

would like her to put up. Cynthia states that photographs, renderings, and cross-sections were submitted. Mr. Gregory states if the Board would like to look at the photographs we could do that. Mr. Gregory states the idea was that they think it is very difficult to try and predict exactly what they are going to encounter and how this will possibly look from the road. Mr. Gregory states they sifted through a number of photographs that were associated with various areas throughout the development. Mr. Gregory states the idea was to give some sense of what they are hoping to end up with as far as their finished product and what the magnitude of the rock would be in terms of slope, and the exposed rock face. Mr. Gregory states there were a couple of instances where there is a steeper cut, and some were sloped back. Mr. Gregory states there were some photographs that showed a wide shoulder at the toe of the slope. Mr. Gregory states he believes the photographs showed what they would anticipate seeing in terms of having their wood line or tree line on top in the areas that will remain undisturbed with the green shoulder at the base. Mr. Gregory refers to the photographs and states the area appears to be very wide open. Mr. Gregory refers to comments in the latest MDRA Memo and states we need to remember that this is a two lane road and that may be why it appears to be wider as there is a lot of light getting in there. Mr. Gregory states in terms of what we would see and how the rock cut could look like, he thought they submitted a very good representation of what they could anticipate in the more severe areas, which were the areas the Board asked them to study, being the first 600 feet of the driveway coming off Hawley Road. Mr. Gregory states it would offer an opportunity to provide some plantings at the base if they were to create a wider shoulder in certain areas. Mr. Gregory states they are showing landscaping on some of the upper sloped areas, and if it is done properly, they may have the ability to work with the slope and soften the top portion. Christopher states the pictures are helpful but he doesn't know that they necessarily show the severity of the cut, at least according to what the drawings/renderings show. Mr. Gregory states there were a couple of photographs that did show the cut on both sides. Christopher states they were not that severe. Mr. Gregory refers to the screen and states the idea was to get a sense that even though they are showing a wall; they are going to be experiencing some form of exposed rock at the base. Mr. Gregory states based on the test holes they had opened up, they do have earth above the rock all along the front. Mr. Gregory states there will be an opportunity to regrade back and create plantings on top in order to soften it. Mr. Gregory states in addition to the photographs, they provided a typical section which showed for vehicles headed in a northerly direction, looking up, this was the opportunity they felt that the majority of the exposed rock face would be observed, versus from the other direction. Mr. Gregory states landscaping is proposed along the lower side of the driveway, which with the lower road elevation, when looking up, only a small portion would be seen from the road. Mr. Gregory states as the drivers continue up there is a small window where they would actually see through and this is an area where they could have a wider shoulder and plantings. Mr. Gregory refers to the screen and states they are showing trees to be planted on the street scape which could also help to soften the appearance for the vehicles that are passing by. Mr. Gregory states that was a concern for people traveling back and forth on the road. Cynthia asks Mr. Gregory whether by doing this if there will be a lot more rock chipping. Mr. Gregory states no, he thinks that right now they are showing that they have a wider shoulder in certain areas. Mr. Gregory states they did talk about showing swales in order to help with the stormwater runoff. Mr. Gregory states during construction, as they are watching this, they will see if they have the ability to go deeper and replace it with earth material which will allow them to create planting. Mr. Gregory states they will need to have soil in there to create the planting beds. Mr. Gregory states he does not think they need to go wider as he believes they do have wide shoulders in this area now at the critical entrance area. Cynthia asks Mr. Gregory what depth of soil is needed for shrubs and trees. Alan Pilch states for trees, three or four feet of soil would be needed for the root ball to go into, and for shrubs, one or two feet would be needed. Mr. Pilch states the roots will find fractures to grow into. Mr. Pilch refers to the screen, points out the top of the rock slope and states the rock slope on the east side is much less than it is on the other side. Mr. Pilch states the plantings will filter and screen the views and he does not believe the rock slope will be seen. Mr. Pilch refers to the screen and states the only place the rock slope will be seen is when driving right along the front looking up. Cynthia states we should go through the MDRA Report, as she is still trying to put the pictures to the plan to see what will be envisioned. Cynthia asks whether we are still

going to have a Condition that as the rock is being chipped, and what can and cannot be done is being determined, the Applicant will come back before the Board to talk with them, or do they really think they can achieve what they are showing on the Site Plan. Mr. Gregory states he would like the ability to work with the Board to discuss it as they are encountering it. Mr. Gregory refers to the entrance on the screen and states they may find something very similar to what they are showing now. Mr. Gregory states their revised cross sections show that they are tapering the slopes back more from what they had initially shown in the very steep cut. Mr. Gregory states they brought it from a one to six cut down to a one to two cut. Mr. Gregory refers to the screen and states as they come up, before getting to the next critical area, they may be able to taper back more and have an opportunity to do some plantings. Mr. Gregory refers to the critical area and states he believes they will revert back to what they see in the cross sections where they are down to rock at the surface. Cynthia refers to the plantings and states they will be in an Easement area that is part of the Private Road and asks whether they will be the responsibility of all three homeowners, or will some of the plantings end up on private property. Cynthia asks whether the Easement area will need to be expanded and states she is concerned that if some of the plantings end up on private property, if they are damaged or disappear, they might not come back. Mr. Gregory states that is a very good point. Mr. Gregory states they spent a lot of time talking about the Maintenance Agreement for the driveway as it relates to the stormwater and he believes in terms of stormwater they separated those components that were the responsibility of all three homeowners and what they would individually be responsible for. Mr. Gregory states he is sure they could probably do the same thing in regards to the plantings. Cynthia asks the Board whether they agree that the envelope for the entrance way, at least up to the first driveway, is all encompassed in a Maintenance Agreement and part of the Private Road. Christopher states yes. Will wonders why there wouldn't be one area that is common and encompasses the driveway, plantings, and stormwater. Will states we are only talking about three homeowners here. Cynthia asks Will if he is talking about having a separate Lot. Will states no. Will refers to the screen and points out the storm drainage areas. Will talks about taking the areas which will become the responsibility of the Homeowners Association or whatever it is that is created, and have those responsibilities within the one document rather than a Drainage Easement, Stormwater Easement, and Landscaping Easement, which will all be done by the same three people. Will talks about having one Easement which will cover all of those items. Mr. Gregory states they can do that. Will states it would be easier for selling purposes also. Mr. Pilch states they will look at it from a legal perspective and consider it. Gary asks whether there will be any street lights along the road. Mr. Gregory states he doesn't think there is a plan for street lights. Gary confirms there will be no lighting. Cynthia states she doesn't think the Board would encourage that. Cynthia states there will be a Private Road serving three homeowners and in the evening their headlights will be on. Cynthia asks the Board whether they have any other questions and whether they are on the right path. Christopher states he likes the idea of having an ongoing discussion as the process starts and refers to what may be found with respect to the rock. Gary refers to the chipping and asks what options there will be once that process begins. Gary asks why the Applicant would want to talk with the Board at that point. Cynthia talks about whether the Applicant will be able to make a pocket and fill it with dirt or not. Mr. Pilch states there are a couple of reasons and refers to whether or not the rock is monolithic or removable with an excavator, and also this Project is subject to a General Permit which means it will have an ongoing weekly review by a qualified Inspector in accordance with a SPEDES General Permit. Mr. Pilch states the Reports will be sent to the Board and may also be sent to the Town Engineer so he is apprised of where the process is at. Mr. Pilch states that is another method of a dialogue that could happen while the construction occurs so someone is alerted to the fact that a specific area is being worked on and whether or not a meeting should be set up in terms of review. Cynthia states more importantly, if the Applicant cannot achieve what the Site Plan says, it will be necessary to come and talk with the Board. Cynthia states there will be no Field Changes here. Cynthia states the Building Inspector cannot tell the Applicant that something may be done differently. Cynthia states everything has to be done in accordance with the Plans. Gary states once they get started, what will they be able to do differently? Will refers to the screen and points out the entrance where plantings are being proposed and states they may get out there and find that the condition isn't quite exactly what they thought it was, and shifting has to be done,

because moving plants up may work better, or by changing the species. Gary asks whether the Board has been told what will be planted. Cynthia states yes. Will refers to the screen and points out the proposed planting. Gary states he knows that plants were designated but he had not seen any description. Mr. Pilch states there is a Plant List and every single one of the plants is identified in terms of species, height at the time of planting, and spacing. Mr. Pilch states it is all on Drawings MP-1 through MP-4. Cynthia goes back to the rendering on the screen and states she is having a hard time seeing this as the entrance and states at one time 8 or 12 foot walls were being proposed. Mr. Gregory states that is correct and they were asked to go out and do soil testing with Hahn Engineering and they found that along the front area they had six or seven feet of earth before they encountered ledge rock. Mr. Gregory states on Hawley Road, where the improvements are proposed, they will be able to taper the grade back in earth and there will be some exposed rock in this area. Mr. Gregory refers to the screen and states once they turn around the corner they will see an increase in height a little bit. Mr. Gregory states because of the modification to the cross section they have the ability to do something similar in terms of plantings at the top of the slope, whereas before they had terraced walls which were being shown as regraded with earth. Cynthia asks whether this has changed the calculations in terms of earth removal. Mr. Gregory states yes, and as a result of the revised cross sections, the entrance area will result in approximately 15,000.00 cubic yards of material that would be removed. Cynthia asks whether it will be used. Mr. Gregory states they looked back at the overall Site and there are two areas that require a significant amount of fill. Mr. Gregory refers to the screen and states one area is the house location for Lot 1. Mr. Gregory states there will be a fill condition in this area, even to the rear of the house, and there is another significant fill section just as they start to get into the roadway as it crosses through Lot 2. Mr. Gregory states with the material that will be excavated in the entryway, it could be processed and used for filling in the road and the house site, and also for bedding for the individual driveways and the roadway itself. Cynthia asks if the net result will be that all of the fill will be used. Mr. Gregory states when looking at the construction just for the roadway there would be an excess of approximately 500 yards that would have to be removed off of the Site and that could take place throughout the duration of the work or they could hold it and release it slowly if they had to. Mr. Gregory states this does not account for earthwork associated with Lot 2 or Lot 3. Mr. Gregory states there are going to be cuts and fills associated with each Lot and they will have to go back at the time they are constructed to see what the net will be. Christopher asks Mr. Gregory if what he is saying is that the removal of materials from the entrance will only satisfy the fill for Lot 1. Mr. Gregory states yes, Lot 1, as well as a portion of the driveway that will pass through Lot 2. Mr. Gregory states he did provide a breakdown of what those quantities were, which was an estimate, and based on the analysis they had performed early on. Mr. Gregory states with the subsequent modifications to their cross sections they saw an improvement and used the earthwork volume to see how it could be placed in the areas that have not changed. Mr. Gregory states that was encouraging. Cynthia asks Mr. Gregory where the temporary stockpiling location will be. Mr. Gregory states this could be discussed further, but they thought the stockpiling location would be in the courtyard area for Lot 1. Mr. Gregory states it is a distance away and topographically it is hidden behind and there is a significant amount of distance between this area and the neighbor. Cynthia asks whether the rock will be chipped and crushed to create Item 4, and what the duration time will be. Mr. Gregory states he believes they had talked about it and the removal would be several weeks. Mr. Gregory refers to keeping as much of the materials on the Site as possible in order to minimize the amount of truck traffic on Hawley Road. Cynthia asks Mr. Gregory to remind her about the phasing and asks whether the entire Private Road will be done at the same time or during phases. Mr. Gregory states the idea was to get the road and stormwater established. Cynthia states that Lot 3 turns into a Private Driveway and asks to what point Mr. Gregory is talking about. Mr. Gregory states at the point where the Private Driveway would begin. Cynthia confirms the location on the screen and points out the portion that would all be one phase. Mr. Gregory states there will be stormwater work associated with that also to capture it during construction so as to be in place for when the road is completed. Cynthia asks Mr. Gregory if his client will be building all three homes at once, or sell the Lots for future building. Mr. Gregory states they do not know yet. Cynthia states there may be a stockpiling of materials to remain. Mr. Gregory states not necessarily, but if it helps to minimize the traffic, he thinks the materials could be moved so that it is

not intense in terms of truck traffic. Cynthia gives an example of the road being done and having terrific materials that could be used for driveways. Cynthia states if the materials are held and someone comes along to build Lot 2 or Lot 3, the pile will be there in everybody's face. Cynthia states she would like to get a sense of at what point the pile will go away, be used, or just sit there forever. Mr. Gregory points out the location on the screen near Lot 1 and states that is where he assumes the materials will be, so there would not be an impact for people going back and forth doing work on the subsequent Lots. Mr. Gregory states if someone wanted Lot 1 first, the materials would have to be removed or relocated. Mr. Gregory states for the sake of their phasing and sequencing, they may not want to impact the other Lots with the material that is left over. Mr. Gregory states they may want to take the materials out before developing the other two Lots. Will refers to the filling that will be done on Lot 1 and asks whether the material has to be processed before it can go in as fill. Mr. Gregory states probably not all of it. Cynthia asks whether the fill will be taken out again when the house foundation is done. Mr. Gregory states some of it might have to be but it could be used as fill around the foundation. Mr. Gregory states maybe if the operators are very good they can separate the material and use some of the fragmented rock in certain areas. Mr. Gregory states that is something that could be discussed as it is moving forward depending on what type of material is being encountered in terms of strategically separating it for the work that is going to take place. Will states in the end, there will only be 500 cubic yards left, as the other materials will be used already for the driveway. Cynthia states yes, if their calculations are correct. Cynthia states at the end of the road construction, when someone comes in asking for it to be declared complete, and the Bond can be released, we want to have a handle on the leftover fill in terms of how much there is, where it is, and whether or not we are going to let it sit there for five to ten years. Cynthia states that has to be either quantified now or dealt with at the time of releasing the Bond as to whether a mountain of fill is going to be left there. Mr. Gregory states there are other issues that will have to be addressed in terms of the stabilization of the Site in regards to their General Permit and that means that there really cannot be exposed earth. Mr. Gregory states it either has to be planted or removed and restored with topsoil and seed. Cynthia talks about conditioning it so that when the Applicant thinks the road is done, and wants the Bond to be released, the Board will be looking at leftover fill. Christopher states it would be informative to know whether or not the construction phases will be done all at once or whether the houses will be built separately. Cynthia states this is a typical Subdivision whereas we are creating Lots and that is it. Cynthia states the road will be built and the Lots can sit there forever, or someone may buy all three. Christopher states that makes this all the more important then. Mr. Gregory states the condition of the property when the road is completed will be to the satisfaction of the Board. Cynthia asks Mr. Gregory whether he has any questions with the Reports from the Town Engineer and Planning Consultant. Cynthia states she apologizes, as she thought the Town Engineer would be able to come tonight but he had another commitment. Cynthia states he did tell her that he agreed with what Will had put in the MDRA Report. Cynthia asks Will whether there is anything else in his Report that should be looked at in terms of clarification. Cynthia refers to Number 3 on Page 2 and states we will work on that. Will confirms with Mr. Gregory that they will be blasting. Cynthia asks the Board whether they have any further questions. Cynthia states this is a Public Hearing and asks whether anyone in the audience wishes to speak. No one wishes to speak. Cynthia states given some of the comments tonight and whether or not we have a better sense of the amount of fill and disturbance, we will keep the Public Hearing open and wait for the next submission. Mr. Pilch states the purpose of a Public Hearing is for the public to be heard and they have heard from the public at these Meetings and there were no other public comments at this Meeting or the previous one. Mr. Pilch asks the Board whether they will consider closing the Public Hearing at this Meeting so the Project may move forward. Mr. Pilch states there will be plenty of opportunities to discuss the other issues that have been brought up. Mr. Pilch states the purpose of a Public Hearing is to hear the views of the public. Cynthia states Mr. Pilch is absolutely correct that the purpose is to hear from the public, but the public, like the Board, has been trying to find out when this Plan is going to get nailed down and be the one that will be used to start working on the technical issues. Cynthia asks Will whether he thinks we are there yet. Will suggests to forget about closing or not closing the Public Hearing for a moment, and asks whether the Board is expected the Applicant to do at this point in time. Cynthia states she just wants to make sure she

has all of the information on the quantities and duration of blasting and rock removal because those were her biggest concerns in terms of the road. Cynthia talks about the use of the fill on the Site and states she is now hearing that it won't all be used. Cynthia states she apologizes because she didn't see the calculations in terms of how much fill will be removed. Mr. Gregory states he quantified it in his cover letter with the most recent Submission and it does break down the different scenarios for the filling operation. Cynthia asks the Board whether they are comfortable with closing the Public Hearing. Will states if the Board closes the Public Hearing the next step will be to go into a Draft Decision. Will states the Public Hearing is not just for obtaining public input, it is for nailing down all of the substantive matters, so if the Board has what they need to make a decision, and make whatever is left conditional, that would be fine. Christopher states he doesn't know that there is a whole lot more to explore or consider other than the few items talked about tonight in terms of the fill and he doesn't know whether it is necessary to keep the Public Hearing open. Christopher states the Board would like the answers to the items discussed tonight. Will states some of those items may be conditional as well and states he assumes this will be Preliminary. Cynthia states yes, this will be Preliminary. Cynthia confirms with Gary and Bernard that they agree with closing the Public Hearing. Cynthia asks Will whether he has any other comments in regards to closing the Public Hearing. Will refers to the Memo from Hahn and states he doesn't believe there are any other issues, so he believes they are okay.

Chairwoman motions that the Planning Board Close the Public Hearing on the Hawley Woods Preliminary Subdivision. Christopher Brockmeyer seconds. All in favor. No opposed.

After the motion Cynthia states the Public Hearing is now closed and we will work on the final details. Cynthia states there may be some outstanding issues from the previous memos as she hasn't taken the time to go back. Will asks Cynthia whether the Board should discuss the next steps or do it at another time. Cynthia states yes they should. Will states the next steps relate to the SEQR Determination and a Negative Declaration for Preliminary Subdivision, and what would be included in that. Will states he has a fairly good understanding and asks whether there is anything that sticks out in the Board's mind that should be incorporated into the Approval. Cynthia states she would need to review the File one more time. Cynthia asks Will whether the timing on this is 60 days. Will states we have to do SEQR so that doesn't really play into it and since this is a Subdivision, technically we should do a Negative Declaration and have another period of time to do the Preliminary Approval. Will states we should do it in two steps based on recent Court Cases. Will states he will begin to work on this and in the meantime the Board can think more about the specifics of the Conditions. Cynthia refers to having the tree cover to protect the neighbors which is now on the Plans, rock chipping or blasting, and the duration of the construction time for the road. Cynthia refers to the end of the road and if the Site sat there for 10 to 20 years, and one person moved in, it should be a pleasant Site to have. Christopher states we had talked about the steep cut and having proper security to make sure people don't fall off the cliff. Christopher states this will largely be determined by how the cuts look when we get to that point. Steve Bliss states the cuts will have to be stable. Christopher states it is all rock. Mr. Bliss states yes, but it would have to be stable rock. Mr. Pilch states the Plans recognize the Board's concern and security fencing has been incorporated into their drawings. Will asks Mr. Gregory whether he has done any estimates for bonding purposes. Mr. Gregory states he doesn't think so. Will states that is something that has to be looked at. Will states he has to go back and look at the Code to see whether it could be done as a final step. Cynthia states she thinks at this step we have to state that there will be a Bond and estimates have to come in which she believes may be done during Final. Cynthia states we will be looking at the next Meeting to consider SEQR Negative Declaration. Mr. Bliss states if either Mr. Gregory or Mr. Pilch have questions that they need to discuss with Hahn Engineering or Matthew D. Rudikoff Associates should they call her to ask her to call them. Cynthia states the questions have to filter through her, but at this point the ball is in the Board's court to work on the SEQR Negative Declaration and then work on the Final per Preliminary. Cynthia confirms with Mr. Bliss that this set of Plans is the set that should be worked off of. Mr. Bliss states yes, he thinks everything has been listed and the fill issue has been quantified. Cynthia asks Will whether he would like to prepare a Memo

on the Plans for Preliminary consideration for the next Meeting. Will states the Applicant has been addressing his comments and it is down to this issue.

REGULAR MEETING:

3. **Homeland Towers:** Ray Vergati (owner – Bloomerside Coop.)
Cond. Use/Site Dev. Plan (location – 101 Bloomer Road)

- Consider Report From Planning Consultant on Changes to Landscape Plan
- SPDES Inspection Discussion

Cynthia states that the Tower is up and it looks like a tree. Cynthia states the barn is up and the Board is considering whether or not to serpentine the road a little bit more so it is not such a straight view in and adjusting some of the plantings both from the front and from the Golf Course side. Cynthia states the Board met out there and we now have a Plan. Cynthia states that Will prepared a Memo. Cynthia states that Ray Vergati is here with us tonight and he already started responses, but we will work with what was originally submitted, and talk generally about what is proposed and then we will go through the Memo.

Ray Vergati states he is with Homeland Towers, LLC and is the Site Development Manager for this Project. Mr. Vergati states there was a Site Visit with the Board back in June. Mr. Vergati states he would like to start off by saying that they are extremely proud of this Site and how it has turned out to date from a purely aesthetic perspective. Mr. Vergati states they have received numerous compliments from members of the public, members of the Town, as well as golfers. Mr. Vergati states they are really excited and quite proud. Mr. Vergati states the reason they wanted to revise their Landscaping Plan is because they are so proud of the Site that they will send landlords to it so they may see what a proper tree pole should look like. Mr. Vergati states they could have received their COO at this point in mid-July, but they stepped back and waited for the Site to be constructed. Mr. Vergati states that typically when designing these types of projects on paper, during the planning and zoning process, once a Site has been constructed, being able to walk it and see it in person, makes more sense in order to come up with some revisions. Mr. Vergati states they brought it upon themselves, as a tower developer, to bring to the Board's attention that they would like to propose changes. Mr. Vergati states he would like to reiterate that this is not an effort to save any costs to the Landscaping Plan. Mr. Vergati states, as a matter of fact, this is going to cost quite more, because of the time they are taking, as they will be spending money on Inspections, and redoing the road. Mr. Vergati states that time is money. Mr. Vergati states they have provided a Sheet in color that is up on the screen. Mr. Vergati states they initially received feedback from the Golf Course regarding the eastside plantings which basically face it. Mr. Vergati refers to the screen and states for color purposes, everything in red is proposed to be removed, everything in blue is proposed to be added, and everything in black is the remaining Landscaping Plan. Mr. Vergati states the Golf Course asked them if they initially would be willing to take the six foot Norway Spruce Trees on the east side of the compound fence and lose them or push them back to the other side of the stone wall. Mr. Vergati states there is a tee box directly to the south of the area and the President of the Golf Course and the Bloomerside Cooperative folks expressed concern about golfer's slicing into the trees as they mature over the years. Mr. Vergati states in their original design they had eight, six foot Norway Spruce Trees and a number of four foot Mountain Laurel and Inkberry Bushes, which were between the stockade fence. Mr. Vergati states during the Site Visit with the Planning Board Members we discussed some options of what we thought would be best on that side of the screening area. Mr. Vergati refers to the screen and points out the two blue icons which represent 2, 12 foot Norway Spruce Trees. Mr. Vergati states they felt that mature trees on that side that were 12 feet versus 6 feet made more sense from their perspective. Cynthia refers to the screen and asks Mr. Vergati if everything in red will be coming out. Mr. Vergati states yes as they just don't see a need to plant four foot bushes. Will states to be clear, the plants are not coming out, they are just not going to be planted.

Cynthia refers to the screen and states there is a stone wall there. Cynthia refers to the screen and points out an area where she doesn't have a problem with the trees not being planted, because she thinks stone walls are beautiful, but she is a little concerned about a couple of the trees not being planted on the other side. Mr. Vergati states we can talk about that as this is not set in stone. Mr. Vergati states because they have waited and are doing the right thing, they will not be planting until Mother Nature cools everything off and gives us some rain, so we have some time to discuss this and play around with types, sizes, and locations. Mr. Vergati states they are open to the fact that they do show 2, 12 foot Norway Spruce Trees to be planted there as opposed to the 8, 6 foot Norway Spruce Trees. Mr. Vergati states if the Board wants them to go back to the 6 foot Norway Spruce Trees and have more of them, they can lose the 12 foot Trees or take out one of them and plant more 6 foot Trees. Christopher states that Mr. Vergati had mentioned speaking with the folks at Bloomerside and asks whether they have a preference of one versus another. Mr. Vergati states their preference was to get rid of all the plantings on that side period. Mr. Vergati refers to the eastside of the stone wall and states for mowing purposes Bloomerside didn't want to have any low bushes there. Mr. Vergati refers to the plantings and states even though they are going to be further in towards the stockade fence, Bloomerside didn't have a concern, as their concern was having the trees on the outside of the stone wall. Mr. Vergati states Bloomerside did not have a preference of 2, 12 foot Norway Spruce Trees versus 8, 6 foot Norway Spruce Trees. Mr. Vergati states they know there are no direct views coming in from Bloomer Road in that direction. Mr. Vergati states the comments they have received from the golfers are amazing and they love it. Mr. Vergati states this is certainly open for discussion. Mr. Vergati refers to the screen and states the second location is just south of the barn façade where one Inkberry and two Mountain Laurel Bushes are shown in red. Mr. Vergati states this is a mistake, as those three bushes will be staying, and they were put in as red by accident. Mr. Vergati states those bushes have always been proposed to stay, and this addresses one of the MDRA comments. Mr. Vergati states they have a parking area right in that vicinity and Will Agresta had a comment about development of that particular location to be used for parking and possibly destroy some seeding. Mr. Vergati states those three bushes will stay and they will revise the Plans accordingly. Mr. Vergati refers to the screen, points out the entrance coming off of Bloomer Road, and states they have not changed anything, and still show four, six foot Norway Spruce Trees, and two Mountain Laurel Bushes. Mr. Vergati refers to coming into the Site and states some of the Board Members had brought up during the Site Visit about the planting of deciduous trees. Mr. Vergati states there are a number of deciduous trees on the property. Mr. Vergati refers to the screen and points out three trees shown in blue that are on the right side near the entrance. Mr. Vergati states they have planted a 10 foot Dogwood Tree, a 10 foot Maple Tree, and a 10 foot Cherry Tree. Cynthia refers to the screen and points out where the six foot Spruce Trees will be coming out. Cynthia states she likes having a variety instead of a row of evergreens. Cynthia refers to the berm on the screen and asks whether it was part of the original Plan or extra dirt. Mr. Vergati states that is extra dirt and they thought if they could elevate the plantings, when looking in from Bloomer Road, they would gain another three or four feet in order to have the trees higher to screen the facility when looking in from the road. Mr. Vergati refers to the access road and states they had proposed three, six foot Norway Spruce Trees on the west side and five on the east side. Mr. Vergati states what they will do instead is put three deciduous trees in. Mr. Vergati refers to the screen and states on the bend they will put in a 12 to 14 foot Norway Spruce Tree which is shown in blue, and right next to it in green will be a 16 foot Norway Spruce Tree. Mr. Vergati states they felt that the location of the tree in green didn't change, except it was shifted slightly due to the shifting of the access drive, and as was discussed at the Site Visit, they put a slight bend there. Mr. Vergati states as the Board may recall, they had to have a point of entry off of Bloomer Road, as it is a County Road. Mr. Vergati states because of sight lines they had to come in directly off of that location point. Mr. Vergati states they created a bend that softens the views, brought the corner out, and added the largest Norway Spruce Trees there that will be 12 and 16 feet tall. Cynthia refers to the screen and points out some trees that came down that were not expected to come down. Cynthia refers to the screen, points out specific bushes, and asks Mr. Vergati if they will be going in. Mr. Vergati states the dark colored markers show three Inkberry Bushes, and there will also be two Mountain Laurel Bushes going in right in front of the

two retention ponds. Cynthia asks whether they need to be worried about the deer in terms of the trees and how will they be kept alive and healthy until they reach a point where they wouldn't worry about the deer anymore. Mr. Vergati states his understanding is that the reason for the Inkberry and Mountain Laurel Bushes is that they are deer resistant, as well as the Norway Spruce Trees. Mr. Vergati states he doesn't know about the Maple, Cherry and Dogwood Trees in terms of whether they are deer resistant. Mr. Vergati states when it comes time for planting, they will be waiting for the fall, for this reason. Mr. Vergati states they had previously provided planting details for the shrubs and then for the spruce trees. Mr. Vergati states that one of the MDRA comments was for them to show planting detail, which is on Sheet Z-3A. Mr. Vergati states this Sheet shows planting detail for the deciduous trees, including root ball information. Mr. Vergati states if they run into dry conditions, and plan to plant in September, they would have water bags at the Site and mulch around the root system. Mr. Vergati states that the nursery who will be putting the plants in will have a warrantee. Will states he would think that for the deciduous trees it would be a good idea to find some way to protect the trunks from the deer when they come in to scrape. Mr. Vergati states that point is well taken and they will speak with the nursery about putting mesh netting or something else around the trunks. Cynthia states the Library just lost a beautiful tree that had just been put in due to deer. Will states he has used PVC drainage pipes in the past and slid them onto the trunks. Will states they work fairly well. Mr. Vergati states they have no problem doing that for the three deciduous types of trees being proposed and will make a Note on the Plans. Cynthia refers to the Memo from Will and states he thought that additional evergreen plantings shall be added in the area between the end of the new driveway and the sediment basins and asks him to point out the location on the screen. Will refers to an area on the screen where he was concerned about. Will states it seems to be open and maybe this is the area where one or two trees were taken down. Cynthia states yes, a couple of trees came down here that shouldn't have come down. Mr. Vergati states they had one tree that was taken out during construction and he isn't sure whether it was damaged. Mr. Vergati states they do show Mountain Laurel and Inkberry Bushes in this area there and this whole exercise is to make the Site better. Mr. Vergati states he doesn't know what an additional Spruce will do in that area. Will states no one is going to stop and look down the driveway, but this is really the only straight shot. Will asks whether this area will turn into weeds. Mr. Vergati states it was recently hydro-seeded. Mr. Vergati states they are basically planting in the woods. Mr. Vergati states he thinks they have a good Plan and from a purely budgetary perspective, when they purchase a 12 foot Norway Spruce Tree, the cost of the installation, warrantee, and tree is worth about 4, 6 foot Norway Spruce Trees. Mr. Vergati states they can play a little bit and refers to the 2, 12 foot Norway Spruce Trees on the east side of the stockade fence. Mr. Vergati states if the Board would like them knocked down to six feet that will give them six additional trees to play with. Mr. Vergati states they are being very upfront about this. Mr. Vergati refers to the road and states it will have to be redone. Mr. Vergati states they will take it up, as the base is already down. Mr. Vergati states they will need to have the contractor remobilize out there. Mr. Vergati states this is an effort and they are spending extra money, and losing time. Mr. Vergati states they don't want to obviously go above and beyond from a budgetary standpoint. Mr. Vergati states they think it is a wonderful Site and this landscaping makes sense, but they are willing to play with some of the types and sizes. Will refers to the screen and talks about shifting out three of the bushes. Cynthia states she agrees and believes there was a tree there first that isn't there anymore. Mr. Vergati states the tree was further up where the double Cherry Trees will be. Cynthia refers to the screen and states she doesn't have a problem with what has been proposed to come out on the Golf Course side. Cynthia refers to the screen and asks Mr. Vergati whether three trees will be coming out. Mr. Vergati states no, those are existing trees. Cynthia refers to trees on the screen and asks whether they exist now. Mr. Vergati states those are all existing deciduous trees and he believes they are a combination of Oak and Maple. Cynthia states she agrees that there is no view to speak of from Bloomer Road, and it is really all about the Golf Course. Mr. Vergati states he will obtain a letter or an e-mail from the Golf Course in regards to their wishes if the Board would like it. Cynthia states she believes Mr. Vergati has accomplished what the Board has asked for in regards to the curve in the road, and provided the variety of trees that were asked for. Cynthia states she thinks we are going in the right direction. Christopher states he sees this as an improvement over what they initially reviewed having looked

at the options when they were there on the Site Visit and the curve in the road is a good modification. Christopher refers to the plantings and states it is a little hard for him to visualize them not being a landscape architect, but they all look solid to him. Cynthia refers to the screen and talks about the entrance/exit in terms of where the road ended up as far as the sight distance and confirms the stonewall will be reconstructed. Mr. Vergati states the stonewall will be reconstructed on each side to look old fashioned as if it has been there for 150 years. Cynthia asks whether the stone wall will help or hurt in terms of the sight distance when driving in and out. Mr. Vergati states it is going to be back and not out on the road. Mr. Vergati states the only item the Board may want to consider is the 2, 12 foot Norway Spruce Trees on the eastside of the stockade fence and whether they want to go down to 6 foot trees. Mr. Vergati states they could do 8, 6 foot trees there, or keep the 2, 12 foot trees. Mr. Vergati states they could do 1, 12 foot tree and 4, 6 foot trees. Mr. Vergati states there are existing trees in there already. Gary states he doesn't have any input as it is too difficult to visualize. Gary states he would assume Mr. Vergati has some reason for choosing the taller trees. Mr. Vergati states they think the taller trees have a better chance of surviving and they like to see mature trees at their sites. Cynthia refers to the screen and asks whether a Norway Spruce Tree will interfere with the deciduous trees. Mr. Vergati states they don't think it will, but could scoot it slightly to the south. Cynthia refers to the screen and states she just wants to make sure there will be no interference as she likes to see trees grow to full potential and not be crowded. Cynthia confirms they are Locust Trees which are very tall and should not interfere. Mr. Vergati refers to the Site Visit and states he recalls that there were two Locust Trees on the right side of the access driveway that were dead. Mr. Vergati states they didn't touch them and don't show them as being removed on their Plan. Mr. Vergati states that could be a Field Change if the Board would like, as they don't mind taking the trees down. Mr. Vergati states if they are going to plant three nice deciduous trees there it may lessen the chance that one of the Locust Trees could come down on a healthy tree. Cynthia states if the trees are dead he might want to consider taking them out because Locust Trees have very shallow roots. Cynthia states Mr. Vergati should have the Building Inspector verify that he agrees they are dead. Mr. Vergati states he assumes Paul Taft is the interim Building Inspector and he will speak with him. Will refers to the bend on the screen in relation to the berm discussed during the Site Visit and asks Mr. Vergati whether there will be more fill brought in. Mr. Vergati states he doesn't know for sure, but they may need to bring additional fill in. Mr. Vergati states they show a cross section on the hard copy that he furnished to the Board this evening, and the berm will be approximately three to four feet in height. Mr. Vergati refers to the MDRA Memo and states they were asked to show a cross section of the tree. Mr. Vergati refers to the Detail 4 on Sheet Z-3A and states it may look like a planting detail but it is actually a cross section. Mr. Vergati states they show the top of the berm where the 16 Foot Norway Spruce Tree is. Mr. Vergati states it will not be planted on the down side, it will be planted on the flat top part of the hill. Cynthia asks Mr. Vergati if the berm will have grass on it. Mr. Vergati states yes, and they have actually already seeded it and it is coming in nicely. Cynthia states she is comfortable with this and checks with the Board. Gary, Bernard, and Christopher agree.

Mr. Vergati states the second item for discussion has to do with the SPDES Inspections that they have been doing. Mr. Vergati states to date they have submitted 19 Inspection Reports and Tectonic has been performing the Inspections on a weekly basis. Mr. Vergati states it is set up so the Reports come directly to the Board, Town Consultant, and Building Inspector. Mr. Vergati states because they have put a pause on their construction, the Site has been seeded, and the grass is coming in nicely, they wanted to ask the Board if they would be willing to give them some type of relief at least for the weekly Inspections. Cynthia states it is not up to the Planning Board and states she called both the Town Engineer and the Building Inspector, and the Building Inspector stated it is really up to the General Permit Conditions. Cynthia reads a portion of the Code given to her by Paul Taft whereas it states "For construction sites where soil disturbance activities have been shut down with partial project completion, the trained contractor can stop conducting the maintenance inspections if all areas disturbed as part of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have

been constructed in conformance with the SWPPP and are operational.” Cynthia states that Paul seemed to think the Site is stable and Mr. Vergati should confirm all of this with Paul as it is up to him. Cynthia states the Board doesn’t have a problem with it. Mr. Vergati states that is fine and he appreciates it. Cynthia states Mr. Vergati should look at Pages 24 through 26 of the General Permit Manual from the DEC. Cynthia states there is no provision for the Planning Board or the Stormwater Management Officer to waive those provisions. Mr. Vergati states that is fine and he will take this up with Paul Taft. Mr. Vergati states they will certainly do a Final Inspection prior to receiving their COO. Will asks whether there will be a Resolution. Cynthia states yes. Will asks Cynthia if she would like him to prepare a Resolution for the Board to vote on or just do it afterwards. Cynthia states we should do it by consensus that we are all going to Approve this as modified tonight and refers to the screen to point out the modification area. Cynthia states the modification is before the sediment detention basin. Mr. Vergati states yes, as well as darkening the three trees on the Plan. Cynthia states with those two modifications we will Approve this Amended Plan. Christopher agrees. Will asks whether the Board would like to do this by a Motion and he will write a Resolution after the fact. Cynthia agrees.

Chairwoman motions that the Planning Board Approve the Modified Landscaping Plan for Homeland Towers Which Includes the two Changes, the First is the Area Before the Sediment Basin and the Second is the Area East of the one Parking Space. Gary Jacobi seconds. All in favor. No opposed.

4. 39 Fields Lane: Joseph Lazarcheck (owner – 39 FL, LLC)
Amended Site Development Plan (location – 39 Fields Lane)

- Consider Amendment to Existing Approval

Cynthia refers to the screen and points out the Site Plan the Board had approved. Cynthia states she took a little trip out to the Site today because she wanted to talk tonight about how it would look without the planting area and she discovered it did not exist even though it remained on the Site Plan. Cynthia states it has all been replaced with macadam and looks like it was done a long time ago. Joseph Lazarcheck is here to represent the Applicant. Mr. Lazarcheck states originally there was a parking area with a lamp post in it and on their previous Approval they decided to create a landscape curb around it to protect the existing pole. Mr. Lazarcheck states the best thing to do is to relocate the pole outside the parking area and not build the landscaping around it. Cynthia states she did drive in, out, and around in order to see if there is any value to the planting area in terms of the view and the building and she didn’t see any value to it. Cynthia refers to the screen and points out a bush which adds a nice landscaping touch. Christopher asks if this is the only change. Cynthia states the only changes are to not build the landscaping island and to move the pole out in front of the retaining wall. Cynthia asks whether the one pole lights the whole area in front. Mr. Lazarcheck states yes, and there are other light poles down towards the right hand side and the left hand side that are existing. Cynthia refers to the screen and states there were five vehicles parked there this afternoon and no handicapped spot. Cynthia asks if the handicapped spot is carried over and states she thinks Mr. Lazarcheck has to take a look at that. Cynthia states at some point the Building Inspector is going to ask for an As-built, and if one of the spaces is supposed to be a handicapped space, that is what it should be. Merv Blank is here tonight and asks which space the Chairwoman is referring to. Cynthia refers to the screen and states there are two to the right of the entranceway to the building, and over on the side there is supposed to be a handicapped parking space, except she saw five vehicles parked there today. Cynthia states she wants to remind the Applicant that at some point he has to get the As-built in the field and how he is using the Site to look like the Site Plan. Cynthia states she doesn’t have a problem in regards to the island not being done, but she does want to see everything else be in conformance with the Site Plan.

Chairwoman motions that the Air Professional Associates (APA) Site Plan be Amended by the Removal of the Proposed Parking Area in the Front Parking Lot and the Relocation of the Light Pole to the West of the Retaining Wall Holding Those Parking Spaces. Gary Jacobi seconds. All in favor. No opposed.

5. Railyard (former Lakeland Lumber): Eric Ryzerski (owner – Rylan West Realty, Inc.)
Site Development Plan (location – 621 Route 22)

- Discussion of Outstanding Issue

Cynthia states that Eric Ryzerski came in to see her and he has his Department of Transportation (DOT) paperwork in order. Cynthia states the one remaining issue we heard about at the last Meeting is that according to the Zoning Board of Appeals (ZBA) Resolution of Approval there is not supposed to be any construction equipment on the Site. Cynthia states Mr. Ryzerski did his homework and met with the Building Inspector and discovered that in the ZBA Minutes that Condition was not to remain. Cynthia states she brought everything to the attention of the Attorney for the Planning Board, and the Attorney for the ZBA, and received a phone call this afternoon from Gerry Reilly who had been in conversations with both the Chairman of the ZBA, the Building Department, and the ZBA Secretary, and they have all agreed that what is written in the Minutes is correct, and what was written in the Resolution is not correct. Mr. Ryzerski states there is not an additional sentence. Cynthia states the ZBA was concerned, and will be continuing to be concerned, when they adjust this Resolution, about construction equipment, and they expect the Planning Board to deal with that on the Site Plan. Cynthia states it wasn't just that construction equipment exists, they don't want to see a lot of large pieces. Cynthia states when Mr. Ryzerski came in he suggested a Note be placed on the Final Plat dealing with the location of construction equipment and after that she drafted a Resolution and ran it by the Town Attorney. Cynthia states she will read the Draft and talk about her suggestions in order to see how we can make this work. Cynthia reads "Whereas the Zoning Board of Appeals Resolution dated February 12, 2015 has been brought into question concerning the temporary parking of construction equipment on this Site, for the Uses permitted thereunder, and Whereas the Planning Board has been advised that an Amended Zoning Board of Appeals Resolution will be considered at their August meeting, which Resolution shall clarify and allow the temporary parking of equipment, specifically construction equipment, on this Site, subject to Planning Board Site Plan Approval, as noted in the Minutes of the Zoning Board of same date, and Whereas the Amended Resolution from the Zoning Board of Appeals will retain the Condition that the Planning Board "regulate" the temporary parking of construction equipment. Now Therefore Be It Resolved that the Planning Board hereby Amends its Approval of this Site Plan by requiring the addition of a note on Site Plan Sheet SP". Cynthia states the two conditions will be "The parking of construction equipment shall be allowed only in the rear, fenced portion of the Site in designated parking spaces or specific parking spaces". "There shall be no more than three (2) pieces of construction equipment parked at any one time". Mr. Ryzerski states his note listed Parking Space 3C, 12C, and 13C. Gary asks why not 11C, 12C, and 13C, instead of 3C. Mr. Ryzerski states they could do that, except when driving into the Site, people will see 11C from the front. Gary states he sees what Mr. Ryzerski means. Cynthia states she will amend the Draft so as to allow for three pieces of equipment. Cynthia states given the size of the parking spaces, what size piece of equipment could fit in there. Cynthia states it should not only be a piece of equipment Mr. Ryzerski will use, it should be what the potential could be. Mr. Ryzerski states due to the zoning they have received for the Site, they will not have excavators residing there. Cynthia states a potential tenant, or anybody who buys into this Site could. Mr. Ryzerski states no excavators are allowed and neither tenants are masons or landscapers. Cynthia states the Uses are not permitted, but talks about different equipment if a different Tradesman owns it. Mr. Ryzerski refers to his Note and states "parking spaces 3C, 12C and 13C may be used if needed for equipment parking and storage, and the combined weight of the equipment and trailer must not exceed 25,000 lbs., and the total height must be less than or equal to 14 feet". Gary asks if the combined footage would be for the three spots. Mr. Ryzerski states he doesn't receive the machines coming off of a trailer. Gary states Mr. Ryzerski used the word

“combined”. Mr. Ryzerski states a trailer will be on the ground and the machine will be on top. Mr. Ryzerski states there could be a 15,000 lb. mini excavator, and a 6,000 lb. trailer. Cynthia asks Mr. Ryzerski to remind her the height of the walls and talks about the total difference between the Site elevation and the neighbor’s elevation. Cynthia asks if it is about 12 feet. Mr. Ryzerski states at least. Mr. Ryzerski points out blocks going up and an eight foot fence on top. Mr. Ryzerski states the fence is actually lower than the rear window of the block garage that is there. Mr. Ryzerski states there is only one tiny window where people may see out of the garage. Cynthia states that is assuming the block garage stays. Cynthia states for now it is there and she understands what Mr. Ryzerski is saying. Cynthia states she is trying to understand the 14 feet. Mr. Ryzerski states a trailer is about 3 feet and a small machine is between 9 and 10 feet. Cynthia states she thought one of the Plan Sheets showed elevations. Gary asks Mr. Ryzerski how tall a backhoe would be. Mr. Ryzerski states about 11 feet tall. Mr. Ryzerski states a backhoe is a heavy piece of machinery and a lot of them are over 20,000 lbs. Mr. Ryzerski states he doesn’t think they will even be able to bring in a backhoe. Mr. Ryzerski states they are thinking more in terms of a bobcat, mini excavator, or compacting roller. Gary states he is fine with the three designated parking spots. Cynthia asks Will if he has a sense in terms of the 14 foot height. Will states from what he remembers, the back area is fairly high. Will states 14 feet isn’t that much. Will states 12 feet is an approximate height for an accessory shed structure and another 2 feet probably wouldn’t make a difference. Cynthia refers to the plantings on the screen and asks Mr. Ryzerski what they will be. Mr. Ryzerski states they will be Emerald Green Arborvitaes. Cynthia asks Mr. Ryzerski if he knows how tall they are going to grow. Mr. Ryzerski states at their maturity they will be approximately 14 to 16 feet. Mr. Ryzerski states he wants them to be very full. Mr. Ryzerski states that Bo DePaoli has them next door as well. Will asks whether the deer like this type of a plant. Mr. Ryzerski states that the deer have not touched the plants that Mr. DePaoli has. Mr. Ryzerski states he isn’t a particular fan of Arborvitaes but they make a great hedge. Cynthia states given the discussion tonight she will revise the first bullet to read “The temporary parking of construction equipment shall be allowed only in the rear, fenced portion of the Site in designated parking spaces 3C, 12C and 13C, and there shall be no more than three pieces of construction equipment parked at any one time, the weight of which shall not exceed 25,000 lbs. combined weight of equipment trailer, and the height of which shall not exceed 14 feet”. Mr. Ryzerski refers to the word “temporary” and states the equipment may be there for a couple of weeks. Cynthia states this means the equipment will not live there, it will come and go. Cynthia states that is her understanding of the ZBA comments in regards to temporary parking. Mr. Ryzerski talks about taking the word “temporary” out. Cynthia states she doesn’t mind taking the word out. Cynthia states the ZBA had it in their Resolution. Gary states he is comfortable taking the word “temporary” out because he doesn’t know what it means. Gary states temporary could be anywhere from 15 minutes to 15 hours to 15 days. Cynthia talks about making a new bullet which would state “The parking of construction equipment must be actively in use by the tenant”. Will states you could also add language in such as “this is not intended to be the storage of”. Cynthia states the new bullet will state “The parking of construction equipment is not intended for long term storage of same”. The Board agrees. Christopher states he thinks we are making an assumption here that this is what the ZBA intended. Cynthia states based upon her conversation with Jerry Reilly this afternoon yes. Will states the way it is worded, it is prejudging something that hasn’t happened. Will refers to the ZBA meeting next in August. Cynthia states the ZBA Resolution will be changed so as to state exactly what is in the Minutes as opposed to the first Resolution they voted on. Will asks Mr. Ryzerski if this issue is holding him up from doing anything. Mr. Ryzerski states no, the Resolution is the Resolution. Will asks Mr. Ryzerski if this issue is holding up work being done. Will asks the Board if they want to memorialize their Resolution after the ZBA Amends their Resolution, so there does not need to be speculating language in it. Christopher states that was his concern, and the ZBA may receive the Planning Board Resolution and say that is not really what they intended, and then we have to come back and do this again. Cynthia asks Will if he is talking about doing this by consensus stating that this is what we want, send it to the ZBA, and let them finalize it. Cynthia states she did send this to Roland. Will states the Board has worked it out and if the ZBA does what we think they are going to do the Planning Board may memorialize it afterwards. Christopher talks about wordsmithing the Resolution in real time. Mr. Ryzerski states the

problem with the ZBA was that they were uncomfortable with granting the storage of equipment a year or so ago because they weren't sure about our Plan and what the Planning Board Approval would be in terms of the storage. Mr. Ryzerski states now he has come up with a Plan and fought the ZBA tooth and nail to have them add the language "or Planning Board Approval" into their Resolution. Will refers to the draft Resolution wording and asks Mr. Ryzerski whether it means much prior to the process being done. Mr. Ryzerski asks whether this will become part of their original Resolution. Will states this will modify what the Planning Board did already. Cynthia states Mylar's haven't been signed yet and this is a Resolution the Board will do tonight. Cynthia states Mr. Ryzerski will take the three bullets and put them on the Plan before she signs them. Will asks whether the Resolution will be signed before the ZBA does what they have to do. Cynthia states this is what we are doing and if the ZBA nixes it, everybody comes back. Will asks if Mr. Ryzerski changes the Plan based on the discussions tonight and submits it tomorrow whether Cynthia will sign it. Cynthia states yes. Cynthia states she is not going to wait until the ZBA meets in August. Mr. Ryzerski takes a picture of the three bullets on the screen. Cynthia states she will forward a copy to him. Mr. Ryzerski states that is fantastic and he is glad he is here. Mr. Ryzerski states the next few weeks are going to go by fast and refers to obtaining Building Permits in terms of the Board showing a little discretion and make a Recommendation to the Building Department that they could start some demolition of the vast sheds so they will be ready to hit the ground running. Cynthia states Mr. Ryzerski is all set to move on the signing of the Mylar's. Cynthia states Mr. Rossi has done the Lot Line Change, Mr. Ryzerski has his DOT paperwork, and the issue discussed tonight has been resolved. Mr. Ryzerski states there may not be any reason why the Building Department couldn't issue him a Demolition Permit. Mr. Ryzerski states it is going to be weeks before he may receive an actual Building Permit, and a Demolition Permit may take a few hours. Cynthia asks how a Demolition Permit relates to a Building Permit. Will states he doesn't know how it would be done with this Board, and in other places it is a separate Permit. Will states it would be whatever the policy of the Building Department is. Mr. Ryzerski states the Building Department didn't want to do anything until this issue was done. Will asks how close Mr. Ryzerski is to actually having the Mylar's signed and asks if it is just a matter of the Note. Cynthia states the Lot Line Change Map is being done so as to file it with the County. Cynthia states once she has it and signs the Mylar's the Planning Board process is done. Will states once the Mylar's are signed, that advises the Building Department that they may issue a Building Permit, so they should be comfortable with issuing a Demolition Permit. Mr. Ryzerski states he was of the understanding that when the final set of printed Plans were submitted they would be reviewed and then the Mylar's would be submitted. Mr. Ryzerski states he is just trying to expedite things. Cynthia states she spent today reviewing the Lot Line Map and had one minor change which she will get over to Don Rossi tomorrow. Cynthia asks whether the Board passed the Resolution. Gary states no, not yet.

Gary Jacobi motions that the Planning Board Adopt the Above-Mentioned Draft Resolution as Amended for Rylan West Realty (Railyard), formerly Lakeland Lumber. Cynthia Curtis seconds. All in favor. No opposed.

**6. Baxter Road LLC/Edmonds: David Sessions (owner – Matthew Edmonds)
Wetland Permit (location – 141 Baxter Road)**

- Consider Comments From the Town Engineer
- Consider Waiver of Public Hearing
- Consider Draft Resolution of Approval

Cynthia states she prepared a Draft Resolution of Approval on the Wetlands Permit that was previously Approved. Cynthia states David Sessions is here with us tonight and he was supplied a copy. Cynthia states the only Condition that is different than what was previously Approved is to make sure when the Applicant goes for his Stormwater Pollution Prevention Plan (SWPPP), it is all encompassing. Mr. Sessions states that is

correct and he did notice that. Mr. Sessions states an e-mail had been forwarded to him from Frank Annunziata outlining it. Mr. Sessions states there is something in the current Stormwater General Permit that suggests that if two activities on the same property, even though they are not related, and within a ¼ mile from one another, they should be viewed as far as the SWPPP is concerned, as a single Project. Mr. Sessions states the only concern he has is that the other side of the Site, where barn improvements are being proposed, may or may not be completed within a certain timeframe under which the Planning Board would have to sign the Plans for the driveway. Mr. Sessions states he doesn't know whether the Board has to sign the Plans for the driveway within 30, 60, or 90 days after the Approval. Mr. Sessions states he doesn't know whether there is anything in the Code suggesting that. Mr. Sessions states if there is then the timing might be a little off if they have not completed the barn process. Cynthia asks Mr. Sessions if that is the other Project that involves a SWPPP. Mr. Sessions states yes. Cynthia states it seems to her that all Mr. Sessions would have to do is combine the two SWPPP's for Approval, and once she sees that this has been done, she may sign the Plans. Mr. Sessions states the Approval might not come for the barn before a certain time limit by which the Chairwoman needs to sign the Plans. Cynthia asks how long the Resolution will be good for and pending before she has to sign the Mylar's and states she doesn't think there is a timeframe. Mr. Sessions states he was hoping to hear that. Will refers to Page 9 in the Draft Resolution and states the timeframe is 180 days. Mr. Sessions states theoretically the Chairwoman would have 180 days to sign the Mylar's and hopefully they complete their barn Approvals within that timeframe. Cynthia states if not, Mr. Sessions may ask for an Extension. Cynthia asks if anyone has questions with the Draft Resolution as prepared. There are no further questions.

Chairwoman motions that the Planning Board Re-Approve the Freshwater Wetlands Permit and Stormwater Management Permit for Baxter Road LLC – Edmonds (Foxy Meadow Farm). Christopher Brockmeyer seconds. All in favor. No opposed.

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

- Consider Report From Planning Consultant
- Consider Draft Resolution of Approval

Gary asks Daniel Laub why they still call it New Cingular. Mr. Laub states it is a result of the old Merger. Mr. Laub states there are still different entities, such as AT&T, AT&T Mobility, and New Cingular. Gary states he is surprised it hasn't been simplified. Mr. Laub states sometimes structure helps in terms of liability and organizational purposes. Cynthia states Mr. Laub applied for a Waiver/Exemption and all of the parts and pieces were not there for the Board to handle it that way, so she took a giant leap and thought why not just do an Amendment so the Applicant would receive an Approval tonight. Cynthia states a Draft Resolution has been prepared for an Amended Approval. Mr. Laub states he would like to apologize about the discrepancy in the drawings. Mr. Laub states he received the MDRA Memo this morning and contacted their Engineers. Mr. Laub states he told their Engineers that they needed to give him straight numbers and look at everything again. Mr. Laub states he is fine with the process, and would like to give the Board reassurance. Mr. Laub states part of it may have come from his instructions from the beginning. Mr. Laub had told their Engineers that if there was any model that they didn't have the specifics on they should be very conservative and assume that it is smaller than they think because it is all about the volume. Mr. Laub states it turns out that for a couple of the models the Engineers used smaller figures than the models actually are. Mr. Laub states the Engineers have estimated, as Mr. Agresta has pointed out, that one antenna is two inches longer, and a couple of the other items are bigger than they were first accounted for in terms of existing volume. Mr. Laub states the overall volume increase that their Engineers estimate now is down to 3.24%. Mr. Laub states the 4.92% was because they were assuming the existing bulk to be smaller than it actually was. Mr. Laub states they were compiling

information from structures, the tower company, and AT&T, and sometimes you have Model A and Model B, and Model B was smaller. Cynthia states at the end of the day it is just as quick to do an Amendment. Will states that still doesn't clear up the fact that it is the Applicant's antenna on their Plans that have the discrepancy, not the other Carriers. Mr. Laub states it has to do with their equipment. Will states it is the Applicant's antenna detail that has the scaling discrepancy. Mr. Laub states their Engineers will clarify it and the call out was two inches larger than what was on the table. Mr. Laub states the call out was correct and the table was incorrect, even with the additional two inches, when you make accommodation for the other pieces of equipment, which you can't see. Mr. Laub refers to the other two items and states he did ask that a Note be put on the Plans in regards to the Special Permit and when he received the drawings he forgot to check for that. Mr. Laub refers to the color and states he thought that was something the Board wanted to discuss, and he didn't know it was something they wanted him to put on the Plans. Mr. Laub states there are multiple options and Madam Chair mentioned at the last Meeting that she would take a drive by to see the colors. Cynthia apologizes and asks what colors are there now. Mr. Laub states he has seen the tower from a distance, so it is difficult, but from some of the pictures he has seen in the past, maybe a mat grey would be best. Mr. Laub states some antennas are white and very stark. Mr. Laub states beige wouldn't really match what is on the rest of the tower. Mr. Laub states a mat grey is probably the best option. Cynthia suggests Mr. Laub add a Note so as the color will match the existing support tower, then it may be dealt with when going to the Building Inspector. Mr. Laub states he will do that. Cynthia refers to Removal Bonds and states this is a case where she believes the Owner of the Tower and the first two or three Carriers are all on the same Bond together. Cynthia states it gets to be a chore for us to decide whether we need to deal with these Removal Bonds on a Carrier basis. Cynthia states she doesn't know how the Lease Agreements are between the Tower Owner and the individual Carriers. Cynthia states if the Tower comes down, everything will come down and be removed. Mr. Laub states that is correct. Cynthia states if just one User were to go away, she would imagine it would still go through the Lease Agreement. Mr. Laub refers to AT&T and states if they leave, they would take all of their materials down and out. Cynthia states she thinks this is something to be dealt with as a Board and maybe it is better to attach the Removal Bonds to the Tower owner. Will states they should be attached to all of the Carriers. Will states he assumes if there is a Bond that covers all of the Carriers, it should be up to them to decide how they figure out the deal. Will states there would be an amount and if one Carrier goes out if you needed to you could call the Bond in for that aspect. Cynthia asks why we would get involved if one Carrier needs to be removed. Will states if a Carrier leaves for whatever reason and leaves their antennas and equipment there, would the Board care if it is left there, or want it all to come off. Mr. Laub refers to a Carrier being evicted and states Crown Castle would want and need the space back, and not want to leave the materials there. Mr. Laub states if the tower was dysfunctional or AT&T didn't pay their bills, then they would be removed. Will refers to the Town of Lewisboro where they had AT&T microwave antennas which were huge. Will states he doesn't think they were in use, but they sat up on the Tower for years, and it wasn't until a new Application came in that the materials were taken off. Christopher asks whether we can require a Removal Bond from the Tower Owner for individual pieces of equipment. Cynthia states we have been doing that on some of the Towers and when a Carrier comes on after the fact, then we get a Removal Bond for that Carrier. Cynthia refers to AT&T and asks Mr. Laub if this Tower is part of the bigger package or did they come on later. Mr. Laub states they came on later. Cynthia states the question is whether there already is a Removal Bond. Mr. Laub states it is his understanding that there already is a Removal Bond in place. Cynthia states Mr. Laub will have to review the Removal Bond and the Board will need a Memo as to whether or not it is sufficient in terms of the new change of equipment. Will asks whether there is a Removal Bond specific to this Application. Mr. Laub states he believes there is a Removal Bond in place for AT&T. Mr. Laub states they were the last Carrier to come in and all of the other Carriers were part of one Application. Mr. Laub states that AT&T became an Amendment to the initial Application. Cynthia states that may be why AT&T has a different Special Permit Renewal Date, which will be next year. Mr. Laub states they are not changing a lot and he doesn't think the Removal Bond will change. Cynthia states as the Board has done in the past, they would like something in writing from the Applicant and if they think there is an issue, it will be run by the

Town Engineer for him to sign off on. Cynthia asks whether there are any other comments or questions on the Resolution as it has been drafted. There are no further comments or questions. Cynthia states the Resolution will then stand as drafted.

Chairwoman motions that the Planning Board Adopt the Draft Amended Resolution of Approval for New Cingular Wireless (AT&T), on the Croton Falls Fire District Tower at 40 Sun Valley Drive. Bernard Sweeney seconds. All in favor. No opposed.

8. Financial Report:

- June, 2016

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

9. Minutes:

- May 18, 2016
- June 1, 2016
- June 8, 2016

Chairwoman motions that the Planning Board Approve the Minutes for May 18, 2016. Christopher Brockmeyer seconds. All in favor. No opposed.

Chairwoman motions that the Planning Board Approve the Minutes for June 1, 2016. Christopher Brockmeyer seconds. All in favor. No opposed.

Chairwoman motions that the Planning Board Approve the Minutes for June 8, 2016. Christopher Brockmeyer seconds. All in favor. No opposed.

10. Next Meetings:

- Regular Meeting – August 3, 2016
- Work Session – August 17, 2016

Bernard states he is not available for the August 3rd Meeting. Gary states he is not available for the August 17th Meeting. Cynthia states she is not available on August 17th either. The Board has a discussion about possibly cancelling the August 17th Meeting. Cynthia states we will speak with Charlotte to obtain her availability.

11. Resolution:

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