have a problem with that and could quickly check with Roland to make sure that is his understanding and what is stated in the ZBA Resolution would not prevent that. Mr. Rossi asks where this language is listed in the ZBA Resolution. Cynthia states it is at the bottom of Page 2, No. 7, after all of the bullets. Cynthia refers to the last sentence whereas it states “there shall be no parking of construction equipment on the Site”. Cynthia states she is looking at the signed ZBA Resolution. Mr. Rossi asks if it is dated February 11, 2016. Charlotte states it is dated February 12, 2015 when the Use was granted. Cynthia states she knows when this came up before she brought the ZBA Resolution to the Applicant’s attention. Cynthia states the Planning Board cannot over ride it or change it. Cynthia refers to concurring whether a piece of construction equipment may be inside and states it seems to her it could except it is not her call. Cynthia states she could double check with Jerry Reilly to make sure it is okay. Mr. Rossi states he believes there really shouldn’t be any issues in regards to inside. Cynthia agrees. Cynthia states if they were thinking that she believes they would not have said there should not be outdoor parking of construction equipment, and states she was at the ZBA Meeting and the intent was not to have equipment outside where people could see it. Mr. Rossi states he would think that the opportunity is there to go back to the ZBA to review it. Cynthia asks Mr. Rossi how they would get there. Mr. Rossi states they would ask for an Amendment to the Variance. Will states they could ask for a clarification of the Variance. Mr. Rossi states procedurally there wouldn’t be a problem going there. Cynthia states the clarification would give the Applicant the parking indoors. Eric Ryzerski states that was never what they asked for and what they needed before this ever started. Mr. Ryzerski states he was very clear that he needed to be able to park a machine on a trailer in the back storage unit. Cynthia refers to the ZBA Resolution and states this is what they gave you. Mr. Ryzerski states he will go back. Mr. Ryzerski states that people agreed and talks about going back to the Minutes of the Meetings. Cynthia states she recalls that there were people there who were concerned about landscape architects, dump trucks, and backhoes. Mr. Ryzerski states he has a dump truck, mini excavator, and skid steer and uses all of them. Cynthia states that dump trucks are fine and refers to a backhoe as being a piece of construction equipment. Cynthia states she should not have said that dump trucks are fine because she doesn’t know about them. Cynthia states she remembers that there was a conversation about the backhoe and they didn’t want to see backhoe’s parked there. Cynthia states she isn’t on the ZBA and re-reads the language whereas it states “there shall be no parking of construction equipment on the Site”. Mr. Rossi asks whether they need to go to the ZBA to park indoors. Cynthia states she thinks we could have a conversation with Roland about that. Cynthia states she doesn’t know if that requires a clarification from the ZBA or not. Mr. Rossi states the employees come to the Site, park their cars, and get into whatever vehicles have to be used and take off. Will refers to parking inside, and asks whether the Applicant has the ability to park everything inside. Mr. Ryzerski states this is not what he ever intended. Will

states he knows, and didn't ask him that. Mr. Ryzerski states his equipment is small. Mr. Ryzerski states yes he could get it inside, but the point is that this was talked about at length. Mr. Ryzerski states when you bring a machine back it is on a trailer. Mr. Ryzerski refers to a mini-excavator having mud on its tracks and states what is he supposed to do, take the machine off the trailer and drive it inside and leave the trailer outside? Mr. Ryzerski states this was his whole argument and he said he absolutely needed to have this. Mr. Ryzerski states he doesn't know where this fell apart. Charlotte states somehow with the ZBA. Gary states Mr. Ryzerski might be best to go back and ask for a clarification and if he needs to request an Amendment it is relatively fresh. Gary states there is not much we can do. Cynthia states what is going in Mr. Ryzerski's favor is that now he has a Site Plan and can show the ZBA how he has one area separate from another, as well as the screening and planting. Cynthia states it will be a lot easier for the ZBA to envision this. Mr. Ryzerski states they went through this already. Gary states we can't help you. Mr. Rossi states if that is the Rule from the ZBA then it has to be looked at. Gary states Mr. Ryzerski has a better idea now in terms of equipment in order to quantify it in terms of numbers. Mr. Ryzerski states he did that and told everyone before he bought the place. Gary states he doesn't doubt anything Mr. Ryzerski is saying, but it does sound as if he needs to go back to the ZBA. Will states maybe there was a disconnect in the Minutes and somehow the language was carried into the Resolution. Will states maybe there is a clarification the ZBA may clean up. Christopher asks whether the Board may not be able to move on the Draft and states it would be nice if they could. Cynthia states she thinks the Board can move on it and if Mr. Ryzerski receives a change from the ZBA we could just do a quick Resolution to amend it. Mr. Rossi states when he read the Draft Resolution, as he indicated by his pencil comments, his recollection was that they were going to use the fenced in area for equipment. Mr. Rossi states there were all sorts of discussions. Mr. Rossi states they talked about needing it for the unloading of supplies and he always thought through the whole process that the fenced in area could be for construction equipment, such as a skid steer. Gary states it makes sense. Mr. Rossi talks about the Board could moving the Draft, and then, if need be, Amend it. Gary states that will even help you. Cynthia refers to F7 on Page 11 whereas it states "No outdoor storage or display of materials or equipment is authorized or permitted", and states we should state "except as specified in No. 9 below", because that is where we do state that the outside area in the corner is allowed. Will suggests changing F7 to take out the words "storage or", and just make it about the display. Cynthia states that will do it. Mr. Rossi states if they are going to be keeping supplies within the fenced in compound would they be considered as display items. Will states no. Cynthia confirms that F7 will state that there will be no outdoor display, and F9 will stay as is. Mr. Rossi refers to F9 in regards to the parking of construction equipment and asks if they may have it indoor so that the only thing they need to go to the ZBA for is for construction equipment outside. Cynthia states we could say that there shall be no outdoor parking of construction equipment on the Site. Charlotte states if the ZBA changes it, we could do an Amendment. Mr. Rossi states that's right, so we limit it to only outdoor storage construction equipment. Christopher refers to putting in a Condition so as there would be no outdoor parking of construction equipment period unless otherwise approved by the ZBA in the future. Christopher talks about making it a Condition versus having to go back and modify it. Mr. Rossi talks about being able to avoid having to come back. Cynthia states we are going to put as a Condition of our Approval that there is no outdoor parking of construction equipment on the Site. Cynthia states whether the Applicant may park construction equipment indoors is a matter he has to deal with this wording, but he is going to try and get the wording changed anyway. Cynthia states fs Mr. Ryzerski can't get the wording changed he should at least get clarification about the outdoor and indoor. Cynthia states the Planning Board Resolution still stands; as it stands alone. Mr. Rossi states he understands. Cynthia states she has no problem with outdoor parking that is contained in a building or within the screened fence compound, and the Board is not stating that Mr. Ryzerski can park indoors, they are just saying he can't park outdoors. Christopher states if Mr. Ryzerski gets the Approval for outdoor parking then he would come back. Cynthia states then we could do a very quick Amendment. Mr. Rossi states he thinks what Mr. Brockmeyer is suggesting is if the Condition is worded appropriately we might avoid coming back here. Cynthia states she is not going beyond the language "there shall be no outdoor parking of construction equipment on the Site", and states that is as far as we can go tonight. Cynthia states if

Mr. Ryzerski gets this changed by the ZBA, the Planning Board will do a quick Resolution to Amend Item F9 to allow construction equipment within the fenced in area. Cynthia refers to No. F9 and states they added the word “outdoor” in the last sentence. Cynthia states the point she made to Mr. Rossi is that the ZBA Resolution still stands and it says they can’t park indoors then it stands on its own, but he is going to try and obtain clarification. Cynthia states we are safe in putting the word “outdoor” in because we didn’t say that they can park indoors. Charlotte states a building is a building and what you put in it is your business. Cynthia states the ZBA had no idea at that time what the Site would look like and what the Use was going to be. Cynthia states it was hard to make a determination then. Mr. Rossi states it was at a time when there was a lot of contentiousness with regard to what could be permitted. Cynthia states now that everyone has seen the Site and the beautiful job Mr. Ryzerski has done and how everything will be arranged, she doesn’t think he will have a problem, but she can’t speak for the ZBA. Mr. Ryzerski states he just doesn’t know how it happened in the first place. Mr. Rossi states they will review all of that. Cynthia confirms there are no other corrections or changes.

Chairwoman motions that the Planning Board Approve the SEQR Negative Declaration, Conditional Use Permit, Site Development Plan Approval and Stormwater Permit Recommendation for The Railyard, as Amended this evening. Gary Jacobi seconds. All in favor. No opposed.

WORK SESSION:

4. Solar Discussion:

Cynthia states we are not going to spend a lot of time on solar but we have a nice Draft to at least go through and give Will some direction as to how we envision this to come together. Cynthia states we have Residential and Commercial. Cynthia states we have solar energy that will serve the property owner, and then solar energy for the world at large. Cynthia states it seems pretty clear that we could deal with Residential as a Building Permit just serving the residents and it seems as if we could do the Commercial serving the Commercial as some kind of Permit process of our Board. Cynthia states we should decide whether if it is really small it gets a pass and just goes through a Building Permit and if there is a point whether it goes through us or not. Cynthia states then we should deal with whether or not we are going to have solar farms where the energy would be for sale. Christopher confirms when Cynthia talks about Commercial Use, she is talking about Commercial Businesses using solar for their own personal use, not a solar farm which would be for the sale of energy. Cynthia states those two are no-brainer’s and we want to support solar energy for both Residential and Commercial when it is for their own benefit and use. Cynthia states we can get into the fine details in terms of how we scale it. Cynthia asks the Board how they feel about solar farms. Christopher states he has read all of the literature that Will and Roland have sent around and he has a hard time getting the solar farm concept in his mind to adapt to or conform with our Master Plan for the Town. Christopher states notwithstanding the fact that we all like solar energy and renewables as they are good for the environment, but it is hard to identify either an intent or a word placed in the Master Plan that really supports that kind of really active Use on a property as a revenue-generating endeavor. Cynthia states she is conflicted too because she really supports solar energy and wishes we could write this so that if someone had a huge amount of acreage, and the panels were placed in the middle of them, no one is going to see them. Cynthia states she can also think of so many parcels that are huge, where panels could be placed in the center, and everybody would see them. Cynthia refers to the lay of the land and the visual impacts of developments. Christopher refers to the preservation of rural space, open space, and rural character and states he thinks of solar farms as being an intensive Use of land because it is passive but it is very active in that there is no Use for it and you can’t do anything else with it except have solar panels. Charlotte refers to someone having a solar farm that is Commercial and asks whether Commercial activities may be done in a Residential Zone. Cynthia states there are cell towers and they are considered to be Commercial utilities. Cynthia states we could consider this in our Non-Residential

Districts but the reality is there is no large parcel in those Districts. Charlotte refers to Fields Lane and the Verizon Site. Cynthia states that one is 25 acres. Cynthia refers to the GB District behind Primavera. Will asks Cynthia if she would pull up the R-4 Use Schedule on the screen in order to see what it says about utilities. Will states there are two kinds of utilities that could come down the pike. Will states there would be private companies, but there are also private companies who obtain utility status. Will reads the Definition of a Public Utility whereas it states “Any person, firm, corporation or governmental agency duly authorized to furnish to the public, under governmental regulation, electricity, gas, water, sewage disposal and treatment, steam, cable or communication service. This definition shall not bestow any special status or standing not already provided by state or federal law”. Cynthia states solar might fall under this down the road. Cynthia talks about whether the Board should write the Standards, or change the Definition of a Public Utility and asks whether they can do that. Gary states that would be hard to do. Cynthia states we can’t allow some Public Utilities and not others. Gary states it would be hard to change the Definition as it is fairly well accepted. Cynthia talks about writing the Standards and refers to someone having a minimum of 100 acres or 500 acres and asks the Board what they would do. Cynthia refers to the Residential and states the way Will was structuring this was to allow Residential whether it is on the building or on the ground. Will states there are a couple of ways to look at this and refers to the size or if you want to focus solar in one place more than the other you could change the Permit type. Cynthia refers to Page 4 of Will’s Outline whereas it states that if the solar energy system covers less than 1,000 square feet on the roof or on the ground, someone would need a Building Permit. Will states there is no magic to that number, it was taken from a Code he found. Cynthia states it does make us think and we can always change that number. Cynthia states it is a good concept. Charlotte states what if someone has a really big house and wants to put solar panels on their roof, but it is more than 1,000 square feet. Cynthia states we are not married to the 1,000 square feet, Will just plugged in a number. Will states this doesn’t necessarily refer only to single family homes. Charlotte refers to indoor riding rings and states they could be 2,000 square feet. Christopher states putting square footage restrictions on a standalone unit that is sitting out in a yard or a field is different than putting them on a roof. Christopher states he doesn’t know whether he cares if there are square footage limitations on roofs. Will refers to someone putting panels on a roof having to obtain a Building Permit, and someone putting panels on the ground having to obtain a different Permit. Charlotte states the ground is where it then becomes a bit of an eyesore. Christopher states we would want to have some other limitations or restrictions on Historic Properties and Historic Districts. Charlotte states they are referred to in the Outline. Cynthia states by our Code they definitely would need a Certificate of Appropriateness from the Landmark Commission. Cynthia states she kind of likes the idea that if the panels fit on a roof, this could be done with a Building Permit. Cynthia states if the panels are going to be placed on the ground, if it is more than a certain square footage, it could be an issue. Christopher asks whether the Board would want to write Standards that define the restrictions and limitations more on the basis of sight rather than trying to create a lot of very specific criteria. Christopher talks about basing it on the view shed. Cynthia states if we say that up to 5,000 square feet someone just goes for a Building Permit the only thing the Building Inspector is going to make sure is that it meets the setback requirements. Cynthia states that is an Administrative Permit. Will states you could have other Standards. Will states you could have a list of three or four items. Cynthia talks about making it a Conditional Use of the Planning Board. Will states no, even as a Building Permit. Cynthia asks how you build in visual considerations. Will states they can’t be discretionary items, they have to be clear cut items, such as the connecting equipment has to be a color to match the building. Will states there has to be certain items that the Building Inspector can definitely check off, without having to determine from a discretionary point of view, to judge it. Will states there would be a list, such as granting a Building Permit if the area is 1,000 square feet or less, the panels are on the back roof and not visible from the street, the color is black, and the equipment isn’t visible from the street and colored the same. Charlotte refers to neighbors and asks whether the panels have to be invisible from them also or just from the street. Will states it is up to the Board to decide that. Cynthia states the one instance that she believes has already happened, even though she hasn’t seen it, was for 5,000 square feet just to do a house. Cynthia refers to the earlier point Charlotte made and

states there are some large houses. Cynthia states this proposal was to have 5,000 square feet on the ground, not on a house. Cynthia talks about setting it up so that roofs come first and the ground is secondary. Will states you could have an order of operation so that someone has to show you that they can't put the panels on a roof. Cynthia asks whether that could be done through an Administrative Permit. Will states that becomes a little harder. Will states this is somewhat of a science and there has to be a certain degree of optimism to get to the sun. Will refers to someone not having enough roof space that goes in the direction of the sun. Gary states what if they say the roof isn't strong enough and asks who's call that would be. Will states he doesn't think the weight of the panels are so heavy, such as five pounds. Gary states he knows, but someone may just say that their roof isn't strong enough. Will states that Bruce would require a Structural Analysis and the homeowner would have to prove it. Cynthia states we are only going to get so much out of the Administrative Permits and there is going to come a point where a Board is needed, either the ZBA, or the Planning Board, to work through SEQR and make sure the people have chosen the right Site. Cynthia refers to choosing a Site where someone doesn't have to take down 100 trees, will not impact the neighbors, or have a visual impact. Cynthia states that type of review will only be had with the Planning Board. Cynthia asks whether the magic number is 1,000, 5,000, or 10,000 square feet and states we have to start looking at some parcels and try to envision what this could mean. Christopher talks about whether there should be the same setback standards for wetlands. Christopher asks whether the Town Wetland Requirements are more restrictive than the State Requirements. Will states no, the only difference is the Town has more wetland jurisdiction than the State does. Will states the State regulates wetlands at 12.4 acres or larger. Christopher states since the panels just sit there, and no one goes near them unless they need to be maintained from time to time, maybe we should have different Standards. Cynthia asks what happens to the ground underneath the panels. Cynthia refers to someone having a grass field, who puts rows and rows of panels up and asks whether the grass dies. Gary states yes, and it gets very hot underneath them. Cynthia asks if it rains whether the soil will start moving. Gary states it depends on how well the drainage is. Gary states anything that was underneath the panels disappears. Will states he wouldn't be surprised if the larger areas have gravel underneath them. Charlotte refers to driving up to Vermont and states there are humungous farm fields with panels and the grass is green. Charlotte states she doesn't know how. Cynthia asks how old they are. Charlotte states she doesn't know. Charlotte states she has been driving up there for the last two years visiting schools and then going to her Son's school and she is amazed that the grass is green. Cynthia asks whether the grass is mowed. Charlotte states she doesn't know, they must have to weed whack it or something because the grass isn't tall. Gary states everything he has read talked about everything underneath being desolate. Charlotte states it should dye, unless the panels follow the sun, which some of them do. Will refers to a picture he forwarded to the Board of a farm in North Carolina, and states it shows a little grass there, but not much. Cynthia asks whether we want the panels packed together or see them spaced so there will be some green belts in between. Christopher states he thinks it is going to be mostly unusable by any natural environment, so as to disturb as little land as possible. Cynthia asks whether the panels may go over septic fields. Will states probably not because you can't put the posts within so many feet of the tank and the fields. Gary states if someone puts in 5,000 square feet of solar panels they will be selling a lot of power back to New York State Electric and Gas (NYSEG). Will refers to one of the sample pictures and states there is nothing growing underneath the panels. Cynthia states if it was a forested area, and the trees were taken down, there wouldn't be any grass, so you are starting with dirt and it is going to stay dirt. Christopher states that is definitely not a picture we want to see in North Salem. Cynthia states that is right. Will states that is huge. Cynthia states that was in the Journal News. Cynthia asks whether there is something we could require to be planted underneath the panels that will hold back the dirt. Cynthia states she is worried if panels are allowed on a slight slope, if all of the grass dies, and there is a lot of rain, everything will start moving. Charlotte talks about erosion. Will states you get stormwater anyway because you will have panels. Cynthia refers to the rain hitting the panels and having ruts. Christopher states to that point we should probably limit the slope to almost nothing to avoid runoff. Christopher states the slope should be less than 5%. Cynthia agrees and states she thinks we have to do a little homework in terms of what happens underneath these panels after four or five years, and whether there will be

dead, dried weeds. Christopher states speaking from the experience of the two small panels that they have upstate, they are on a post that sits probably six to eight feet above the ground. Christopher states they pivot with the sun and the ground underneath is fine but that is because the panels are six to eight feet up. Will states they also move around as well. Charlotte states they are not smothered by a lot of other panels. Will asks Christopher whether the panels are stationary when the sun isn't out. Christopher states yes and they stay where they were left at the end of the day. Cynthia asks Will if there is anything else the Board should give him direction on in terms of pulling this together. Cynthia refers to a chart that Will prepared which talks about all the different Zoning Districts. Will refers to Principal Uses versus Accessory Uses and states this could be embellished more. Will talks about someone obtaining a Building Permit versus someone not obtaining a Building Permit and states for Multi-Family he assumes the Board would want it to be part of the Permitting Process. Cynthia states yes. Will states that would be Accessory but still subject to Approval of the Planning Board. Christopher refers to Page 5 regarding the restrictions for the cutting of trees whereas one of the bullets states "Prohibit the clear cutting of existing trees within ten (10) years of proposal to construct a solar farm", and states he doesn't understand that. Will refers to there being a provision that someone cannot cut trees to put in the panels and states if someone cuts trees for what they says is another reason, and then the next year they come in and would like to put panels up, they could say that they didn't cut the trees down originally in order to put up the panels. Will states he doesn't know if it holds up or if the numbers are correct, but that was his thought process. Cynthia states that goes to her point that if someone cuts down all of the trees they will have exposed soil. Will states he has to look back at the Tree Cutting Law as maybe that will help us. Cynthia states instead of steep slopes it might be just slopes in general, or if it is going to be on slopes it can be no greater than 1,000 square feet. Cynthia talks about having a scale. Cynthia states she couldn't put them on her property because everything on her property is at a 10 to 15 percent slope. Cynthia states she would only do a little bit, so maybe for small areas, we could allow a section of panels, but once you get over a certain square footage, the slope has to come down. Cynthia states setbacks are also going to be interesting. Cynthia states if we say the panels have to go behind a house or on the side of a house, then we won't have to worry about front setbacks. Cynthia states she doesn't know who would want panels in their front yard, but some people might, and they may have sufficient land to do it. Cynthia states maybe the easier thing is to say that it has to be on the opposite side of the street, which is usually behind the house but could be the side. Christopher states someone may have no choice but to have the panels in their front yard in some cases if there are trees in the back. Will states you want to get to the point where maybe someone is not going to get it. Cynthia states or they would have to go for a Variance. Cynthia asks whether that would be Use Variance or an Area Variance. Will states that would be an Area Variance. Christopher states we will have to talk about wind after solar. Cynthia states she finds the wind turbines to be surreal and they mesmerize her. Cynthia states we just don't have the wind here. Chris states he understands and they are noisy. Cynthia states she was up close to one and it just slowly went around. Cynthia states she didn't hear anything but people have said they are very noisy. Gary states he doesn't think we have enough wind here. Will states they have to be a certain height up in the air also. Cynthia asks whether the Board cares whether the panels totally cover roofs. Cynthia refers to having the panels set back from the edges and states to her that looks worse. Will states he has done a few Applications for solar panels on roofs and the installers want the panels to be in so they are able to walk on the roof to do maintenance and if the panels are all the way to the edge there is nowhere to go. Will states it does look worse to have them in. Cynthia refers to the height and states right now there is no height limitation according to our Ordinance. Cynthia states she thinks there should be. Will states he thought there was. Cynthia states not for solar. Will states there is for rooftop installation probably. Cynthia states it says someone may only do it to the height necessary if you look at the height exemption. Cynthia pulls it up on the screen whereas it states "solar energy systems provided that such system shall be erected only to the height necessary to accomplish the purpose they are intended to serve". Cynthia states we wrote this in 1987 and no one has touched it. Cynthia reminds Will to fix this one and states it is under permitted height exceptions.

Cynthia states between now and the next Meeting the Board should start e-mailing her some of their thoughts in terms of what they do or do not want to see and she will work with Will to try and come back with something that is a lot more specific and easier for them to react to. Cynthia states she thinks we have a general sense as to what we are looking for. Cynthia states we are going to skip over the solar farms for now as we have to do a little more homework on that. Cynthia states if anybody can do a little homework in terms of what happens to the ground cover underneath that would be good. Charlotte states she just saw an article on managing vegetation underneath. Cynthia states maybe there is some vegetation that is ideal to plant and we should build that in. Cynthia states if someone has to cut down trees, we should think about getting vegetation established. Will states one or two trees is one thing, but cutting a lot of trees to put in solar seems to be counterintuitive because you are trading one resource for the other.

5. Next Meetings:

- Regular Meeting – June 1, 2016
- Work Session – June 15, 2016

Christopher states he will not be here on June 15th. Gary states he will not be here either. Christopher states June 22nd is okay. Cynthia suggests meeting on June 8th or June 22nd if people are available and asks Will whether he is available. Gary states he can meet on June 8th, but not June 22nd. Charlotte states June 8th is better for her too. Christopher states June 8th is fine for him. Will states he thinks he is okay for June 8th. Dawn will check with Bernie and states hopefully the room is available as well.

6. Resolution:

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