

North Salem Planning Board Minutes

June 1, 2016

7:00 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:

Swimfinity Swimming Academy:	Richard O'Rourke
	Joseph Sisca
	Ali Sisca
Baxter Road LLC/Edmonds:	Cynthia Faustino
New Cingular Wireless/AT&T:	Daniel Laub
Palaia Subdivision:	Matt Gironda
	Daniel Hollis
	David Palaia
	Dawn Didomenico
Hawley Woods Subdivision:	Alan Pilch
Conservation Advisory Council:	Lori Tripoli

1. EXECUTIVE SESSION @ 7:00 p.m.:

- To Review Legal Matters With Planning Board Counsel

Chairwoman Cynthia Curtis calls the June 1, 2016 Planning Board Meeting to order and motions that the Planning Board go into an Executive Session to Review Legal Matters With Planning Board Counsel. Christopher Brockmeyer seconds. All in favor. No opposed.

Chairwoman Cynthia Curtis states that the Planning Board Opened the Meeting at 7:00 p.m., went into an Executive Session, and are now Re-opening the Regular Meeting.

REGULAR MEETING:

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

Cynthia states that the Planning Board had a Site Visit at 6:30 p.m. at the Bloomer Road/Homeland Towers Site. Cynthia states there will be a revisit of their Landscaping Plan. Cynthia states they have some suggestions to add some trees and to slightly alter the direction of the road at the Site. Cynthia states there was positive feedback from the Planning Board and they encouraged the Applicant to submit a new Landscaping Plan which we hope to see within the next Meeting or two. Cynthia states that was their Site Visit prior to opening the Meeting.

PUBLIC HEARINGS:

3. **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 July 6th Meeting.

4. **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 July 6th Meeting.

PRE-APPLICATIONS:

5. **Swimfinity Swimming Academy:** Richard O'Rourke (owner – Joseph Sisca)
(location – 5 Fields Lane)

- Pre-Application Discussion

Richard O'Rourke states he is with the law firm of Keane and Beane, P.C. in White Plains. Mr. O'Rourke states he is here tonight on behalf of Swimfinity which is an interesting program that has some benefit to the Community. Mr. O'Rourke states here with him tonight are Joseph Sisca, III and his Wife Ali who is certified in several areas and would be the person essentially operating Swimfinity. Mr. O'Rourke states this Site is located on Fields Lane and is an existing building. Mr. O'Rourke states this will specifically be training for children. Mr. O'Rourke states Mr. and Mrs. Sisca will explain this a little bit more and he believes they have a short video to show the Board to give them a sense of what this is all about. Mr. O'Rourke states he brought photographs with him tonight which he will pass out to the Board. Mr. O'Rourke states the photographs depict essentially what the facility will look like when completed. Cynthia states the Board received a photograph via e-mail. Mr. O'Rourke states one picture he had circulated was very blurry. Mr. O'Rourke states essentially there will be a four foot pool that is 40 x 20 and quite similar to something you would see in someone's backyard. Mr. O'Rourke states the pool will be in an enclosed building and in one big space. Mr. O'Rourke states in many respects this will be like a pre-school. Mr. O'Rourke states the proposal is to take approximately half of the upper building that is located on the property, which is approximately 6,300 square feet. Mr. O'Rourke states there is an existing structure that is up there and only half of it is occupied by a knife sharpening business. Mr. O'Rourke states there is a dividing wall. Mr. O'Rourke states the portion of the property that would be located for Swimfinity is currently occupied by a repair shop that repairs the equipment for the Sisca Operation and for various buildings and holdings throughout Northern Westchester and Putnam County. Mr. O'Rourke states they do not have a Site Plan for their proposal. Mr. O'Rourke states that the property was acquired by the Sisca Entity back in 1994. Mr. O'Rourke states a question had been presented as to what the parking demand will be as well as what will be needed in terms of parking in the future for this building. Mr. O'Rourke states they anticipate the maximum number of cars that will be needed for the Swimfinity operation, which will be principally from the hours of 4:00 p.m. to 7:00 p.m., to be anywhere from 10 to 15 cars. Mr. O'Rourke states Mrs. Sisca will explain the operation in terms of the instruction piece of this. Mr. O'Rourke states it is a very low intense Use. Mr. O'Rourke states the property is Zoned RO and he believes this is a good Use in terms of instruction. Mr. O'Rourke submits a parking sketch

to the Board. Cynthia asks whether this is the sketch that shows the 10 spaces and 2 loading zones. Cynthia looks at the sketch and confirms it shows revised parking. Cynthia states there was an Approved Site Plan. Cynthia refers to an old picture she put up on the screen and points out 10 approved parking spaces, as well as two loading zones. Cynthia refers to the screen and points out the parking lot that is there and states there is another parking lot down below for the lower building, but that is totally separate from this one. Mr. O'Rourke passes out photographs that show the loading docks and the existing parking when exiting the building along the left side. Cynthia refers to the vehicles in the photographs and asks whether all of them are gone now. Cynthia states the Building Inspector has said that they were supposed to have been cleaned out. Cynthia asks for confirmation as to whether all of the vehicles have been removed. Mr. Sisca states they are working on that and will get it cleaned up. Mr. Sisca states a lot of it has been cleaned out already but it is not fully cleaned out. Mr. O'Rourke states he didn't realize that the Chair had located the Site Plan. Cynthia states this is three years old and is the Town's Plan. Cynthia states she also found one on Goggle Earth that shows how the lower building is totally using their parking lot and there are a lot of vehicles in the upper portion that don't belong there. Cynthia states this is the Approved parking. Cynthia confirms that Mr. O'Rourke plans to revise the parking to allow for more. Mr. O'Rourke states the anticipated Use is for there to be two tenants and in some respects the hours of operation will be complementary because the Swimfinity operation will be during the evening. Charlotte refers to weekends and asks whether the facility will be operating then. Mrs. Sisca states not right away, as they will mostly be open Monday through Thursday. Mrs. Sisca states the lessons will be private, and at the most there should only be approximately four cars. Mrs. Sisca states there will be three cars plus her car, unless people hang around afterward. Mrs. Sisca states the lessons will be Monday through Thursday and each lesson will be 10 minutes long. Mrs. Sisca states she is essentially teaching child survival classes, not typical swimming lessons. Mrs. Sisca states she will be teaching drowning prevention. Mrs. Sisca states drowning is the number one cause of death for children under four. Mrs. Sisca states she is teaching infants through six months and up to six years to float on their back and independently get air if they ever had a situation where they would be falling into a pool. Mrs. Sisca states she is in this for drowning prevention. Mrs. Sisca states she teaches swimming also, but that is a secondary benefit to the lessons. Cynthia states like most businesses, we hope they are very successful and take off. Cynthia asks Mrs. Sisca if there is a potential that she could have two instructors going at the same time. Mrs. Sisca states she can't train another instructor for at least seven or eight years legally by her Contract with the Training Facility. Mrs. Sisca states that would not happen right away. Cynthia talks about an increase in hours and asks whether it is possible for there to be early morning and late afternoon classes. Mrs. Sisca states she could have morning at some point, but in terms of what she has seen so far, the demand is during the afternoon. Mrs. Sisca states she has four kids of her own so she needs to have time at home. Mrs. Sisca states it doesn't seem as if there is demand for the mornings because kids are in pre-school and camp and most of the demand is during the evening. Will states if Mrs. Sisca cannot train someone could she hire someone who has already been trained. Mrs. Sisca states she could, but they would need to have had their own training. Mrs. Sisca states right now, someone would have to go to Colorado for training. Mrs. Sisca states it is not in her plan to hire anyone else. Cynthia confirms Mrs. Sisca is thinking about setting aside 10 parking spaces for her business. Cynthia states there is potential there for some growth. Mrs. Sisca states yes, hopefully at some point, but that would only be if she had a group class, which would be for four kids. Mrs. Sisca states that would be four kids during 30 minutes. Christopher refers to the Parking Plan Mr. O'Rourke submitted and states it provides for 34 spots and asks why there are so many. Cynthia states she will get to that. Cynthia states as she mentioned to Mr. O'Rourke, no matter what is going on in the upper portion, the way we do our parking calculation is by the square footage. Cynthia states she asked Mr. O'Rourke to let the Board know how the square footage in the building will be broken down for the different Uses, and using our Standards tell them what the Table would look in terms of what they would need to provide for parking spaces. Cynthia asks Mr. O'Rourke whether he went through that exercise. Mr. O'Rourke states they didn't have a Site Plan in their file. Mr. O'Rourke states they saw the expanse of the blacktop, and recognizing that there will be two tenants, and the building will essentially be split in half, while the client may need four to seven spots,

typically the Planning Board is going to ask to see more parking. Mr. O'Rourke states they took the blacktop and Mr. Sisca did a markup in terms of what the parking is. Mr. O'Rourke states they anticipate, between this Use, and the existing tenant that will be in there, that they will need approximately 20 spots. Cynthia confirms the 20 spots are based on the square footage and the Standards. Mr. O'Rourke states this is a low intensity Use and the other Use is not high either. Will asks what the other Use is. Mr. O'Rourke states it is a knife sharpening business. Will asks whether they manufacture knives there. Mr. Sisca states no, they just sharpen. Mr. Sisca states they go to other locations. Christopher states based on our Code, and given the square footage of the building, what is the minimum in terms of parking spaces. Cynthia states a Personal Service as of right Use requires one parking space per 200 square feet of gross floor area. Christopher confirms the gross floor area is 6,000 square feet. Mr. O'Rourke states that would be 30 parking spaces. Cynthia refers to the knife sharpening business and asks what it is considered to be as a Use on the Table. Will states it is kind of a unique Use. Cynthia states it may have gotten in there under Business Office, which is how the Building Inspector was doing it, and states that would be one parking space per 150 square feet of gross floor area. Will asks Cynthia what Light Industrial is. Cynthia states one space per 300 square feet of gross floor area. Will asks Cynthia what Tradesman is. Will states if it is not in there on the old Site Plan in terms of the Use, we could figure out what it could be. Cynthia states that is the starting point, and Mr. O'Rourke has to tell the Board how all of the square footage is being used and calculate the parking spaces. Cynthia states it is possible that the Planning Board may reduce the number of required spaces. Cynthia states she would need to go searching for that in the Code but she believes, in the past, based on good evidence and good reasoning, there may be some room for the Board to vary that, but Mr. O'Rourke has to start at the starting point and calculate how many spaces the Code says are supposed to be provided. Cynthia states Mr. O'Rourke will have to generate a real Site Plan for the Board to review based upon that number and if he is going to request that the Board vary that number he will have to put that in writing to them. Cynthia asks Mr. Sisca if he is speaking on behalf of the tenants of the whole building when going through this process. Mr. Sisca states that Ali is his Wife and he is an Agent for the ownership of the building. Cynthia asks Mr. Sisca whether he is the person who is causing the Site Plan to be prepared. Mr. Sisca states yes, he will be involved. Mr. O'Rourke confirms the Board would like a Site Plan for the entire building and would like him to do a parking calculation based upon existed Use. Cynthia states if there will be a change in regards to the way the parking is laid out, it has to be in writing. Mr. O'Rourke talks about submitting a Waiver request in writing. Cynthia states if the 10 parking spaces could have been used and the 2 loading zones could have been converted to parking spaces, 12 spaces would have been satisfactory and the Applicant probably wouldn't have to go any further. Cynthia states the Applicant obviously needs a lot more than 12 parking spaces for the two Uses. Mr. O'Rourke refers to the two loading docks and states his understanding is that one will be used by Swimfinity for the purpose of getting the pool and equipment in there, but they are not going to be doing distribution out there, so that is essentially going to be eliminated. Mr. O'Rourke states it will be there as they are not necessarily changing the footprints of the building or the exterior. Mr. O'Rourke states the loading dock will remain there. Mr. O'Rourke states the other loading dock is for the knife sharpening business and it would stay. Mr. O'Rourke states theoretically where the ramp is for the Swimfinity structure could be used for parking. Will states it is a ramp though. Mr. O'Rourke refers to the bottom of the ramp. Cynthia refers to handicapped access and asks whether the building has that. Mr. O'Rourke states they haven't done anything about that. Mr. Sisca refers to one of the pictures that shows the front of the building and states right now there are at least four spaces that are not laid out as parking. Mr. Sisca stated that Mr. O'Rourke referred to the loading dock that would not be used and states a parking space may be able to go there. Mr. O'Rourke states maybe that could be the handicapped space. Will states if it is on a ramp you cannot make it a handicapped space as it cannot have more than a 2% pitch. Mr. O'Rourke states they will take care of that. Will states there are ways to figure that out, and through the potential modifications in the parking, and even land banking, that could solve the big parking problems. Mr. Sisca states this may be irrelevant, but when the property was purchased he was told that this used to be an airplane manufacturing plant, and his Father had told him that over 130 cars used to park there, but that goes back about 20 years, and he doesn't know whether

it matters. Cynthia states she doesn't know what the Standards were then and we have to go by today's Standards. Cynthia states there is a lot of macadam there and the Applicant probably can make this work. Cynthia states it has to be done with a Site Plan. Mr. Sisca states no problem. Cynthia states the Board is only asking the Applicant to focus on the little corner of the parcel. Will asks whether the other building is part of the parcel. Mr. O'Rourke states it is. Cynthia states there are two buildings on this parcel. Mr. O'Rourke states there are a total of 18 acres. Cynthia states they were constructed separately as the lower building and parking came first and then the upper building and parking came later. Cynthia states there were separate Approvals. Will states the other item he sees from the Plan that should be focused on is that the Swimfinity business will deal with little kids and the knife business deals with trucks. Will states the parking lot should be safe and separated in terms of entries. Mr. Sisca refers to the knife sharpening business and states people come approximately 7:30 a.m., park their cars, and take out their trucks. Mr. Sisca states they go to local restaurants. Will states he understands but it only takes one. Cynthia states they all might be coming back at 4:00 p.m. when the first Swimfinity clients are arriving. Cynthia states Will had an excellent recommendation. Cynthia refers to lighting and states she doesn't know whether there already is lighting in the parking lot and if not the Applicant will need to show the Board how they will deal with activities at night, and whether or not they will have to introduce lighting. Cynthia states we highly recommend and our Code states that all of the lighting has to be directed downward, and at a minimum necessary to achieve safe access to vehicles. Cynthia states the Board is not looking for a lot of lighting, but they want to make sure it is safe. Cynthia states she believes those are the main issues and assumes other items are already there, such as the dumpster. Cynthia states the Site Plan is so minimal. Cynthia states if a garbage truck has to get up there and use a dumpster that should be shown on the Plan. Cynthia states the Board does have to refer the Plan to the Fire Commissioner's to make sure that however the parking lot is laid out, their vehicles can make it around, especially when they hear this will be for young children. Cynthia refers to the turning radius of the fire trucks. Will asks what the condition of the pavement is that is up by the building and states it does not look good in the picture. Mr. Sisca states it is decent. Cynthia asks whether the parking spaces will be striped so as to indicate how people will park. Mr. Sisca states yes. Mr. O'Rourke states there is no striping there now. Mr. O'Rourke states it is a low intense Use and he is trying to get his clients in there so they can start their operation. Mr. O'Rourke states they appreciate and respect the Board's attentiveness to the Requirements and they will pay attention to them. Cynthia states the Board will work with the Applicant as best as they can. Will asks whether there is any special Permitting or Licensing on the side from the County level, Health Department, or State for this kind of Use. Mr. O'Rourke states he used a Short Form EAF on this. Mr. O'Rourke states he is sure the Westchester County Health Department, because there will be a pool, instruction, and children there, will be an Involved Agency. Mr. O'Rourke states he is not aware of any other Licenses. Mr. Sisca states to Mrs. Sisca that she should tell the Board about the License she has with the Company she is affiliated with. Mrs. Sisca states Infant Aquatics is an Internationally recognized Training Program for this type of swimming. Mrs. Sisca states she does have her Certification and over 200 hours of training. Mrs. Sisca states she had to go to Atlanta for six weeks of training. Mrs. Sisca refers to YMCA Instructors who are also very good and states they only have three days of training. Mrs. Sisca states her training was very intensive. Mr. Sisca asks the Board whether it is appropriate to show them a brief video and states they will be amazed by this. Mrs. Sisca shows the Board a video on her phone of a two year old boy. Cynthia states they learn to flip over. Mrs. Sisca yes they flip over, get air, and swim back. Cynthia confirms the training is only for 10 minutes each day. Mrs. Sisca states each child will come every day for four days.

Cynthia asks the Board whether they have any more questions. Gary, Charlotte and Chris state no. Cynthia asks Charlotte to pass all of the pictures over to Dawn for scanning.

**6. Baxter Road LLC/Edmonds: Cynthia Faustino
Wetland Permit**

(owner – Matthew Edmonds)
(location – 141 Baxter Road)

- Pre-Application Discussion

Cynthia states this is basically a resubmission of a prior Application that received Approval. Cynthia states we have Cynthia Faustino here with us tonight. Ms. Faustino states unfortunately Dave Sessions, who is the Project Engineer, had a family commitment and could not be here tonight. Ms. Faustino states she is here on behalf of Matt Edmonds and Julie Ann Quay just to resubmit a prior Application as the Chair had mentioned. Ms. Faustino states they received two 90-day extensions but unfortunately need to resubmit in order to have more time if possible. Charlotte asks Ms. Faustino if the proposal is exactly the same as it was. Ms. Faustino states there are no changes. Cynthia brings the Plan up on the screen and points out the road going all the way up to a certain point. Cynthia states a few years ago the Board did a Site Visit. Cynthia states there is a gravel driveway and stormwater practices all along. Cynthia states we did quite an extensive review then and the Conservation Advisory Council (CAC) joined us and weighed in. Cynthia states at the same time Mr. Edmonds has filed a separate Wetlands Permit for a barn reconstruction on the other side of the property which prompted her to ask Will Agresta whether or not that triggers anything different that we have to consider either under SEQR, our Freshwater Wetlands, or anything else. Cynthia states that Will did take a look at that and he reminded her that the Wetland Permit that we already gave was a Type II action under SEQR and the barn Wetland Permit proposal is also a Type II, so it is not SEQR that would be weighing in with multiple Applications and segmented review, as that wouldn't be the case. Cynthia states that Will reviewed our Wetlands Ordinance and it doesn't specifically mention the case of multiple Wetland Permits on the same property and the same wetlands. Cynthia states she is mentioning this because she thinks it is something we have to put on the back burner and think about the next time we revisit the Wetlands Ordinance as to whether or not we should take this into consideration because there could be a cumulative effect to have multiple Wetland Applications on the same parcel and same wetlands. Cynthia states in this particular case one Application is all the way over on one side of the property. Cynthia refers to the screen and asks Will if she is in the right area for the barn. Will states yes. Cynthia refers to the screen and points out the location of the Planning Board Approval. Cynthia confirms with Ms. Faustino that both of the Applications involve State Wetland Permits. Cynthia confirms with Ms. Faustino that they received their Extension from the State. Cynthia believes this may also require New York City Department of Environmental Conservation (NYCDEC) Permits. Ms. Faustino states possible, but Mr. Sessions would know more about that. Will refers to the NYCDEC Permit and asks Ms. Faustino if she knows whether a Permit has been issued or sought for the barn. Ms. Faustino states she does not know. Cynthia states it is alright, as she did speak with Mr. Sessions today and asked about the NYSDEP Permit and he did say that he knew that all of the other Agencies were involved. Ms. Faustino states she is happy to make a list or a note in regards to any questions the Board would like Mr. Sessions to answer. Cynthia states there have been no changes to our Wetlands Ordinance that would affect the previous Application and no other changes that she is aware of. Cynthia states she asked Mr. Sessions at least three times, and Ms. Faustino has confirmed that there are no changes to what was previously Approved by this Board. Cynthia states the Applicant is not requesting a single change. Cynthia states she does not think there have been any changes to the Stormwater Permitting process over that period of time either. Will asks when the original Approval was granted. Ms. Faustino states November of 2013. Cynthia states maybe there were changes. Will states he doesn't know whether it will kick in for this, but there might have been a change, because there were recent changes. Cynthia refers to getting a Report back from Frank. Will states he thinks the changes occurred in 2015. Cynthia asks Dawn whether she already sent this resubmission over to Frank or are we holding an extra copy for him. Dawn states she does not believe it went over to Frank. Cynthia states if we need an extra copy we will let Mr. Sessions know. Cynthia states when we send it over to Frank we will remind him that there are absolutely no changes but the prior Approval was in 2013 and he should consider it from that angle. Will states their Stormwater Pollution Prevention Plan

(SWPPP) is not really the Wetland Permit and it is the bigger proposal than the one in front of the Board and there may be items outside of the Wetland Permit that the Stormwater Regulations have affected since the last Approval. Will states the Planning Board Approval was just for the road, and the Applicant never went for an Approval for the buildings as that had been put on hold. Cynthia states they are probably filing a separate SWPPP for the barn replacement. Will states the SWPPP has to cover all of their activity; it cannot be segmented. Cynthia states the part that we are reviewing is fine. Will states that is correct. Cynthia states through our Wetland Permitting Process we may hold a Public Hearing, or Waive it. Cynthia asks the Board what their take is on this since it is a Re-Application of an identical prior Application. Charlotte states she would agree to Waive the Public Hearing since everything is exactly the same and we have already been through the whole process. Christopher states he didn't have the benefit of being on the Board when this was initially considered so he will defer on that question. Gary states he is more prone towards opening up a Public Hearing since it has been a couple of years and it should sail right through, so why keep it secret. Cynthia states it is not a matter of keeping it secret; it is a matter of whether or not you feel that there is a benefit to having additional public input on something that was previously Approved. Gary states there could be some other developments and he would probably vote to have a Public Hearing. Cynthia asks Bernard how he feels. Bernard states he would let it run as far as he is concerned and agrees not to have a Public Hearing. Cynthia states we have two suggestions to Waive, one suggestion to have a Public Hearing, and she is fine with Waiving the Public Hearing. Cynthia asks Christopher whether he feels strongly one way or another. Christopher states he doesn't feel strongly one way or another. Cynthia asks Will whether the Board is in a position to do the Waiver tonight or should they wait until they receive a Report from him. Will states there were Conditions on the original Approval and he has already reviewed the Plans and the Applicant has made all of those revisions. Will states there may be other procedural items that Dawn and Cynthia might need to do. Will states the Plans are in accordance with the Conditions and consistent with whatever he would tell the Board. Roland states if the Board is going to Waive the Public Hearing they should take a vote on it. Cynthia states that is right and there is no reason they can't do it tonight as they have a formal Application and Will has just confirmed that it has met all of the Conditions of the prior Approval. Will states usually he would have language in the Draft Resolution in regards to the Public Hearing being Waived and asks Roland whether it matters. Roland states you could do it that way as well. Cynthia states Dawn will make sure the Submittal goes over to Frank Annunziata this week. Cynthia states we could schedule this matter for the first Meeting in July. Cynthia states if anything is triggered by our Town Engineer that would affect the course that we are on we will let Mr. Sessions know right away. Cynthia states otherwise we would be on course to have Will prepare a Draft Resolution of Approval for the July Meeting which would include a Waiver of the Public Hearing. Cynthia asks Ms. Faustino to remind Mr. Sessions that his SWPPP has to be for the entire Parcel and she doesn't know whether he has already submitted that or not. Will asks Ms. Faustino if she knows what the overall acreage of disturbance is. Ms. Faustino states no, she only knows what the overall Site acreage is. Will states it looks pretty big. Cynthia states a lot of the Site already has impervious surface. Will states they still need to do calculations. Will states they have a whole Stormwater Plan. Cynthia states yes they do.

REGULAR MEETING:

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

- Consider Draft Resolution of Approval Regarding Extension

Cynthia states we have a Draft Resolution to consider tonight in regards to an Extension Request. Cynthia states they have been very timely with their request. Cynthia states she thinks the only item that Salem Golf Club is working on is the Bond.

Chairwoman motions that the North Salem 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 July 13, 2016 to October 11, 2016, per written request from Mauro Piccininni, the General Manager of Salem Golf Club. Gary Jacobi seconds. All in favor. No opposed.

**6. New Cingular Wireless/AT&T: Daniel Laub (owner – Croton Falls Fire District)
Cond. Use/Site Development Plan (location – 40 Sun Valley Drive)**

- Discuss Proposed Exemption Request
- Consider Report From Planning Consultant

Cynthia states in this case the Applicant has gone through the calculations to ask for the Exemption. Cynthia states we do have a Report from Will on this. Cynthia asks Daniel Laub whether he has any questions on what Will has laid out in terms of what is still needed. Mr. Laub states for the record that he is with Cuddy and Feder in White Plains, New York and is here on behalf of New Cingular Wireless also known as AT&T. Mr. Laub states they have submitted an Application for a minor upgrade to the existing facility, including the replacement of antennas and minor additional equipment. Mr. Laub states he received the Memorandum from Mr. Agresta and has a couple of clarifications that he believes might be helpful. Mr. Laub refers to Page 2, Item 1 regarding a Structural Statement on Sheet TO1 and states it probably could have been clearer. Mr. Laub states refers to the comment that the existing antenna mounting system has been evaluated for the proposed AT&T installation and modifications are required as detailed within. Mr. Laub states that as Mr. Agresta rightfully pointed out that is internal to the Plans. Mr. Laub states that has to do with the mounts for the antennas. Mr. Laub refers to the Structural Analysis prepared by Aero Solutions LLC and states that is for the Tower, and they have stated that there are no modifications needed for the Tower for this because they are not adding any significant amount of weight but there are modifications to the mounts for the antennas. Mr. Laub states that is why Aero Solutions LLC has stated that there are modifications to one structural aspect but not for the entire Tower, as the Tower does not need to be upgraded. Mr. Laub states sometimes on older towers, if a lot of equipment is being added, have to be upgraded in certain ways, except that is not the case here, and that is what the Aero Report says. Mr. Laub states that the information from Tectonic states that the mounts themselves have to be modified. Will asks Mr. Laub if he is referring to the masts. Mr. Laub states yes because they are replacing the masts that come out so that is the modification they are referring to. Mr. Laub states instead of using the old masts they are being replaced with newer masts that are stronger. Will states they are adding a mast. Mr. Laub states yes, the mast is additional as noted up above in the Memorandum. Mr. Laub refers to the installation of three new horizontal mast stiff arms, one for each sector. Mr. Laub states the Structural Statement on the drawings should have been clearer. Mr. Laub states in terms of the size of the antennas, they tried to do a Table that showed the calculations. Mr. Laub states they will do modifications to the Table. Mr. Laub states the Table actually calls out what is going to be removed and what is going to be replaced. Mr. Laub states the replacement antennas are going to be just under five inches longer. Mr. Laub refers to the Plan and states they are both marked SBNH and one is 50.9 inches and if you look across the word “remove” is there, and the other is SBNHH and it is 55.6 inches and if you look across the word “replacement” is there. Mr. Laub states it probably could have been clearer but those are the dimensions that were being sought. Mr. Laub refers to the calculation of the overall volume and states they may need some guidance on that because when they were before the Board last this was a matter that was influx. Mr. Laub states he believes this came in just as the Code was being revised and he thought they had supplied what they supplied last time, but there may have been modifications to the Code. Mr. Laub states he is not sure what the past practice had been and refers to other Applications. Will states this is what the Code now says and refers to everything that is now protruding out from the Tower, such as all of the antennas and the masts, and states the bulk of that is what should be measured. Will states not the Tower itself. Mr. Laub confirms it

should be the bulk of everything, not just their portion. Mr. Laub states he thinks that is where the confusion came in because they only provided information in regards to their portion and not everybody else's. Mr. Laub states he believes the additional cubic square inches are 6,600 cubic inches and a very minor modification overall. Cynthia talks about meeting the Requirements for the Exemption. Mr. Laub states they will be under the 5%. Mr. Laub states No. 4 on Page 2 had to do with the paint matching the antennas. Mr. Laub states he understands the sentiment but is not sure exactly what they should do and asks whether they are supposed to match other carrier's antennas or their antennas. Will asks whether the color of the antennas are different. Mr. Laub states he would have to take look as it has been a while since has been by the Site. Mr. Laub states they would just have to figure out what the best idea is. Will states he does not know the full history of all of the carriers. Cynthia states she does not know either because she wasn't here when it was first Approved. Cynthia confirms that Mr. Laub understands what the Board is trying to achieve. Will states the Board needs to know what the colors are now before they can begin to tell Mr. Laub what will make sense. Cynthia confirms New Cingular is the third carrier down and may be seen just at the tree line. Cynthia states she will have to take a look as she drives by it two or three times every day. Cynthia states the question is whether we want the antennas to blend in with the pole or blend in with the other fixtures. Cynthia states probably at the level New Cingular is at, we would want the antennas to match the pole. Gary talks about the antennas matching the pole because the other equipment will be changed out periodically but the pole will not change. Will states he noticed in the Specifications that the RRH units cannot be painted and asks Mr. Laub what color they are. Mr. Laub states usually they are beige or grey. Christopher asks why they cannot be painted. Will states it is listed in the Specifications that they cannot be painted and refers to base board heaters not being painted. Mr. Laub states they do put off some type of heat and painting them could be potentially insulating. Mr. Laub states they are usually smaller and tucked in behind the antennas. Cynthia refers to the antennas being installed to match the existing facility and states unless we don't like them that is the way they are going to be. Cynthia asks Mr. Laub whether he has any other questions. Mr. Laub refers to No. 5 on Page 2 in regards to the Plans being revised to include a notation relative to the current Conditional Use Permit Renewal and states he believes their records show the last one was in 2007. Cynthia states that means the renewal process should begin soon. Cynthia states we always focus on the amount of the Removal Bond, so Mr. Laub is going to have to take a close look at that in 2017 for the renewal. Cynthia states the Board could possibly put language in the Draft Resolution so as to defer the change in the Removal Bond because the Applicant will be coming back in 2017 and it will be done then. Cynthia confirms with the Board that is fine with them. Mr. Laub states he would suggest they come in sooner rather than later. Cynthia states the Code states that people should come in a lot sooner than they have been. Cynthia states she urges Mr. Laub to do the same which will give the Board a comfort level to put the Condition in the Draft Resolution knowing that he will be coming in soon. Cynthia states it is also getting tricky to figure out what these Removal Bonds are covering in terms of who does the tower and who does each User. Cynthia states sometimes it is the tower and two or three Carriers are together. Cynthia asks Mr. Laub if he knows in this case whether he is packaged in. Mr. Laub states he is not sure as they were a late addition. Mr. Laub states he does not believe they were on the original Tower when it was built. Mr. Laub states they were an add on and that is why they are at the third position. Cynthia asks Mr. Laub to confirm whether they are running a separate Removal Bond. Cynthia states if Mr. Laub is in a position to handle the Removal Bond now that would be fine with her also. Cynthia talks about getting it all in and then it will be done for next year. Cynthia states one way or another Mr. Laub might as well start that homework. Mr. Laub agrees. Cynthia asks Roland if it is alright for the Board to defer the Removal Bond. Roland states sure. Cynthia states we will wait until we receive a revised response from Mr. Laub. Mr. Laub asks whether the Board would like further clarifications in regards to the items he mentioned tonight in terms of the antenna size or structural notes, or will tonight's record be sufficient. Mr. Laub states he will prepare a revised Table and the Volume Calculation. Cynthia states she thinks that will be fine. Cynthia states we have done so many of these and asks Mr. Laub for confirmation as to whether they will be changing out equipment boxes. Mr. Laub states everything on the ground remains. Cynthia asks the Board whether they have any further questions. They do not.

7. **Palaia:** Matt Gironda (owners – David Palaia & Dawn Didomenico)
Subdivision (location – 40 Sun Valley Drive)

- Discuss Proposed Exemption Request
- Consider Report From Planning Consultant

Cynthia states we have a Report from the Town Engineer and are going to do our Referral to the Zoning Board of Appeals (ZBA) on this. Cynthia asks Daniel Hollis if he has any questions on the Report from the Town Engineer. Mr. Hollis states no. Matt Gironda states there is one thing he would like to say in regards to the Report from the Town Engineer. Mr. Gironda states obviously throughout the process they understood that a Final Stormwater Pollution Prevention Plan (SWPPP) had to be prepared for the Subdivision Approval process. Mr. Gironda states one thing he thinks the Board should understand is that based on the Town Requirements, even if the disturbance were to go over one acre in the Final Site Plan, where they would be required to provide post construction stormwater management practices per the New York State Department of Environmental Conservation (NYSDEC), they are already providing that for the Town. Mr. Gironda states the SWPPP really would not change, other than minimal language, and everything else would stay the same. Mr. Hollis states they have nothing further.

Cynthia states on the Referral to the ZBA, over the course of looking at this Application, they have had several points brought to light by their Planning Consultant and they have all been making comments about the potential impact that this would have on Section 250-16 of the Zoning Code. Cynthia states that is the Section that has been stressed throughout the MDRA Reports. Cynthia states based on some of her comments she is not too pleased with making a Recommendation to the ZBA on this in a positive fashion and she would like to start hearing from some of the other Board Members so they may fashion their Recommendation to the ZBA. Cynthia asks whether anyone else would like to weigh in. Christopher states he has a number of concerns regarding this proposal and what concerns him the most is identified on Page 3 of the Rudikoff Memo from April 5th regarding density issues. Christopher states perhaps sensitivity comes in part from the fact that we not that long ago spent enumerable hours pouring over our Use Tables and Density Requirements for all the various Zoning in Town. Christopher states he is very concerned that by granting this and moving forward we are essentially vise rating every last aspect of our Density Requirements in Town. Christopher states he doesn't know whether he needs to go into more detail other than to cite the Section in Paragraph F of the Rudikoff Memo that he had referenced earlier from April 5th. Christopher states he is very concerned as a Planning Board Member what this might do to all properties and all Density Requirements in Town. Charlotte states she has a couple of comments having to do with the Comprehensive Plan. Charlotte states having read the Memo that the Conservation Advisory Council (CAC) prepared, she has the same sentiments as far as rural density and the Town's rural character. Charlotte states they spent a full day at the North Salem High School back when she was on the Comprehensive Plan Committee. Charlotte states they spent the day with the Residents of North Salem and the Residents filled out a Survey. Charlotte states their number one interest in the Town was to keep its rural character, the view sheds, and the open space. Charlotte states she thinks this proposal is going against a fair amount of what they worked on and what the Town Residents put forth in terms of their voices. Cynthia states from our work with the Planning Board in regards to Subdivisions and having helped prepare the Comprehensive Plans over the years that effectively created the Zoning, we call it four acre zoning but it is never that simple. Cynthia states we are no different than every other Town. Cynthia states to calculate lots you must take into consideration everything that was mentioned in Section 250-16 and it is not just the impact because of one lot, and in this case, they are asking for it for both lots. Cynthia states if you take that out for every other Subdivision that comes in front of us, it is cause for us to look at what the impact on every other Subdivision and whether we disregard this primary basis of our Zoning. Cynthia states to not take this into consideration, and disregard it would have a greater impact on each and every Subdivision that comes in front of us. Cynthia states there will be issues that pertain just to the ZBA, and she does not

intend to speak to those, so pardon her if some of what she is saying sounds like she is. Cynthia states the ZBA has their job and she does not go to their Meetings. Cynthia states they do what they have to do, but from our perspective, when reviewing Subdivisions and Plans, in her mind, this is a self-created hardship because you know what you've got and you know what the Zoning Ordinance says. Cynthia states it is not a simple Variance in her mind like a setback or the distance from something. Cynthia states it is something that affects Zoning and the basis of the Zoning and how the number of lots that can be created is calculated. Cynthia states she hopes their words cause the ZBA to pause and think about it from their perspective and what they are dealing with. Cynthia states when she drafts the letter she will go back through every one of Will's Memos and pull out all of his comments. Cynthia states she certainly will not send a letter over to the ZBA without everyone reviewing it and going through it. Cynthia states she also wants to hear from Gary and Bernard as to how they think this Referral should be put together. Cynthia states they just heard from three Board Members how they are inclined to strongly recommend to the ZBA that they follow our lead when they do their review of this. Cynthia states she doesn't see how the Planning Board can recommend it. Gary states stepping aside from the density for a moment and looking at the environmental issues, those are a fairly big concern to him. Gary states the City of New York is the largest land owner and extremely restrictive regarding pollution and other things that go on. Gary states we have asked the Applicant for a number of pieces of information and data and even tonight they have said they would not provide it. Gary states he is probably the most pro-development person you would meet, and it would really have been helpful for the Board to have had a lot of that information to buttress his case. Gary states instead, in the environment where he comes from, if people tell you they are not going to provide the information, there is a tendency for him to think the person is trying to hide something. Gary states maybe you are not, but he can't think of any other good reason why you wouldn't want to provide the information. Gary states this is a very valuable piece of land and getting this Zoning Variance is important to the Applicant, except they do not want to give us enough information to be supportive of this case. Mr. Hollis states to Mr. Jacobi that it is a question of timing. Mr. Hollis states they feel that some of the requests that were made of them were too premature. Mr. Hollis states they have to go through a lot of it if and when they come back from the ZBA. Mr. Hollis states he doesn't want to address all of Mr. Jacobi's different comments because there is no sense in having a philosophical discussion. Gary states if it is just a timing issue, why not prepare the Reports. Mr. Hollis states it is pretty expensive especially if they don't get the Variance. Gary states Mr. Hollis' first point was that it is a timing issue. Mr. Hollis states it is a timing issue as to when to spend the money. Mr. Hollis states, if for example they don't get the Variance, then they either fold their tents and go away or seek to have that reviewed. Cynthia states she needs clarification from Council before they go any further. Cynthia states procedurally, if the Planning Board makes a Recommendation to the ZBA, and they open up their Hearing, they can't act at that point. Cynthia states they will have to come back to us and we will conclude SEQR and we need this information for SEQR. Roland states that is correct, whatever information you have asked for that you require for SEQR is going to have to be used. Mr. Hollis states yes, before they have a Final Resolution, and they understand that. Cynthia states this information is timely so that we can continue our Review and be ready. Mr. Hollis states they disagree on that. Gary states if it is a matter of timing then we could argue that all day long. Gary states if the Applicant is planning on preparing the Report anyway and is confident that the Report will show everything is in order, for lack of a better term, he is a little perplexed. Cynthia states let's not belabor this. Mr. Hollis states he doesn't want to argue the different points made, but the Variance they are seeking is not a Use Variance. Cynthia states that is understood. Mr. Hollis states he will address the CAC at the appropriate time as to whether or not that letter was within the parameters of their enabling legislation and whether or not adherence to the Comprehensive Plan is one of the criteria to be considered in the balancing test and the criteria that is applied there. Mr. Hollis states it is a whole different kettle of fish because it is an Area Variance. Cynthia states this Board is not interested in getting into any of the points that the ZBA has to deal with, but the Comprehensive Plan is the whole basis for their work and their Zoning, so we will be talking about it in that respect. Mr. Hollis states his point is that this is a dimensional issue and it is accordingly an Area Variance that they are talking about in front of the ZBA. Cynthia states they understand it falls in that

category but we don't necessarily view it as a simple Area Variance. Roland states not to get into a debate as this is not a Public Hearing. Roland states the Board should just go ahead with their Determination. Cynthia asks Bernard whether he has any comments. Bernard states he agrees with most of the Board Members here. Cynthia states assuming we make the Resolution for the Referral, it won't actually happen until the letter is drafted. Cynthia states the Board will be meeting next Wednesday and states she will pull together the comments that the Board made and also go back through all of the bits and pieces from Will's various Memos and craft something in order to forward it to the Board and Roland for the next Meeting. Roland confirms that next Wednesday will be both a Work Session and a Special Meeting. Mr. Hollis refers to the letter being signed at that time. Cynthia states hopefully we will all be in agreement with what she drafts. Mr. Hollis states that probably will make it tough for them to be on the July ZBA Agenda, but he will look at the dates. Mr. Hollis states he presumes the Board will want to see them back next Wednesday night. Roland states today is only June 1st, so Mr. Hollis may not have a problem getting on the ZBA Agenda in July. Mr. Hollis states he didn't bring that file and doesn't remember the cutoff dates. Mr. Hollis states he has to make the Application. Roland states the ZBA meets the second Thursday of the month. Mr. Hollis states that he knows, but part of his Application will probably address the letter from the Planning Board, so he needs to have that when he makes his argument to the ZBA. Mr. Hollis states it is what it is and the Planning Board is doing the best they can on that score in terms of timing and he appreciates that. Mr. Hollis states they will be here next Wednesday and asks whether it will be an early matter. Cynthia states next Wednesday will primarily be a Work Session and she believes Mr. Hollis is the only Applicant for that Meeting. Mr. Hollis states they will be here next Wednesday at 7:30 p.m. Roland states the Board will take their vote on the letter next week, but the authorization is to write a Negative Declaration, at least that is what he heard. Cynthia states yes. Mr. Hollis states they are going to vote on it now. Roland states they are going to vote on the letter next week. Mr. Hollis confirms that there will be a Special Meeting next week to allow that to happen.

8. Financial Report:

- May, 2016

Chairwoman motions that the Planning Board Approve the May, 2016 Financial Report. Gary Jacobi seconds. All in favor. No opposed.

9. Minutes:

- May 4, 2016

Chairwoman motions that the Planning Board Approve the Minutes for May 4, 2016. Charlotte Harris seconds. All in favor. No opposed.

10. Next Meetings:

- Work Session – June 15, 2016
- Regular Meeting – July 6, 2016

Cynthia confirms that the Board is not going to meet on June 15th, and will meet June 8th instead. Cynthia confirms that Roland will not be available on June 8th but he will be around to review the Draft Letter to the ZBA that the Board discussed earlier for Palaia. Cynthia states as best she can she will try to forward a Draft Letter in advance of the Meeting.

11. Resolution:

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