

North Salem Planning Board Minutes

August 3, 2016

7:30 PM – Town Meeting Hall

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

ABSENT: **Bernard Sweeney, Board Member**

ATTENDANTS:	Hawley Woods Subdivision:	Peter Gregory
		Alan Pilch
		Steve Bliss
	Community Based Services:	Jared Ponzini
		Roger Hof
	Swimfinity:	Joseph Sisca
		Ali Sisca
		Richard O'Rourke
		Tim Allen

Chairwoman Cynthia Curtis calls the August 3, 2016 North Salem Planning Board Meeting to order.

PUBLIC HEARINGS:

- 1. Fuelco/BP (Getty):** (owner – Joseph Bryson)
Amended Site Development Plan (location – 2 Fields Lane and Hardscrabble Road)
 - Carryover of Public Hearing

Cynthia states the Public Hearing for Fuelco will be carried over. Cynthia asks Dawn whether we have heard from them. Dawn states no. Charlotte asks how come we haven't heard from them and what are they still working on. Charlotte states it has been so long she can't remember.

REGULAR MEETING:

- 2. Community Based Services:** Jared Ponzini (owner – Community Based Services)
Sign Permit (location – 396 – 404 Hawley Road)
 - Discuss Sign Plan Proposal
 - Consider Draft Resolution of Approval

Cynthia states that Community Based Services is an existing business on Fields Lane and their sign fell down. Cynthia states they would like to replace the prior sign with a new one. Cynthia states the Sign Ordinance had been rewritten so that if someone is replacing one sign with another, even though they are changing the design, it should be automatic, and people would just go to the Building Department. Cynthia states in this case, we

couldn't find where the original sign, that was larger than the Code allows, received any Variances in the past, so that is why we instructed Community Based Services to go through the sign process. Cynthia states we have Jared Ponzini here tonight. Cynthia refers to the proposed sign on the screen and states it is quite bigger than what our Code allows. Cynthia states after talking with her, Mr. Ponzini did bring the size down a little bit. Cynthia states she will take the lead in asking the question to Mr. Ponzini if the size may be brought down a little more. Cynthia states this is not a case where it is a retail business and a lot of people have to find it every day and she is not quite sure why Mr. Ponzini feels they need such a big sign. Cynthia asks Mr. Ponzini to take the floor and explain to the Board why he can't get the size down at least a few more square feet to be closer to what our Code allows, which is eight square feet. Cynthia states the sign is proposed to be 15 square feet. Mr. Ponzini states they can certainly reduce the sign to get it down a little bit more. Mr. Ponzini states the reason why they wanted it a little bit bigger is to promote their business. Mr. Ponzini refers to their Website and states they assist disabled people. Cynthia refers to the screen and states with this current design she does not think it is possible to get the size down to eight square feet, which is what our Code requires. Cynthia states the Board Members should weigh in on what their goal should be to get this down to because we would then have to send Mr. Ponzini over to the Zoning Board of Appeals (ZBA). Charlotte asks how big the old sign was. Roger Hof is also here tonight. Mr. Hof states the old sign was 21 square feet. Christopher states the height would almost be his height which is almost six feet and he is trying to visualize the total width. Christopher asks what it would mean if the Board were to agree to a significantly larger height and total square footage and whether that means they would then be able to grant similar requests in other neighborhoods. Cynthia states that Area Variances are the purview of the ZBA and confirms with Roland that there isn't precedent. Roland states all the Planning Board may do is a Referral to the ZBA. Christopher states in addition to a Recommendation. Roland states the Planning Board doesn't have to give a Recommendation on a sign. Christopher states a sign size that might be appropriate on one street in one neighborhood may not be in another. Christopher refers to Fields Lane and states he could see there being larger signs. Mr. Hof states that Mr. Ponzini took photographs of a few buildings and businesses up the road and they have fairly large signs. Charlotte asks whether they are in Southeast. Mr. Ponzini states he thinks the Centex sign is in Southeast. Cynthia states actually that is in North Salem and they never came in for a Permit. Cynthia states that is one of the signs she has been waiting for the Building Inspector to do something about. Cynthia states there are also multiple signs there. Cynthia states this property is on our Agenda later on tonight as a co-worker is coming in, and we will talk to them about this. Gary states his thoughts are if they can shrink it down a little bit we should just refer them to the ZBA with no comments. Gary states the ZBA is likely to provide their blessing. Cynthia states Christopher hit the nail on the head. Cynthia states this is Fields Lane and all the buildings are set way back from the road, and not like the Hamlet areas and North Salem Center. Cynthia refers to the island on the screen and asks approximately how far back it is from the road. Mr. Ponzini states it is 20 feet from the road. Charlotte states you could drive by it before you see it because it is set back so far. Christopher asks whether the sign itself will be 20 feet from the road. Mr. Ponzini states the planter starts 20 feet from the road and they could put the sign anywhere in the planter. Charlotte states she likes Gary's idea in terms of reducing the size a bit more and sending the Applicant over to the ZBA. Will refers to the comment Christopher had in terms of the appropriate direction the Planning Board would go in by looking at different neighborhoods and Zoning Districts and talks about there being different Standards. Will talks about changes to the Code so that the RO District, recognizing what it is, could merit bigger signs as opposed to some of the non-Residential Uses which are permitted in more Residential areas, where you would want smaller signs. Will states if it is done this way, there would be a Recommendation to the Town Board under a Legislative Act, and Variances could be avoided. Gary asks Mr. Hof if they have a lot of retail traffic coming in and out of their offices. Mr. Hof states it is not so much retail. Gary states he means vehicular traffic. Mr. Hof states yes, and refers to employees and new employees who come in for interviews and states they look for a sign. Gary asks how big the offices are in terms of square footage. Mr. Hof states between 6,800 and 7,000 square feet. Gary states that is a good size office; good luck. Cynthia states if some of the white space is cut back on either side of the sign, the size could easily go down to 12 square feet, as opposed to 15. Mr. Ponzini

asks if they should shoot for 12 square feet as a target. Cynthia states that is what she would recommend. Charlotte and Christopher agree. Cynthia states Mr. Ponzini will go get a Variance and then come back before the Planning Board. Cynthia states the Board will then wrap this up with a quick Resolution. Cynthia asks the Board whether she should send a Memo over to the ZBA. The Board agrees. Cynthia states it is the consensus of the Board for her to send a Recommendation over to the ZBA which she will do.

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

- Consider SEQR Determination of Significance Draft Resolution of Approval

Cynthia states we have Peter Gregory here tonight. Cynthia states at the last Meeting we closed the Public Hearing and we said that we would consider the SEQR Determination of Significance. Cynthia states we have a Draft that had been sent around to everybody, including Paul Taft, our Building Inspector, and she received one comment from him which she found very interesting. Cynthia states she would like to share this with the Board as it is something for them to think about on this Application and future Applications. Cynthia states that Paul focused in on the next to the last whereas on Page 2, whereas it states “Whereas, each new residence will be equipped with one (1) proposed 10,000 gallon underground storage tank to provide a supply of water for firefighting purposes, which tank will be installed, owned and maintained (including filled at all times) by the lot owners”. Cynthia states Paul wanted to know the background and the history of that and what the Planning Board’s take on that was. Cynthia states she gave Paul the background and mentioned that years ago before the Fire Department had as many tankers as they have, when we have these Private Roads along driveways with big homes, we ask for the tanks so that when the first responders get there, they can immediately start some action with water until the trucks get there with a supply of water. Cynthia states the Applicant agreed to do this. Cynthia states it was our Building Inspector who asked whether we had considered requiring a sprinkler system in the homes instead. Cynthia states it was his opinion that a sprinkler system, and with the water storage tanks they use for it, which could be plastic and in the basement, could actually be less costly than putting in an underground water tank. Cynthia states she was going to suggest that we do an either/or and leave this whereas as written, but add language such as “or a Code Compliance sprinkler system for the home”. Cynthia states maybe one home would have it and the other two won’t, but if we put the either/or in, it would give the Applicant the flexibility to look into it, and we are achieving the same thing. Cynthia states with a sprinkler system the Applicant may achieve a little bit more because it might even help with insurance costs in the long term. Charlotte states unless it goes off by mistake. Christopher states he would be interested in hearing from someone as to whether or not they are functionally equivalent or if one is considered better than the other. Cynthia asks Christopher if he would like feedback from the Fire Department. Christopher states from the Fire Department or someone else. Cynthia states that Paul seemed to think it would be equivalent, but she doesn’t know, and that is a very good question. Will states a fire sprinkler system would go off right away, so no one is waiting for someone to show up. Christopher states he would think a sprinkler system would make more sense. Will refers to multi-family housing and states it is a requirement. Gary states that the City of White Plains requires them. Will refers to North Salem and states if someone has a certain amount of multi-family units a sprinkler system would be required. Cynthia states she believes Bridleside has them. Will states yes. Gary states the only drawback is that sometimes they go on when someone is not home, or there may be a little local fire that may be contained very easily, and the next thing you know you have \$20,000 worth of damage from water. Charlotte states she believes the zones may be localized. Gary states yes, but that is more expensive. Gary asks whether the storage tank the Applicant is proposing has a float device in case it depletes. Mr. Gregory states no, but that is something they could look into. Gary states he would think the Applicant would want a float device. Charlotte asks whether the tank would get filled up after a fire. Gary states yes, but that is assuming it doesn’t have a leak or anything else. Mr. Gregory states the tanks have to be inspected. Gary asks by whom. Mr. Gregory states he believes the

Fire Department. Gary asks whether the Fire Department inspects tanks. Cynthia states a request would have to be made of the Fire Department, as they don't take responsibility for these tanks. Cynthia states they might assist in filling them up. Cynthia states she had a discussion with the Fire Department years ago and they liked the idea that the tanks were there, but they will not take any kind of responsibility to make sure they are maintained and full. Cynthia states that is a conversation the Applicant would need to have with the Fire Department, but otherwise we have language in this Draft Resolution which states a tank will be there, or the alternative, which would be a Code Compliant sprinkler system.

Cynthia states the other item she wanted to get into a little bit more is the whole idea of blasting and processing of excavated materials. Cynthia states she wants to make sure that the processing of excavated materials is not a long and drawn out process and she is wondering if one of the ways to tackle that is through the Construction Sequence of the Project, so as to identify the duration and extent of it. Mr. Gregory states they can try to do that and work it in, and keep the Board or Engineer involved on a regular basis as they are progressing. Cynthia states if she understood Mr. Gregory correctly, the road would go in, but there may be piles of unprocessed materials that may be used on individual Lots or for their driveways, or whatever. Cynthia states everything will not necessarily be processed during the road construction period. Mr. Gregory states the idea was to keep the materials on Lot 1, and not go up and disturb the other two Lots. Mr. Gregory states the materials would be used for the Common Driveway, Lot 1, and any excess materials from that point on would be removed from the Site. Mr. Gregory states they can work language into the Construction Sequence or Phasing. Christopher states he remembers Mr. Gregory mentioning this at the last Board Meeting, but he does not think the Draft Resolution reflects it. Cynthia talks about doing a slight modification to No. 13 on Page 5 adding language such as "the processing of excavated materials is limited to the construction of the Common Driveway up to Lot 1 and for materials that may be needed on Lot 1". Mr. Gregory agrees. Cynthia states the details of this will be worked out during the Construction Phases. Mr. Gregory refers to No. 13 whereas it states that "in order to minimize the extent of otherwise needed construction traffic to and from the site ...". Mr. Gregory states they hope this would be true because there will be less material that will need to be taken off site. Cynthia states given this, how much truck traffic will there be for the removal of material, and asks Mr. Gregory if he has the latest quantified amount. Mr. Gregory states there is an amount, but he does not have it with him tonight. Mr. Gregory states the idea is to try and do it in a way where all of the materials do not go out all at once. Mr. Gregory states during the time period they would estimate how much will be needed on the site, and then they will be able to remove some of the materials gradually during the construction of the Common Driveway. Mr. Gregory states hopefully by the completion of that work all of the materials will be off of the site. Mr. Gregory states the truck traffic will be concentrated into a short time frame. Will states there is another Section and refers to No. 6 on Page 4. Will states the last sentence deals with this issue and pushing it off until the final Subdivision Plans in order to provide better detail. Will states this leaves it open to define it more specifically on the Plans. Cynthia states she thinks those were all of her comments and asks the Board whether they have anything further. Christopher states no. Mr. Gregory refers to No. 15 on Page 5 and states it should be modified to reflect the sprinkler option and flexibility. Cynthia states that given the fact that Will has language in No. 6 on Page 4, should we still modify No. 13 on Page 5. Cynthia asks Will whether he thinks No. 6 on Page 4 covers it. Will asks whether the processing is proposed only for the material that comes out of the Common Driveway and Lot 1, or will there be processing otherwise. Cynthia states the processing is only for the construction of the Common Driveway up to Lot 1. Will asks Mr. Gregory when they get to the other Lots whether they will be processing material. Mr. Gregory states he doesn't know yet what they will encounter in terms of rock on the individual sites. Mr. Gregory states he thought Lot 1 would be a good opportunity to fill in that area. Will states that is a receiver, but not a processing. Mr. Gregory states he thought in that area they could process it in that location. Will states he gets that, but when the excavation is done for Lots 2 and 3, and even 1, wouldn't there be materials that will end up needing to be processed. Mr. Gregory states there could be. Will states maybe not just rock, but in the soil. Mr. Bliss states maybe screening. Mr. Gregory talks about limiting how much disturbance

there would be with each individual Lot. Will states he doesn't think it is pigeon holed. Cynthia states perhaps we could also say that the details would be worked out at the Pre-Construction Meeting for each Lot, with the idea being to minimize the duration of the processing. Will states we are covered in No. 6 on Page 4 in that sense. Cynthia states okay, so long as Will feels he has covered this comment, it is fine with her. Cynthia asks Will whether No. 13 on Page 5 needs to be modified. Will states he doesn't think so. Cynthia states when the Board passes this they are going to modify the sixth whereas on Page 2 and No. 15 to reflect an alternative to underground storage tanks, which would be Code Compliant sprinkler systems as an alternative.

Chairwoman motions that the Planning Board Adopt the SEQR Lead Agency Negative Declaration for the Unlisted Action of the Hawley Woods Subdivision, a Three Lot Residential Subdivision, with a Common Driveway on Hawley Road. Christopher Brockmeyer seconds. All in favor. No opposed.

After the motion the Board talks about how concerned they are with this proposed Subdivision which is why they have been working on it so long and hard. Gary asks the Applicant how they are coming with their Bond and whether they have talked with anybody about it yet. Mr. Bliss states he talks to his bond guy all the time. Gary asks what size Bond Mr. Bliss is looking for. Mr. Bliss states he hasn't talked to him about that. Will states that is actually an interesting point because you probably should be establishing the Bond with the Preliminary Approval. Will asks Roland his thoughts. Roland states he didn't hear Will's question. Will refers to the Preliminary Approval and asks whether the Bond would be established. Roland states yes, based on a Recommendation by the Town Engineer. Roland asks whether Frank has asked for a Cost Estimate from the Applicant. Will states we may have received one in the past. Mr. Gregory states it may have been some time ago. Roland asks whether it should be updated before Frank considers it. Mr. Gregory states they have to go to the DEP and the Health Department and they may have some bearing on what is going to be involved. Mr. Gregory states that by having this Resolution adopted tonight they will be able to start meetings with the DEP and the Health Department. Will states the Preliminary Approval has to take place within the next Meeting or two. Cynthia states yes, unless the Applicant gives us an Extension. Cynthia states we need this information. Will talks about making it an open-ended Condition and establish the amount of the Bond at Final. Roland states you may say language such as "A Bond amount recommended by the Town Engineer", and keep it open-ended. Will states yes, because the Applicant is going to have to do a Final Application anyway. Roland states it is still within the control of the Town and based on what Frank determines. Roland states that Frank will use the Construction Cost Estimate from the Applicant as a guidepost and check his own math and come up with his own contingency. Will states that might actually work, because should the Applicant change anything between Preliminary and Final, for whatever reason, we are not revisiting this, and it is done once, not twice.

**4. Swimfinity Swimming Academy: Richard O'Rourke (owner – Joseph Sisca)
Site Development Plan (location – 55 Fields Lane)**

- Consider Report From Planning Consultant

Richard O'Rourke states he is here tonight in regards to Swimfinity. Mr. O'Rourke states that Ali and Joe Sisca are here also. Mr. O'Rourke states the last time they were here there was a discussion about what Swimfinity is. Mr. O'Rourke states that Mrs. Sisca is now certified as a trainer for purposes of training babies and young children how to survive in the water. Mr. O'Rourke states they have submitted their Site Plan and received Will Agresta's comments. Mr. O'Rourke states that Tim Allen from Bibbo Associates is here as well. Cynthia states she would like to ask a few basic questions first before we get into the details of Will's Report. Cynthia states she is going to recommend that the Board go out to the Site for a Site Visit because she really would like to see how this Site is going to work with the entrance for moms, infants, and toddlers to come and go. Cynthia states she would like to see the interior of the building. Cynthia asks Mr. O'Rourke if

his clients will use 7,000 square feet for this Project. Mr. O'Rourke states yes, that is what is on their Plan. Cynthia states that is a huge space and she is interested in seeing whether there will be a waiting area in the facility, as well as bathrooms. Cynthia asks whether the bathrooms are in addition to what is already there for the other business. Mr. O'Rourke states there are two separate tenants and two totally different operations. Mr. O'Rourke states there will be sanitary facilities that are necessary. Cynthia asks whether the wall that separates the two square footages that are being proposed is already up. Mr. O'Rourke asks Mr. Allen to walk everyone through the Site Plan as that may be the best way to understand it. Cynthia states to Mr. Allen she would just like to concentrate on the building itself at this point. Mr. Allen states there is a wall that supports the two entities. Cynthia states she assumed that was the case because the cutlery business has been there and in operation. Cynthia asks whether the cutlery business uses the doorway over near the ramp or whether they have their own door. Mr. Allen states there is a separate door that is shown on the Site Plan off the ramp. Cynthia confirms that each business will have its own separate entrance and exit. Cynthia asks whether the cutlery business people have to walk up the ramp to get in. Mr. Allen states yes. Cynthia refers to the swimming pool and the Health Department and asks how often the pool will need to be backwashed, how often the water in the pool will need to be changed out, and where the water will go. Mr. O'Rourke states all of that is subject to Health Department inspection and all of their Rules and Regulations. Mr. O'Rourke states he is not familiar with precisely what that is. Cynthia states we need to know. Cynthia states she doesn't believe the water can go to a septic system or a storm drainage system and talks about where the water will go. Cynthia states this is something that has to be shown on the Site Plan. Gary states it may depend on the frequency of the flushing such as once a year versus once every other day. Cynthia states with babies using it, she doesn't know if the water would need to be flushed every day. Cynthia refers to kitty pools at facilities and states they are flushed every day. Cynthia states the proposed pool will have a lot of water and she would like to know what the Health Department is expecting the Applicants to do and how they are going to handle the backwash and/or the complete change out. Mr. Allen states generally the pool would not be emptied. Mr. Allen states the backwash is a good question and they will obtain an answer about that. Cynthia states generally people wouldn't empty their pool, but this will be a facility for babies/toddlers in diapers. Charlotte refers to swimmies. Cynthia states she knows they make swimmies, and she has put them on her grandkids, but she also knows what happens with them. Cynthia states she doesn't know whether the filter system will be able to handle it day after day after day. Mr. Allen states the water will be chlorinated. Cynthia states the Board would like answers about this, as well as where the water is going to go. Cynthia states those were her basic questions about the Use.

Cynthia states we should get into the comments and questions from Will in regards to how the parking will work. Cynthia states to get there, what we need to understand first is what our Code requires for the number of parking spaces. Cynthia talks about a request for a reduction in that number and how far the Board may reduce it. Cynthia states we have to keep in mind that with a Service Use we can appreciate how this particular business is going to operate, but if the Service Use were to change to, for example, to an adult exercise class, there may be a lot more cars coming in. Cynthia states we are going to move in the direction of trying to make this work for the Uses that are here and not overburden the situation. Mr. O'Rourke states we discussed this last time and Mrs. Sisca will certainly explain the duration of the training. Mr. O'Rourke states this will be a very low intensity Use of the building. Mr. O'Rourke states the comment Chairwoman Curtis had about a concern that this could turn into an exercise class facility is ligament and certainly could be handled through Site Plan Approval. Mr. O'Rourke states any change in the Use would necessitate coming back to the Planning Board. Cynthia states the way our Code is written, if the business changed to another Use within the same Use Group, someone wouldn't necessarily have to come back before the Planning Board. Cynthia asks Roland whether the Board can make it a Condition so that if the Use changes, it would have to come back before them, because a reduction was granted for the parking requirements. Roland states if the Applicant agrees to it. Mr. O'Rourke states that was going to be his suggestion. Mr. O'Rourke states the important thing in terms of the parking, which they had touched on, is that they cannot conceive of a lesser

intense Use for an existing building of 7,000 square feet. Mr. O'Rourke states this building was purchased by the present owner after it had been built. Mr. O'Rourke states they are proposing a Permitted Use as of Right. Mr. O'Rourke refers to yoga classes of 20 to 25 people and states there would be a lot of traffic generated and other legitimate concerns. Mr. O'Rourke states from their perspective, it appears to them that this is the least intensive proposal that the property could be used for. Gary states no doubt, but the question comes, as Cynthia pointed out, if there is a change of Use. Mr. O'Rourke states the Board may address that in terms of the Conditions. Mr. Sisca states on behalf of the ownership, he doesn't think it will be an issue at all. Cynthia states a Condition will be built in so as if there is a change of Use within the same Use Group, the Applicant will have to come back before the Board to address parking. Cynthia states the Board is also limited in terms of how far they may reduce the parking requirements. Mr. O'Rourke states they are proposing an Amended Site Plan and the Conditions will be on it that are fair and necessary. Mr. O'Rourke refers to the parking circulation and talking about what would be permissible by a way of reduction within the Code. Mr. O'Rourke states this is an Amended Site Plan Approval for this building and in the comments from Mr. Agresta he mentioned the other pad and the lower building, and that is not part of their Application. Cynthia states we understand that but there might be an opportunity, if they had unused parking spaces, and the Applicant needed more, we could look at that. Cynthia states it is this Board's decision whether they are looking at the whole Site or just this portion. Cynthia states the Board knows that this portion is the only place where the Applicant is trying them to focus on now, but other items may impact more of the Site, such as the backwashing and where the water will go. Cynthia states if the Applicants cannot fit all of their parking, and has to create something larger, stormwater may need to be introduced. Cynthia states that Will is reminding the Board that it is really their decision. Cynthia states she always thought of this Site as two separate entities anyway. Cynthia states the lower portion had been done with the parking, and the upper building was built as a storage building and was added to, in addition to having its own driveway. Mr. O'Rourke states Mr. Allen will talk about the parking circulation issue which is something they clearly will have to work out. Mr. Allen passes out pictures that he had taken showing doorways and garages. Mr. Allen points out the doorway for the cutlery business and where the Swimfinity doorway will be. Cynthia refers to one of the pictures and asks whether the cutlery business uses both garage bays. Mr. Allen states yes. Cynthia confirms that the third garage bay will be for the Swimfinity business. Mr. Allen refers to the Site Plan and states they knew they wouldn't meet the requirement in the Code for all of the parking. Mr. Allen states they are looking to maximize the spaces to the greatest extent practical. Mr. Allen refers to the screen and points out the one way circulation. Mr. Allen states that Mr. Agresta had made comments in regards to cars backing up as well as lane width. Mr. Allen states he just paced off the lane width in the parking lot for the Court and it is 20 feet. Mr. Allen states ideally two-way would be 24 feet and they have 19 feet. Mr. Allen states their Plan maximizes the parking as best as they could with the existing Site. Mr. Allen refers to the pictures and talks about measuring the usable area being approximately 140 by 90 + feet, which ironically coincides with some of the historical documentation in their original Submittal. Mr. Allen states originally someone received an Approval for 20 spaces. Mr. Allen states they could go with a two-way configuration and they have looked at that. Mr. Allen states with a 24 foot isle width they would reduce the parking to some point. Mr. Allen states the important point that they want the Board to look at is the actual Use. Mr. Allen states they are asking the Board to look at this realistically. Mr. Allen states they feel this Plan meets the requirements for both the Swimfinity and the Cutlery Use. Mr. Allen states the Cutlery business generally does all of their work offsite. Mr. Allen states they come in, check in, and then go to different shops. Mr. Allen states they go to restaurants, such as 121 or Farmer and the Fish, and handle the knives there. Mr. Allen refers to the parking and states the employees will be there in the morning, take what they need, and are in transit most of the day. Cynthia asks if most of the sharpening happens at the business location. Mr. Sisca states some of the sharpening is done onsite, but a large percentage of the staff visit restaurants for a large part of the day. Cynthia states they have a wonderful Website and videos showing what they do. Mr. Sisca states it is a fourth generation company. Cynthia states a lot of the business looks like delivery and pick up. Will states they do swap out the knives, by bringing a sharpened set and taking back the others to sharpen them. Cynthia states

the cutlery business has been there for a few years and know how many parking spaces they need. Cynthia asks what that number is. Mr. Sisca states he has counted approximately 12 to 14 parking spaces. Mr. Sisca states he has been there multiple times just checking on it to see. Cynthia states Mr. Allen should take the square footage for the cutlery business in order to see how much of the parking may be reduced and what that number would be, in addition to his Clients proposed business. Cynthia states there are two separate Uses and Mr. Allen should calculate them separately. Mr. Allen states they have listed what they will actually need, and then there is the Code. Cynthia states the way the Code is written, Mr. Allen would take the gross square footage, calculate what the Code says, and then the Board may reduce it by a certain percentage. Mr. Allen states they are talking about reality. Cynthia states let's see if we can get to that reality using the numbers. Mr. Allen states that Mr. Agresta had left some blanks in his Memo. Mr. Allen states when calculating it out, the cutlery business would need 17 spaces and 1 more for an office. Mr. Allen states he gave them 400 square feet, but even at 600 square feet, that would be just one space. Christopher asks Mr. Allen what Page he is on. Mr. Allen states Page 2, Item 4, and refers to the chart. Christopher asks Mr. Allen if he is saying that the floor area is 600 square feet. Mr. Allen states that is correct. Mr. Allen states for argument sake, let's say the cutlery business needs 18 spaces, plus 36, which brings them to 54 required. Mr. Allen states 54 are required and they provide 34 on their current Plan. Mr. Allen refers to the first bullet in Item 5 on Page 3 and states that is out because they are not going to reserve future spaces. Mr. Allen refers to the second bullet and states if he does a 25% reduction based on demonstration of lower design-hour demand, technically they are all working at the same time, which would be normal business hours. Mr. Allen states he doesn't think they qualify for that and at 25% they would be less 13 spaces, which would bring them down to 41. Will states the second bullet could actually apply to both Uses if Mr. Allen can show that their demand is less than what the Parking Standard would generate. Cynthia states that is why she suggested splitting it into two, which is the way Will set it up. Will states Mr. Allen would demonstrate that the Parking Standard is too high for the demand of the businesses. Mr. Allen states that is the conversation they just had when he mentioned that the cutlery business would need 14 spaces maximum. Mr. Allen states they can demonstrate that by taking photographs. Mr. Allen states he is talking theoretically with the 54 number, but it seems to be the magic number they would be working off of, by the Code. Mr. Allen states that would be a reduction of 13 spaces, which still doesn't get them to the 34 that they had proposed. Mr. Allen refers to the third bullet which is a varied time demand that they just discussed and refers to the transient cutlery business, and also for the proposed business where people would be coming and going. Mr. Allen states this is not the type of business where people go there and park all day. Mr. Allen refers to the cutlery business and states if they were to apply the 50% reduction, they would be down 27 spaces. Will asks Mr. Allen how he gets to the 27 figure. Mr. Allen states 50% of the 54. Will states it is 50% of the lesser amount, so it would be 50% of the 18. Mr. Allen states maybe they don't fit into that category, so he guesses they come back to what is real for these two Uses, and physically required by the Uses. Cynthia asks Mr. Allen if his clients are going to use all of the 7,000 square feet. Cynthia asks whether there will be office space or anything else that might take up a different parking rate. Mrs. Sisca states each cubicle will have a changing room, and then there will be two bathrooms. Mr. Sisca states the bathrooms are there already and designated for the space. Mr. Sisca states the bathrooms need to be cleaned up, as they are very old. Mr. Sisca states they want to make it look nice. Cynthia states she was wondering if a portion of the space would be a Use that has a different parking calculation. Gary states storage for example. Cynthia states yes, or office space. Mr. Allen states he doesn't think it is going to amount to much which is part of the problem. Cynthia states if the Board can't reduce it, Variances may be involved, and confirms with Will that is the way the Code works. Will states Variances go with the land. Cynthia states yes, and what happens if there are changes. Mr. Sisca talks about delineating space out that could be made into storage, and states they really don't need the full 7,000 square feet, but the way the building is demised, they are taking the 7,000 square feet, and a big portion of that will be the pool. Cynthia asks whether the bathrooms are in the back. Mr. Sisca states yes that is correct, all the way in the back. Will states that might help, but a calculation would still have to be done for the rest of the building. Gary states that is right, but if you take out approximately 200 square feet, that will help a lot. Mr. Sisca states if they had to do something like that he thinks maybe they

could. Mr. O'Rourke states the question is whether they need 7,000 square feet for a pool that is 20 x 40, changing rooms, and two bathrooms, and they don't. Mr. O'Rourke talks about accounting for the 7,000 square feet and states if they don't need the 7,000 square feet, if they partition off an area and call it storage, that would change the Use. Mr. O'Rourke states they had not planned on doing this but certainly could do it. Mr. O'Rourke states they just want to get through it and try not to spend a lot of time and money. Cynthia talks with Will and states it some of the area was viewed as a reserve area for parking, when it becomes necessary, such as the back area, could that be reserved. Will refers to the screen and asks whether the area would be feasible for parking. Mr. Allen states there is an area in the back that has been filled with materials over the years. Cynthia asks whether that could be considered reserved for parking if necessary. Mr. Allen states it could be, and would have to be a total reconfiguration of the parking. Mr. Allen states there could be more spaces back there. Mr. O'Rourke states they do not want to increase the impervious area. Will states putting aside the dimensional aspects for a minute, if the bay were expanded, and moved without monumental grading work, a fair amount of spaces could be land banked to get over the hurdle of the lack of the spaces that the Board cannot reduce, because the Code doesn't give it, but the land-banked process offers more opportunities. Will states there may be an opportunity to draw in something that works. Mr. Allen states they could ghost a Plan. Mr. Allen states the Plan would show what could happen if more spaces were needed in the future. Cynthia states we just did that with Salem Golf Club. Will states it is more than that, it is actually implementable should it become necessary, and that would take care of the issue if the Use demand increases because the business is successful or if they hire someone else. Cynthia states or if there are two pools. Mr. O'Rourke states in Mount Pleasant they have done this on larger projects in regards to land banking. Mr. O'Rourke refers to the word "implementable" that Mr. Agresta had used and states there are different degrees of it. Mr. O'Rourke states they can depict it. Mr. O'Rourke refers to the topo on the screen and states the area is very flat. Mr. O'Rourke asks whether having something "implementable" would mean having a sketch on a drawing or have the surface contoured and not paved. Will states no, it would only be on paper, and implementable if at some point in time it is required to be built. Cynthia states the property has enough land and would not be dealing with setbacks. Cynthia states if stormwater needed to be done, there would be enough space for it. Cynthia states it would be feasible. Will states a little engineering would have to be done up front to show it is feasible. Christopher refers to finding 10 spaces in the back area. Charlotte states they could get a lot of spaces. Cynthia states she would think the center part could just be turned around. Mr. Allen refers to the screen and shows how he would do it. Cynthia refers to the screen and points out how the center is oriented. Cynthia suggests turning it 90 degrees to make it longer so if people come up they would park straight in. Cynthia states you would still have the back row and the other area gets pushed way out in the back. Will refers to the screen and asks Mr. Allen what the dimensions are in a specific area. Mr. Allen states he believes it was the 110 figure that he had referenced. Mr. Allen states he believes it was 140 for the building back and 110 across. Will states Mr. Allen is a little shy, as he will need 120 in order to do a double bay. Mr. Allen states he has a Plan that goes towards what the Chairwoman has talked about. Mr. Allen states they had approached this as basically staying in the footprint of what was there. Mr. Allen states they have a 5,000 square foot threshold that they need to stay under because they are not doing stormwater. Mr. Allen states he could turn all of the parking and push it back in order to obtain more spaces. Mr. Allen states he doesn't know if he will come up with the required number. Will states Mr. Allen is not going after the required number. Mr. Allen states the current Plan has the number they need. Will confirms that Plan has the number of spaces Mr. Allen feels are needed in order to function. Mr. O'Rourke states in terms of functioning, it is a lot less. Cynthia refers to what has to be done by Code and states some of that will be the land-banked portion. Will states the Applicant only needs approximately 24 spaces and the Plan shows 34 that don't comply with the dimensions. Cynthia asks Mr. Allen whether it is 24 or 26 spaces. Mr. Sisca states they are at a maximum of 10 spaces. Cynthia states if there are 14 and 12, that would be 26 so we are in the ballpark. Mr. Sisca states he took pictures in the middle of the day and counted 10 cars. Mr. Sisca states the cutlery business would need between 10 to 13 spaces, and their business maximum is 10. Mr. Sisca states one or two of the parents would be coming in behind the person who is currently being trained and then the parents

leave. Cynthia states two people may be in the waiting room. Mr. Sisca states that his Wife is the only trainer and they do not anticipate having additional trainers. Mr. O'Rourke states he believes the answer to the question is that they will need 24 spaces and they believe that would accommodate the tenants that are there. Mr. O'Rourke states there may be ways to get to the 24 spots by land banking, or reducing the 7,000 square feet so there is an area of storage. Mr. O'Rourke states it sounds like this is something the Board could work with. Mr. O'Rourke states he wants to make sure that in terms something being implementable, with respect to land banking, they meet the degree that Mr. Agresta is looking for. Mr. O'Rourke states Mr. Agresta is not looking for a fully engineered drawing, he is looking for something that shows it can be done. Christopher states he thinks the Board is sympathetic to the arguments; however the Applicant needs to make it work within the Code. Christopher states whatever combination that needs to be done in terms of land banking or a reduction with lower hour demands would be great. Mr. O'Rourke states they are doing an adaptive reuse for a butler building that is probably 50 years old, when the Code was a lot different, in order to make it work. Cynthia refers to the center on the screen and states there are two rows of six spaces. Cynthia talks about taking a row out in the center and asks whether a lot of these issues would be eliminated that Will had brought up about the turning radius. Mr. Allen states yes. Cynthia states why not go for that then. Mr. Allen states if the Board can see that to fruition with land banking then they would be okay. Mr. Allen states he could make the configuration work with 24 or 27 spaces. Cynthia states Mr. Allen can work with what he has already drawn by taking out the row in the middle, and showing land banking that would happen in the green area. Cynthia states when it does happen, there is going to be a major reconfiguration, but it is all macadam, so what is the difference, you change the striping. Cynthia states it looks like Mr. Allen is almost there by reducing what is in the center. Will refers to the screen and states it doesn't look bad on paper, but they have never been out to the Site. Mr. Allen states there is enough area there and what is shown in yellow are the limits of the parking today. Will asks whether the area is rocky. Mr. Allen states no, it has actually been filled over the years. Will states it has to be realistic.

Cynthia states we should talk quickly about handicap ramps and entrances. Mr. Allen states Mr. Agresta had mentioned he didn't receive Sheet 3. Will states at first he didn't see it, but then went back and changed his Memo. Mr. Allen states they are trying to mimic what they have over at the Town Hall, in the building the Planning Board is in. Mr. Allen states there is a handicap ramp there. Will states he saw the blow up of it, but that is all it is. Mr. Allen refers to the 4 x 4 platform which comes down at 8 percent with another platform and down to 8 percent again. Will asks whether the details listed this information. Cynthia refers to the screen and points out the ramp and details. Mr. Allen refers to the screen and points out the existing stairway to the building and shows where they are proposing the ramp. Will states this information doesn't detail the construction. Mr. Allen states they are proposing a wooden structure with details to be determined. Will states that is what Site Plan is all about. Mr. Allen states they will provide further details, but the intent of the Plan is to have a ramp. There is a discussion about how someone would use the ramp. Cynthia states someone may even be able to push a stroller up it.

Cynthia states given that Mr. Allen now understands how we can try to get to the parking configuration needed with land banking, does he have questions on anything else in regards to the MDRA Memo. Mr. Allen refers to the reduction factor and where they would fit into it in terms of the fact that there are off-setting Uses to some extent. Mr. Allen states he would like the most flexibility so when he comes back he shows the Board a number that he can justify. Mr. Allen refers to the bullets under No. 5 on Page 3 and states they have to fit into one of them. Will states he doesn't believe there is a limit on the land banking and states he would have put it in if there is one in terms of how many spaces may be land-banked. Will states there has to be a demonstration that it would be feasible. Christopher goes over the bullets under No. 5 on Page 3. Will refers to the second bullet and states the Applicant has to demonstrate that the demand for the Use is less than what the parking requirement is based on. Christopher states he understands that, but is trying to come up with a number. Cynthia states the calculation has to be done for each block. Charlotte states the 54 spaces would be reduced

by 25%, which would be 41 spaces. Christopher reads the third bullet and states a 50% reduction maximum of lesser use is 18 spaces which would be reduced further to 9, so you would have 32, on the two bullets. Cynthia states yes, assuming it applies to all. Charlotte asks if you can do the 50% amount after you have already done the 25%. Christopher states he doesn't know and asks whether both of them may be applied. Will states he would have to look at it and states if they are double dipping on the reduction he would say no. Will states he thinks the answer here is the land banking and talks about the total being 54. Christopher states on the Map it doesn't look like there is a lot of land. Christopher asks whether there is enough room for 20 spaces to be added. Cynthia states if the center island parking is turned, they might get there. Cynthia states that is the exercise that Mr. Allen has to do. Christopher states Cynthia mentioned that we should all go out and take a look at the Site. Mr. O'Rourke refers to all of the calculations and states based upon the Code he would like confirmation of the number they would need to have. Mr. Allen states 54. Mr. O'Rourke states and then they would apply land banking. Mr. O'Rourke states they need to demonstrate that they only need 24 spaces. Mr. O'Rourke states they have a difference between 24 spaces which they know accommodates the Uses that are there, and the Code requiring 54 spaces. Mr. O'Rourke asks if they can show the additional spots through land banking in order to satisfy the Code. Will states they still have to demonstrate the 24 spaces, and demonstrate on paper that they could physically build 54. Christopher states the Map did not at all suggest that 30 more spaces could go there. Gary states that is up to Mr. Allen to do. Mr. Allen states that is his point, he can't just landscape another 30 spaces, so he would like to use the reductions also. Will states the other place to go for the reductions is more likely the Swimfinity Use because if it is considered as a Personal Service Use, in terms of the demand being really low, and compare it to a nail salon which is also considered as a Personal Service Business, which will probably have a lot more demand, which is what the parking is for. Will states you can then take that demonstration and reduce it by 25% for that particular Use. Will states if someone does something more, or wants to be a Personal Service nail salon Use, they will not be enjoying the reduction and will have to pick another Site. Christopher states he doesn't want to just say the Applicant should build it for 24 spaces and the remaining 30 spaces go under the land bank. Christopher states it may be the easiest way, but he doesn't think it is realistic. Christopher states the number should be reduced to the greatest extent within the Zoning provisions. Gary states it will be up to Mr. Allen to show what he can do. Charlotte states she would like to know where Ridgefield, Connecticut gets their Standards from because their parking spaces are awful. Mr. O'Rourke refers to shopping centers on Long Island and states the parking spaces are only 7 1/2 feet wide so no wonder the doors get beat up. Mr. O'Rourke states the clarification is very helpful to them because they want to come back with a Plan that is responsive to the Board's comments, in addition to having something that gets them closer to their proposal.

Cynthia asks Mr. O'Rourke whether there will be signage down at the bottom. Mr. O'Rourke states yes. Mr. Allen states they will provide that information. Mr. Allen states they were trying to get past these initial hurdles first. Cynthia asks Mr. Allen if they will get the signs that are already there to be in compliance. Mr. Allen states sure. Mr. O'Rourke asks whether the signs are pre-existing non-conforming. Cynthia states no, she doesn't know when they popped up, and they didn't receive any Approvals. Mr. Sisca states he thinks he understands what Mr. Agresta is saying. Mr. Sisca states there are 54 spaces and that number may be reduced. Mr. Sisca states before the land banking takes place, there is some reduction, or some parameters for reduction. Mr. Sisca confirms with Will that it will be 25% of it, and whatever that number is, they take however many spaces they can get that comply with the Memo and back into that to determine the land banking. The Board states that is correct. Mr. Sisca asks what the number would be. Charlotte and Christopher states they think it would be 41. Gary states that Mr. Allen will do the math in addition to the new sign. Will states we are not talking about a barber shop in terms of traffic. Will states Mr. Sisca has to understand when he gets that kind of a reduction it is specific to him, and if his business model changes, or he decides to change tenancy, if it is not the same type of small scale business, he would have to come back before the Board. Mr. Sisca states he appreciates that, and agrees with putting this language in the Conditions. Mr. Allen asks if this should be considered for the one Use. Will states no, Mr. Allen could demonstrate for

either one. Mr. Allen states that is the argument he is making, and the reality. Mr. Allen refers to the 18 spaces. Will states he isn't sure whether it is as easy to make an argument for the cutlery business. Mr. Allen states he can demonstrate 24 spaces. Mr. Sisca states the 18 spaces is what it would be in terms of the Zone. Mr. Allen states 41 spaces are required. Mr. Sisca states they haven't done the reduction. Charlotte talks about doing a reduction for both the cutlery business and the proposed business. Mr. Allen states 25% of 54 spaces, if he does the match correctly, would be 18 spaces. Will states Mr. Allen has to look at the individual Use and if he is going to request a reduction for both, he has to individually demonstrate the Uses, not just the total. Mr. Allen states the cutlery business needs 14 spaces, and 36 are required. Will states Mr. Allen is going to have to demonstrate not only that the cutlery business needs 14, but because of its operations, the Parking Standard in the Code, is over parking. Will refers to the example of Swimfinity versus a barber shop and states a barber shop would generate a lot of traffic compared to Swimfinity. Will states Mr. Allen has to look at Light Industry and how the cutlery business sits in the world of Light Industry. Will states would the traffic demand be similar, or much less. Will states Mr. Allen is going to have to make an argument that the demand would be less in order to receive the reduction. Will states Mr. Allen is going to have to compare it to other Light Industry Uses that the Parking Standard is based on. Mr. Sisca states if they can't do that, they are taking 25% of the 36 spaces. Charlotte states yes, and the number would then be 45 spaces.

Mr. O'Rourke states he just wants to make sure they are fully responsive and their Submission the next time around is totally responsive. Mr. O'Rourke states they have already talked about the handicap ramp and signage. Mr. O'Rourke states as far as the stormwater controls, they are not adding any additional impervious surface. Mr. O'Rourke states he spoke briefly with Mr. Allen about Item 8a on Page 3 in regards to Mr. Agresta's comment that a portion of the new pavement being at the toe of a slope with no grading shown, nor is it clear that a retaining wall would not be needed. Mr. O'Rourke states that Mr. Allen has told him that a retaining wall is not needed. Mr. O'Rourke states he doesn't think it is necessary to put that on the Plan.

Gary asks whether there will be lighting. Mr. O'Rourke states yes. Gary states that has to be put on the Plan. Mr. Allen states they have shown flood lighting and states there is existing lighting that lights the building. Mr. Allen states they will have a couple of lights that will be mounted that will have motion detectors and/or timers. Gary confirms everything will be mounted on the building. Mr. Allen states this is in the middle of a wooded area and there will be no spillage. Mr. Allen states their intent was to be more horizontal in terms of lighting in this area with the flood lights. Mr. Allen states if this Project were anywhere else in North Salem he wouldn't ask the Board to consider it, but in this case it makes sense, as it will illuminate the parking lot. Gary asks whether the light will carry all the way to the back. Mr. Allen states yes. Gary asks whether the lights will be on a timer. Mr. Allen states either a timer, motion detector, or both. Mr. Allen states generally the timers may be a little off if there are power outages. Cynthia states she would like to see the reconfiguration of the parking spaces. Cynthia states if it is determined that there will not be as many spaces all the way in the back, it will not be necessary to have the light go all the way back there. Cynthia states if the land-banked area ever has to be used, then we would reopen the whole issue of lighting. Mr. Sisca talks about only putting in lighting to satisfy everything, less the land banked area. Cynthia states normally she would not like to see what Mr. Allen has just described. Gary states we would rather have lights pointing down versus out. Cynthia asks whether there is any pole or light there now. Mr. Allen states no. Cynthia states when we go for the Site Walk we will go over all of this and maybe by then Mr. Allen could show the Board how the new number of parking spaces would be reconfigured and just how far back they will go. Christopher refers to the screen and asks how many feet there is from the location of the flood light to the parking area near space no. 3. Cynthia states it is over 100 feet. Christopher states that would require a big flood light. Cynthia asks whether solar powered lights could be utilized in the back. Mr. Allen states they can look into it. Mr. Allen asks Mr. Sisca if he has ever used solar powered bollard lights. Mr. Sisca states he has done solar for heat, but not for lighting. Cynthia states she thinks they exist and it might be worth looking into. Will states the lights are tiny. Mr. Sisca states they are trying to keep costs down. Gary states that safety is an issue.

Cynthia states Mr. Allen should find out about the backwashing and the water exchange.

Cynthia asks the Board when they would like to go out for the Site Visit. Mr. Sisca asks whether it makes sense to change the Plan first. Mr. Allen states he will have a sketch available for everyone to talk about at the Site. Cynthia states personally, unless we are talking about this Sunday, August 7th, she cannot do it until August 27th or August 28th. Charlotte states she is not available this Sunday. Cynthia states we are looking towards the end of the month for a Site Visit, such as August 27th. Mr. Sisca states they will be away on vacation. Cynthia refers to the first week in September. Gary states that is Labor Day weekend. Mr. Sisca states they will not be here. Cynthia refers to meeting during that week. Cynthia asks whether Mr. O'Rourke, Mr. Allen, and Mr. Sisca all need to be there. Mr. Allen states no, as long as he has access to the building. Mr. O'Rourke states Mr. Allen needs to be there. Mr. Sisca states he will give Mr. Allen access to the building. Charlotte states it stays light later. Cynthia states we are talking about after August 22nd or 23rd in terms of coming up with dates to work with, either during the week or on the weekend. Mr. Allen asks Mr. Sisca when he will be away. Mr. Sisca states they are going away for 12 days, so he wouldn't be available until September 10th. Mr. O'Rourke refers to doing the Site Visit before then. Mr. Sisca states he is available any time between now and August 23rd. Cynthia states Wednesday, August 24th would work. Mr. Sisca states that is the day they are leaving. Cynthia refers to Tuesday, August 23rd. Mr. Sisca states he could do that. Cynthia states we could do this via e-mail. Mr. Sisca states that August 23rd works for him if it works for everybody else. Cynthia asks Dawn to set up an e-mail and ask everyone to check their calendars. Christopher requests a time as late in the day as possible and states he can't promise he will make it in time. Cynthia states we will also look at the other weekends. Cynthia states we understand Mr. Sisca may not be available, but Mr. Allen would be there.

5. Financial Report:

- July, 2016

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

6. Solar Regulation Discussion:

Cynthia states we are not going to finalize this tonight for a number of reasons and there are some issues she would like to go through. Cynthia states the Conservation Advisory Council (CAC) is also working on Solar Regulations. Cynthia states the CAC has been working with people from the New York State Energy Research and Development Authority (NYSERDA), and David Sandbank. Cynthia states the CAC has all of the materials that the Board has received. Cynthia states the CAC might be in a position to report to us at our first Meeting in September. Cynthia states in the meantime, Roland sent us a copy of the Town of North Castle Local Law. Cynthia states she found it very interesting because they don't allow panels on the ground in residential areas. Cynthia states our Building Inspector, Paul Taft, has installed solar panels on the ground and he is very familiar with this. Cynthia states we have three homeowners in the Town of North Salem who have installed solar systems; two on roofs and one on the ground. Cynthia states she thought it would be an interesting discussion to see the panels on the ground. Charlotte asks where the ground panels are located. Cynthia states 30 June Road. Cynthia states it is the old Jimmy Key house. Cynthia brings up the property on the screen and states the house looks like a log cabin. Cynthia states it cannot be seen from the road. Cynthia refers to the screen and points out the house location and the trench that had to be built. Cynthia points out the panel fields and states they are in the boxes in the front. Gary asks whether five separate fingers of panels were put in. Cynthia states yes. Christopher states it is a huge house. Roland states Swiss Re is going to do this on their office building which is 360,000 square feet on 3 floors. Roland states Swiss Re is putting in nine

acres of panels and they will run 80% of the cost of their needs. Roland states he doesn't know how that converts to a big house but he would be surprised if five fingers would do the whole house. Cynthia refers to the screen and points out a side view of the house. Cynthia refers to the screen and points out how the panels are laid out. Cynthia states they are only 7 ½ feet up and the lower portion is 2 feet off the ground. Cynthia states she believes there are four poles for each of the bays which were two rows by nine. Cynthia states that Bruce explained to her how the property owner had a lot of difficulty obtaining the right footing for the posts. Roland asks why they didn't put flush-mounted panels on the roof of the house. Roland states the Consultants who came before North Castle said with a typical house there is no reason why they would need to go on the ground. Roland states they make panels that are thin and go right over the shingles. Gary states they are like flat screen televisions. Cynthia states if she remembers correctly, this house has a very steep pitch. Christopher states it could be for aesthetic reasons also, as the panels aren't terribly attractive on roofs. Roland states they aren't terribly attractive on the ground either. Christopher states he is in Google Earth and the panels are away from the house behind a riding ring. Cynthia states it is not the property owner's riding ring. Roland states we were told that the longer the trench is, the less efficient the panels are. Charlotte states that David Sandbank told her that also. Cynthia refers to the property with a barn that the Board saw on Facebook and states the panels take up one side of the roof. Cynthia states that Bruce told her the reason why the panels cannot go on the entire roof is that the Fire Department requires a three foot area in case they have to break through the roof for fire access. Will states he has seen installations where there are areas left clear in the center. Gary states one of the websites Cynthia had sent has a solar map so someone could look at their house and see how much solar power is hitting their roof. Gary states someone may see that the north side of their house is shady. Cynthia refers to the screen and states with the other two homes and only 1/3rd of the roof had solar panels on them. Cynthia states she thought that was very interesting because the homes were big, but the solar panels were only on 1/3rd. Gary asks if they were 1/3rd of only one side. Cynthia states she doesn't know, but would think they would only be on one side. Gary states the trees might shade the other part of the house. Roland states sometimes the panels are designed to only run the hot water or pool heater for the house. Cynthia states the barn installation owner plans to go to electric heat in order to do the entire house. Cynthia states what the NYSEERDA group is doing with Suny Albany is to come up with a Model Building Permit Process because the bulk of these, for residential use, require going to a Building Department in order to file a Building Permit Application. Cynthia states NYSEERDA is creating a Building Permit that every Town can use. Cynthia states this way, all of the installers know exactly what is expected of them, which is a good thing. Cynthia states when it comes to regulation, each Town is on its own to develop them. Will states that Code is going to be very permissive. Cynthia states when it comes to roof installation, she doesn't think there will be too many issues, so long as we are not looking at poles on top of roofs. Gary asks Roland if North Castle is the only Town with this Law so far. Roland states he thinks Harrison did it also and refers to Master Card and PepsiCo. Gary asks if they are in Purchase. Roland states that is part of Harrison. Roland states PepsiCo is planning to do it. Roland states this is catching on with the large corporations. Charlotte asks whether the panels will be on the roof or on the ground. Roland states on the ground. Charlotte states she was just up in Vermont and every solar field that she saw was totally green underneath. Charlotte states they may be weeds but she did not see a washed out, soil erosion issue. Cynthia states some of the areas in the Draft where we need to be at a comfort level, for example, are on Page 4, where we say anything less than 1,000 square feet would require an automatic Building Permit process, and if it is more than 1,000 square feet, it would be a Permit process through us. Cynthia refers to the 1,000 square feet figure and states it is just a number at this point and hopefully through the conversations with the CAC, we might have a better understanding of what the 1,000 square feet represents and whether or not it is sufficient. Cynthia talks about how many panels it would take to do an average size home in North Salem and states the homes in Town vary in size. Will states he thought the Board mentioned that if the panels are on a roof in a residential area, they didn't care about the square footage. Cynthia states that is right. Cynthia states she is referring to the ground-mounted panels. Cynthia refers to the Draft and states we have language regarding the roofs of the houses. Will states the discussion, as he recalls it, is if the panels are on the roof, a Building Permit would be required, and if the

panels are on the ground, and of a certain size, the Applicant would come before the Planning Board. Gary states we should also put in a restriction so that panels are not allowed on walls. Cynthia asks Gary why we wouldn't want that. Gary states they are really ugly. Charlotte states she has never seen that. Gary states it is rare, but he has seen them. Gary states if someone has a right southern-facing wall, they could obtain a lot of power. Roland refers to an Application in North White Plains where there is a commercial building and the proposal is to have brackets at each end of the building and a bar. Roland states the panels are going to sit on a bar above the building roof. Will confirms the panels will not be touching the roof. Roland states that will be really ugly and he doesn't know whether the Planning Board wants to prevent them. Gary refers to having a height restriction. Will states it will look like scaffolding around a building. Roland states the other interesting element of this is that these are tax exempt under the Real Property Tax Law unless the municipality opts out of it. Roland states there is an opt-out provision where you may make them taxable. Roland states he doesn't know how North Salem wants to handle that. Charlotte confirms this Law will be for houses too. Roland states it will be tax exempt unless the Town makes it taxable. Charlotte asks if, by tax exempt, Roland is referring to the installation cost. Will states it would be property tax. Gary states it would be based on the value. Roland states the installation for Swiss Re is \$9,000,000. Cynthia states they are giving up \$9,000,000 of assessed value. Cynthia states if it was never viewed as a ratable in the first place, they are not losing it. Roland states they are not losing it; they are just not gaining it. Cynthia asks whether the heating system in a basement would be taxed. Charlotte states yes. Roland states they take off the depreciation of the old system. Cynthia asks how it is pulled in as a property tax. Charlotte states it increases the value of the house. Christopher refers to the installation cost for Swiss Re. Gary states they will have nine acres of panels. Cynthia states we should do a summary to see if we are all on the same page, or whether we have homework to do. Cynthia refers to roof mounted panels and states they may be for a dwelling, barn, pool house, or any existing structure. Cynthia states we are only doing the flush-mounted panels, and not giving any exception for height. Cynthia states we are not allowing pole mounting on roofs. Cynthia states the only roof mounting that we are allowing would be on a mansard type roof, but they may only go up four feet. Cynthia talks about taking commercial buildings, such as in Purdy's and Croton Falls, as well as mansard roofs into consideration and states she doesn't think the Board wants anything going up on those structures. Cynthia states she thinks the way the Draft is written right now, we are okay, but she would like the Board to revisit it. Christopher refers to mansard roofs. Cynthia states the flat portion can have them, and four feet up, and whatever slant that gives them. Christopher states except not on the facing. Cynthia states they could have it on the facing, but she thinks it would be odd if we allowed poles and panels way up there. Will states wouldn't the Board want to treat them as everything else on the roof that would be otherwise screened? Cynthia states yes, but we may also give exceptions such as for height. Will states there are also limits in terms of coverage and refers to 10%. Will states he forgets if we are applying that or not applying that. Cynthia states we shouldn't be applying the coverage to solar panels. Will states that has to be offset with them not being visible. Gary states something he would impose for the flat panels on the ground would be a limitation that the panels may only be used to support the structures on the property. Cynthia states we have that throughout the Code and that is the underlying premise of all of this. Gary states he doesn't want to see these turn into power generating stations. Gary states utilities don't want these either and they are up in arms over them. Gary states Nevada Power and Light does not have to buy the power back. Cynthia refers to ground installation in regards to homes having backyards with all trees, that are on a slope, and states the way our Tree Slashing Ordinance is written, if someone is going for a Building Permit, they don't have to get a Tree Slashing Permit. Cynthia states we started to write something that counters that in the Draft, but she doesn't think we are done looking at that. Cynthia states if someone is going to clear their backyard to put in a field of solar panels and the yard slopes, they are not just going to clear where the panels will go. Gary refers to the Building Envelope and states they are going to have to clear 50 feet south. Cynthia states in those instances, we do want the Tree Ordinance to kick in. Will refers to ground installation request coming to the Board. Will refers to the installations that are under the threshold which wouldn't come to the Board and states they would kick in the Tree Cutting Ordinance. Cynthia states then we have to go back and fix the Tree

Cutting Ordinance in terms of someone requesting a Building Permit. Will states in the other instance, if someone is already coming to the Board, they wouldn't need the Tree Cutting Ordinance. Charlotte asks what if someone is in the Ag District. Cynthia states she doesn't know and asks whether they can have solar farms. Roland asks whether they would be subject to review. Cynthia states we are saying that there may not be solar farms at all and states that would include the Ag District. Will states someone could build a green house. Roland states he doesn't think someone could have a business that is not agricultural. Will states that wouldn't be it. Will states it would be if they said the panels would be powering the farm, so they are accessory structures. Cynthia states we are talking about the farms that are Commercial in terms of selling back. Will states he thought we were not allowing that. Cynthia states we are not allowing it but under the Ag District Law, you would not believe what the farms are doing and getting away with. Roland states he would argue that this is not an agricultural business. Cynthia states we now have vendors coming to the orchards and live music happening. Cynthia states she sat down with Paul Taft and told him he has to get a handle on this. Cynthia states this is crazy. Cynthia states we have Cabaret Laws. Cynthia states Paul was going to call Bob Somers to see about getting him down here to talk to us. Cynthia states this is going to get out of control. Cynthia states there was an article in the Association of Towns about how orchards are bringing in the blow up bouncy houses and turning the facilities into fairs. Cynthia states this happens every weekend. Christopher states it has developed into an insane carnival from late September through early November. Cynthia states no one is doing anything about it.

Gary states the panels do wear out and he doesn't know whether we should have a provision that if they are not being used or not working they have to be removed. Charlotte talks about having a Bond. Will states he thought we did that. Will states if it is in the Draft it is at the end. Will states it might have come out because we eliminated the Commercial aspect in terms of solar farms. Christopher states he doesn't know about Removal Bonds, but if the panels are in disrepair and no longer operable, they should be required to be removed. Will asks if this would fall under the Building Permit requirements. Will asks whether the Town has an Unsafe Building Ordinance. Roland refers to the language in the North Castle Law on Page 5 where it talks about non-performing towers. Christopher asks which Section it is in. Roland states Section G. Cynthia states there are a few interesting items in the North Castle Law that we might want to pick up on. Christopher states he doesn't know whether a Removal Bond would be right. Charlotte asks how expensive it would be to take down solar panels. Charlotte states it sounds like the Town is responsible in the New Castle Law. Will states the Town is not responsible, that is just in case someone doesn't do what the Town requires. Roland talks about a lien being placed on the property. Will states he had asked Roland whether the Town has some type of Ordinance that already deals with existing buildings and states he doesn't know why this would be any different. Will asks the Board whether they really want to duplicate something that already exists. Cynthia refers to the Unified Building Code. Will states he is talking about a Blight Ordinance or Unsafe Building Ordinance and asks if the Town has something like that. Roland states these would not be considered buildings. Will asks whether they would be covered due to the structural components. Roland states he doesn't know if it would cover these types of structures. Will states they would be sitting on the roof of a building and could fall off. Roland states he supposes that is true. Cynthia states we only have property maintenance in the Unified Building Code.

Cynthia states we are very close and will look forward to getting some information from the CAC. Cynthia states a Resident e-mailed her yesterday and was under the impression that we are going to be overly restrictive. Cynthia states she responded to the e-mail and just received another e-mail with a long list of questions. Cynthia states she will send that e-mail around to the Board, Roland and Will. Cynthia states the Resident raised some interesting points. Charlotte asks if the Resident is worried that we are going to be too restrictive. Cynthia states yes, there are some people who really want to see solar happen, and she doesn't blame them. Christopher talks about being just restrictive enough. Cynthia states whether it is going to be 1,000 square feet or some other perimeter, it just means someone has to go through a permitting process, it

doesn't mean we are not allowing it. Will states most of the panels that are going up in Connecticut are all on the roof. Charlotte refers to the panels that just went up on the ground in Town and states that person didn't have to come before the Board because we don't have the Regulations yet. Cynthia states when Bruce got the Building Permit for that, he spoke with her and said he didn't see anything in the Code prohibiting it. Cynthia states she mentioned to Bruce that there isn't anything in the Code that states it can be done either. Cynthia states it is an alternative to having a heating system in someone's home or basement and that is one of the reasons she started this movement to address it. Cynthia states we did recognize solar and gave it a pass on the height restriction. Cynthia states it was implied that the panels could go on the roofs in North Salem and go as high as reasonably necessary, which is what the Code states. Cynthia states Bruce had someone come in who wanted to put the panels on the ground, and would consider it as an accessory structure. Cynthia states she mentioned to Bruce that we do not have generic accessory structures; we specifically list only three or four accessory structures. Cynthia states the good news is that we are very timely and will be ahead of this. Cynthia states hopefully the CAC will bring us more information to discuss next month.

Gary refers to Germany and states they have started to build coal plants again, as they do not like solar panels. Gary states after this being a big push for them, they have gone 180 degrees around. Christopher states he doesn't know whether it is to that extent. Will asks why that is the case. Gary states they were finding that they had a surplus of power at mid-afternoon and the other 22 hours a day they needed power and they had written laws that allowed the surplus of power to be sold back, but then when there was a shortage, the coal plants were playing an Enron type game and spiking the prices. Will states it is not about energy, it is about money. Christopher states with the Germans it is a little more nuance than that. Christopher states it also has to do with the fact that Germany has yanked a very meaningful subsidy. Gary states he agrees it is more nuance. Christopher states it is true the fact of the matter is they are considering putting coal plants back online.

7. Next Meetings:

- Work Session – August 17, 2016
- Regular Meeting – September 7, 2016

The Board has a discussion about the August 17th Work Session and decides to cancel it. Cynthia polls the Board in regards to their availability on September 7th. All of the Board Members are available. Dawn will check with Bernard as he is not here tonight.

8. Resolution:

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