Meeting of the Planning Board of the Town of Lewisboro held at the Town Offices at Orchard Square, 20 Cross River Plaza, Lower Level, Cross River, New York on Tuesday, October 21, 2014 at 7:30 p.m.

Present: Jerome Kerner, Chairman
Robert Goett
Gregory LaSorsa
John O'Donnell
Ron Tetelman
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Greg Monteleone,, Esq., Special Counsel
Jan Johannessen, AICP, Kellard Sessions Consulting, Town Planner/Wetland Consultant
Joseph Cermele, PE, Kellard Sessions Consulting, Town Engineer
Lisa Pisera, Planning Board Secretary

Also in Attendance: Janet Andersen and Bob Karpell, Conservation Advisory Council (CAC).

The Chairman called the meeting to order at 7:30 p.m. and noted the exit.

I. PUBLIC HEARING

Pinheiro Subdivision, 930 Old Post Road (Route 35), Cross River – Application for Preliminary Subdivision Plat Approval for a two lot subdivision - Cal # 1-14PB

The Chairman announced the commencement of the Public Hearing. There were no objections to the time, place or advertisement of the public hearing.

Krista Yacovone, Esq., Zarin & Steinmetz, represented the applicant. Tim Cronin, Cronin Engineering, and Stephen Coleman, Stephen Coleman Environmental Consulting, were present on behalf of the applicant. Fernando Pinheiro, applicant, was also present.

Ms. Yacovone stated that subsequent to the applicant's last Planning Board appearance, Kellard Sessions had been to the site and witnessed deep hole and percolation tests for stormwater management. Responses to the August 13, 2014 Kellard Sessions review memo are contained in the submission being presented. Responses to the October 15, 2014 Kellard Sessions review memo will be addressed in the applicant's forthcoming submission.

Mr. Staudohar displayed the plan and reviewed the project. Mr. Staudohar summarized the letter from Cronin Engineering, dated September 26, 2014, which is contained in the agenda packet.

Mr. Coleman reviewed the September 23, 2014 memorandum which is included in the agenda packet. Mr. Coleman summarized the Wetland Buffer Monitoring & Maintenance Plan dated September 24, 2014, also contained in the agenda packet.

In response to Mr. Tetelman, Mr. Coleman stated that the entire septic system and primary expansion area are outside of the 100-foot buffer for the proposed lot.

Mr. Johannessen stated that the applicant has addressed the majority of Kellard Sessions comments. The comments remaining to be addressed pertain to the Stormwater Pollution Prevention Plan and drainage plan.

Mr. Johannessen stated that the wetland boundary line had been confirmed. It was recommended that the landscaping continue further down the property line than originally proposed in order to delineate the property line as well as provide a visual screen.

Mr. Johannessen stated that part of the mitigation plan includes a physical demarcation of the 100-foot wetland buffer on Lot 2. It was originally recommended that the applicant extend the fence along the 100-foot buffer on Lot 1. However, during the site inspection, Kellard Sessions observed an electric fence at that location which could be adequate.

During the site visit, Kellard Sessions noted an opportunity to improve the stormwater discharge from the existing roof of the existing house on Lot 1. Kellard Sessions recommended that the existing roof leader discharge into a level spreader before entering into the DEC wetland buffer.

Ms. Andersen stated the CAC's concern that the expansion area on Lot 1 goes into the buffer. However, the CAC accepts that there are no other options for the location of the expansion area.

There were no comments from the public.

There was no further discussion from the Board.

On a motion made by Mr. O'Donnell, seconded by Mr. Goett, the Public Hearing for the Pinheiro Subdivision, 930 Old Post Road (Route 35), Cross River – Application for Preliminary Subdivision Plat Approval for a two lot subdivision - Cal # 1-14PB, was closed.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

The applicant was instructed to satisfy any outstanding Kellard Sessions comments.

The applicant was given a deadline of October 30, 2014 to submit for a November 18, 2014 public hearing.

II. DECISION

Rudolph C. Petruccelli, Oscaleta Road, South Salem, New York - Application for Subdivision Plat Approval and Wetland Activity Permit Approval to permit the construction of a three bedroom, single-family residence and associated deck, porch, driveway, walkway, landscaping, septic system, potable well, fencing and stormwater facilities - Cal # 8-12PB and Cal# 61-09 WP

Mr. Tetelman recused himself and stepped down from the podium.

Mr. Siebert reviewed the resolution, Preliminary/Final Subdivision Plat Approval, Negative Declaration Under SEQRA, Rudolph Petruccelli Subdivision Acknowledging Subdivided Status of Existing Tax Parcel, dated October 21, 2014.

There was no discussion by the Board members.

On a motion made by Mr. Goett, seconded by Mr. LaSorsa, the resolution dated October 21, 2014 granting Preliminary/ Final Subdivision Plat Approval, Negative Declaration Under SEQRA to Rudolph C. Petruccelli was adopted.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell.

Recused: Mr. Tetelman

Mr. Siebert reviewed the resolution, Wetland Activity Permit, Rudolph C. Petrucelli, dated October 21, 2014.

There was no discussion by the Board members.

On a motion made by Mr. O'Donnell, seconded by Mr. Goett, the resolution dated October 21, 2014 denying Wetland Activity Permit Approval to Rudolph C. Petruccelli was adopted.

A roll call was taken.

In favor: Mr. Goett, Mr. Kerner, Mr. O'Donnell.

Opposed: Mr. LaSorsa.

Recused: Mr. Tetelman.

Mr. Tetelman resumed his position at the podium.

III. REQUEST FOR EXTENSION OF TIME

Pasquale Popoli & Angelo Sicuranza, 1437 Route 35, South Salem – Final Subdivision Plat Approval - Request for extension of time to meet requirements of amended approval resolution dated September 28, 2010 - Cal# 8-02 PB

Jim DeLalla, DeLalla & Associates, was present on behalf of the applicants

Mr. DeLalla stated that the owners have a contract to sell the property and are waiting for bank approval. A closing is expected before December 1, 2014.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, a 90-day extension to December 13, 2014 was granted to Pasquale Popoli & Angelo Sicuranza, 1437 Route 35, South Salem to comply with the resolution dated September 28, 2010 granting Final Subdivision Plat Approval.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

Tatiana Rozo Gil, 1 Glen Drive, Vista – Cal# 3-11WV – Request for extension of time to meet requirements of Wetland Implementation Permit, Permit # 71-11WP

Tatiana Rozo Gil and Robert Salerno, owners, were present.

Mr. Salerno provided an updated. The rain garden has been completed. Work on the pillars and short wall has begun and must be completed prior to any planting. Planting can't begin until spring.

Mr. Johannessen stated that at his last visit to the site, the rain garden had not yet been completed.

On a motion made by Mr. Tetelman, seconded by Mr. Goett, an extension to June 30, 2015 was granted to Tatiana Rozo Gil, 1 Glen Drive, Vista, to complete all conditions of the Wetland Implementation Permit, Permit # 71-11WP, dated March 19, 2012.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

Ms. Gil and Mr. Salerno were requested to contact Kellard Sessions when all work has been completed; they agreed.

397 Smith Ridge, LLC, Smith Ridge Road, Vista – Wetland Activity Permit, Cal# 115-12WP

Steven Kaplan, owner, was present.

Mr. Kaplan stated that because his New York State Department of Transportation (DOT) permit had lapsed, he was unable to obtain a building permit. Mr. Kaplan stated that he has been in contact with the DOT and was informed that the reinstatement of the permit is "imminent".

In response to Mr. O'Donnell, Mr. Kaplan stated that no work has begun. Mr. Kaplan stated that a little over one month ago he became aware that the expired DOT permit had expired.

Mr. Johannessen stated that the Wetland Activity Permit expires on November 16, 2014; the Site Plan Approval expires on November 16, 2015.

Mr. O'Donnell stated his opinion that the applicant has not provided sufficient information to warrant an extension.

Mr. Tetelman stated that the time frame in which the DOT permit may be issued is uncertain.

The time frame of the project was discussed. Mr. Johannessen noted that the Wetland Activity Permit must be in effect throughout the duration of construction. Mr. Johannessen suggested that the expiration of the wetland permit coincide with the expiration of the site plan.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, an extension to November 16, 2015 was granted to 397 Smith Ridge, LLC, Smith Ridge Road, Vista, to comply with conditions of the Wetland Implementation Permit, Permit # 115-12WP, dated November 26, 2012.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. Tetelman.

Abstain: Mr. O'Donnell

IV. SITE WALK REPORT

J2 Boniello Builders – Property fronting Bouton Road – Application for Wetland Activity Permit Approval to construct a single family residence serviced by a septic system and drilled well – Cal# 39-14WP

Jesse, and Jared Boniello, owners, were present. Gus Boniello was present. Beth Evans was also present on behalf of the applicant.

Mr. LaSorsa summarized the September 20, 2014 site walk:

The members of the Planning Board met with Gus, Jared & Jesse Boniello of J2 Builders, to review the site located at the property fronting on Bouton Road in South Salem NY, in furtherance of Cal # 39-14WP; Application for Wetland Activity Permit Approval to construct a single family residence serviced by a septic system and a drilled well.

The site was inspected from its street entrance on Bouton Road, through the course of the proposed driveway, over a pre-existing bridge, which appeared to be sturdy and very functional. Areas of possible disturbance on the sides of the proposed driveway were pointed out, and suggestions of mitigation were made. There were remnants of what appeared to be a previous attempt to develop the site, including a silt fence.

There was previous approval of the septic site for a different location from the current orientation of the house. Some discussion about raising the elevation of the house and possible placement of a retaining wall to define the yard took place. The course of the driveway in front of the house was discussed. Some concerns were raised about the driveway and whether it would impact wetland activity. There were also discussions about the type of driveway surfacing. Suggestions about changing the orientation of the house to a more southerly direction were made as a possible solution to the issues raised by the driveway.

Discussions also took place on whether the areas in question qualified as a wetland, and it was contended that water does not sit in the area for a sufficient period to support a wetland habitat. Upland vegetation was noted to be predominantly dry. It was understood that the wetland report would be updated.

Mr. LaSorsa concluded his site walk report.

Mr. O'Donnell noted the site walk was also informed by memos received by the CAC and Jim Nordgren.

Ms. Andersen, CAC, noted that she was also present on the site walk.

Ms. Andersen stated that the she observed standing water from prior test pits on the site.

Jesse and Jared Boniello were in agreement with the site walk report as presented by Mr. LaSorsa.

V. PROJECT REVIEW

Oakridge Condominium Association – 400 Oakridge Drive, South Salem – Applications for Wetland Activity Permit and Stormwater Permit Approvals to replace existing pool deck and underground drainage system, demolish of a portion of existing tennis court, resurface remaining portion of existing tennis court and portions of existing sidewalk, install a picnic grove, asphalt sidewalk, pergolas, and landscape areas – Cal# 50-14WP and Cal# 7-14SW

Jamie Kieper, Insite Engineering, was present on behalf of the applicant. Phil Pine was also present.

Ms. Kieper acknowledged receipt of the Kellard Sessions memo dated October 15, 2014, and the CAC memo dated October 14, 2014.

Mr. Johannessen reviewed the Kellard Sessions memo dated October 15, 2014.

Ms. Andersen stated the CAC's concern regarding the proposed piping going into the lake, and questioned whether it would be possible to put in an infiltrator to carry some of the water that would otherwise go untreated into the lake. The CAC also requested that the applicant consider native plantings in place of some of the non-native species proposed.

In response to Mr. Kerner, Ms. Kieper stated that portions of the piping are going into rain gardens 1, 2, and 3. Ms. Kieper pointed out the drainage on the plan displayed.

Additional drainage and infiltration options were discussed.

Mr. Johannessen stated that currently, the entire pool deck discharges, untreated, into the lake. The proposed plan results in a 6,000 square-foot reduction in impervious cover. Mr. Cermele stated that this is more than a 25% reduction, which is considered a water quality practice by the DEC.

Mr. O'Donnell questioned the location of the closest offsite residence that was not a condominium. Ms. Kieper could not provide an answer at this time.

Notification of the public hearing was discussed. The applicant was requested to notify the Town of Pound Ridge.

Mr. Pine clarified that the Oakridge Condominium Board is the applicant for the project.

The Board requested that Mr. Johannessen prepare a draft resolution for the November 18, 2014 Planning Board meeting.

An October 30, 2014 deadline was give to resubmit for the November 18, 2014 Planning Board meeting. A public hearing will be scheduled for November 18, 2014 pending timely submission of materials.

VI. SKETCH PLAN REVIEW

Shelby White, 199 Elmwood Road, South Salem – Applications for Sketch Plan Review - Lot Line Change and Wetland Activity Permit Approval – Cal# 6-14PB and Cal# 65-14WP

Mr. Kerner stated that he has associated with Jim Coleman, architect for the applicant, on projects in the past. Mr. Kerner and Mr. Coleman are currently not working together on any projects.

Jim Coleman, James Coleman Architecture, and Joe Riina, Site Design Consultants, were present on behalf of the applicant.

Mr. Coleman provided an overview of the project. Mr. Coleman stated that the applicant is proposing to convert unfinished attic space into two bedrooms. There will be no change to the footprint of the house. Dormer windows and egress windows are being proposed.

Mr. Coleman stated that when initially reviewed with the WCDH, the original house was a three bedroom house. The existing septic system would be able to handle a fourth bedroom, however the addition of a fifth bedroom requires an expansion of the septic system.

Mr. Riina stated that the application before the Board was prompted by the need to expand the septic system. The original septic system was approved in the mid 1990's for a four bedroom house. A four-bedroom septic system was installed as per the standards at that time. In order to bring the septic system up to today's standards, a 40% expansion is required. The most obvious solution is to add on to the existing septic system. Most of the site is constrained by buffers or shallow ledge rock. Mr. Riina showed the wetlands on the plan displayed.

Mr. Riina stated that Ms. White is the owner of both parcels that are part of the application. Mr. Riina stated that in order to meet all of the setbacks for the septic system, it is necessary to do a lot line change. The property exchange would result in Lot 80 being reduced from 10.000 acres to 9.996, and Lot 62 being increased from 2.031 acres to 2.035 acres.

Mr. Riina stated that the process with the WCDH has begun; the WCDH cannot issue a permit until approval for the lot line change is received.

Mr. Johannessen stated his agreement that the proposed location of the septic expansion is the optimal option.

The Board reviewed and discussed the plan displayed.

Mr. Riina stated that as part of the approval process with the WCDH, the junction boxes were opened and examined. Since the installation of the system, only the first two trenches have seen usage. The soils are well drained soils, so there is a lot of capacity to handle the septic system.

Mr. Riina stated that the house is primarily a weekend house.

Mr. Kerner questioned the laterals shown on the plan. Mr. Riina stated that the expansion area and septic area are flipped on the plan submitted.

Ms. Andersen stated her satisfaction with the explanation given as to the location of the septic expansion area, and the constraints involved, and limitations of the wetland buffer.

Mr. O'Donnell requested the applicant to submit a written narrative for the project, and a map showing both septic systems, including the correct placement of the expansion areas and fields.

Mr. Johannessen stated that a wetland mitigation plan and response to comments must be submitted.

An October 30, 2014 deadline was give to resubmit for the November 18, 2014 Planning Board meeting. A public hearing on the wetland activity permit and subdivision/lot line change will be scheduled for November 18, 2014 pending timely submission of materials.

McCaffrey Family Partnership, 22 Perch Bay Road, Waccabuc – Application for Wetland Activity Permit Approval to build a lakeside cabana – Cal# 68-14WP

Michael Sirignano represented the applicant. Jeri Barrett, J.D Barrett & Associates, LLC, and Patrick Croke, architect, were present on behalf of the applicant.

Mr. Sirignano stated that the house is several hundred feet away from the shoreline and dock, uphill. Mr. McCaffrey has limited mobility. The applicant is proposing a cabana with a storage space and half bath.

Mr. Sirignano stated that as a result of approval for a variance from the Zoning Board of Appeals (ZBA), the cabana was rotated to be pulled back a minimum of 22 feet.

Mr. Sirignano stated that Mr. Croke did a survey of other cabanas on the lake (Sheet 2.02 included in the agenda packet) to ensure that the proposed cabana is consistent with existing cabanas on the edge of the lake.

Mr. Croke reviewed the proposed project. The proposed cabana is basically one large sitting room with a small powder room and storage area. The interior space is 16 feet x 20 feet; 320 square feet. The balance of the 896 total square footage is the deck surrounding the cabana. The building is designed to be supported on piers. The roof of the structure is designed to be a green roof utilizing a tray-type system with two inch deep planting trays. The exterior sides of the structure facing the lake will be glass doors that can be pulled back.

Mr. Sirignano stated that the proposed cabana will have limited seasonal use. The cabana will be winterized and closed off-season. There will be no heat or kitchen; it is not intended as living space.

Mr. Croke stated that at the closest point, the cabana would be 13 feet from the wetland boundary.

Mr. Johannessen reviewed the Kellard Sessions memo dated October 15, 2014.

Mr. Croke stated that a meeting is scheduled with the WCDH on October 23, 2014 for final sign off.

Mr. Croke confirmed that the large oak tree appearing on page 2.02 of the plan submitted would remain.

In response to Mr. LaSorsa, Mr. Croke stated that approximately 5,000 square feet of total disturbance will occur. Mr. Croke confirmed that there will be disturbance to the wetland buffer, but not to the wetland proper.

In response to Mr. Tetelman, Mr. Croke stated that the existing path consists of soil with approximately one half inch of gravel spread on top. The new path will be restored to the same condition. Mr. Croke confirmed that the path will be accessible to the applicant.
In response to Mr. Kerner, Mr. Croke stated that the powder room piping will pump up to the existing septic system. A sewage ejector type system will be used.

The path of the piping was discussed. Mr. Tetelman noted that when a septic system is placed in the buffer, leakage is a concern. Encasing the pipe to prevent leakage into the lake was discussed. The Board requested that options to prevent leakage from the pipe be explored.

Mr. Barrett addressed the issue of the fill that was being proposed, and how to keep that fill in place. Mr. Barrett noted that Mr. Croke had introduced the idea of a small retaining wall. Mr. Barrett stated he and Mr. Croke had discussed options to provide more protection to the lake. Mr. Barrett shared a landscaping sketch with the Board. The Planning Board Secretary did not receive a copy of this sketch.

Mr. Barrett proposed extending the wall and grading a continuous wall. Once the wall was in place, there would be no further disturbance; the wall would be at grade; the wall may be four feet in front, and then grade to nothing. Mr. Barrett stated that the concept needs to be worked out. In an effort to protect lake, Mr. Barrett proposed using core log along the lake edge, with a secondary core log held into place with weighted sand bags. Once the wall is built, none of the grading would need to take place in the area where fill is being proposed.

In order to manage stormwater, Mr. Barrett proposed placing cisterns out of sight; under the deck/behind the wall. The runoff from the roof would be directed into the tanks. The irrigation to irrigate the roof would come back out of the tanks, keeping everything contained inside of the wall.

Mr. Barrett addressed the mitigation plan. Mr. Barrett stated that the mitigation plan would include enhancement of the understory in the wetland buffer.

Mr. Kerner stated that one of his initial concerns was the size and proximity of the cabana to the lake. Mr. Kerner indicated that the photos submitted by the applicant show that there is precedent for cabanas within the proposed proximity to the lake.

Mr. Tetelman stated his opinion that the deck seems large, its square footage being almost equal to the square footage of the cabana itself.

Ms. Andersen, member of the Three Lakes Coucil, stated that the Three Lakes Council reached out to the owners noting concerns regarding the size of the proposed cabana, proximity to the lake, and the septic. Because the applicant provided a direct response to the Three Lakes Council, the Three Lakes Council did not reach out to the Planning Board. Ms. Andersen did not specifically recuse herself.

Mr. Karpell stated that he had written the CAC memo dated October 15, 2014. Mr. Karpell reviewed the memo.

Mr. Croke clarified that the structure is 25 feet from the shoreline.

Mr. Croke stated that the total interior closed space is 16' x 20', which includes a powder room and storage room, and 10' x 20' sitting area.

In response to Mr. LaSorsa, Mr. Croke stated that no septic system is being proposed; only a pipe and a pump. The pipe will be emptied for the winter.

Discussion took place regarding the trench that would contain the electric, water and septic pipe.

In response to Mr. Johannessen, Mr. Croke stated that the height of the retaining wall originally proposed was 30 inches. Mr. Johannessen questioned whether the retaining wall discussed this evening would result in more fill in the wetland buffer than the wall originally proposed. Mr. Barrett responded that if the wall were to be pushed back against the deck, it would be possible that no fill would be needed; it could be supported by piers. Mr. Barrett stated that the retaining wall discussed earlier serves a containment purpose.

Mr. Tetelman stated his opinion that the cabana itself is in character with other cabanas on the lake.

The size of the deck was discussed. Mr. Sirignano stared that ramp access is a necessity for Mr. McCaffrey.

Ms. Andersen stated that many of the cabanas on the lake do not have water.

Mr. O'Donnell requested that the applicant submit a written narrative addressing the concerns that were raised.

Mr. Sirignano requested that that a meeting be scheduled with the Town's consultants and the applicant's representatives.

Mr. O'Donnell requested Mr. Sirignano to send a copy of the ZBA decision and minutes to the Planning Board Secretary for distribution to the Board, counsel, and consultants. Mr. Sirignano agreed.

An October 30, 2014 deadline was give to resubmit for the November 18, 2014 Planning Board meeting.

VII. WETLAND VIOLATION

James Sandler, 28 Lake Street, Goldens Bridge – Application for Wetland Activity Permit Approval for a residential addition, removal of asphalt driveway, and installation of gravel driveway/walkway – Cal#4-14WV and Cal# 69-14WP

Mr. Sandler was present. Tom Stalzer, architect, was present on behalf of Mr. Sandler.

Mr. Stalzer stated that a survey has been completed, the wetlands have been flagged, and the applicant has met with a civil engineer regarding stormwater.

At the June 17, 2014 Planning Board meeting, a control date of October 21, 2014 was set. Mr. Stalzer stated that because he is waiting on information from the engineer, he would like to resubmit for the November 18, 2014 Planning Board meeting.

Mr. Johannessen reviewed the Kellard Sessions memo dated October 15, 2014.

Mr. Cermele stated that with regard to stormwater mitigation, the site is constrained. Simpler alternatives were discussed with the applicant at the October 8, 2014 meeting between Kellard Sessions and Mr. Stalzer.

In response to Mr. O'Donnell, Mr. Sandler stated that there is no view of the lake from the decks/proposed decks.

Mr. Stalzer stated that the next submission would show the contour of the property.

Mr. O'Donnell questioned whether construction close to the septic field is being proposed. Mr. Stalzer responded that there has been some confusion between what is being proposed and what is already built. The construction to which Mr. O'Donnell referred has been built. A discussion with the WCDH is needed to determine if mitigation is required.

The Board requested that the next submission include a descriptive narrative. The applicant was asked to address the concrete cover and removal of asphalt; issues which were raised by Mr. O'Donnell.

In response to Mr. Kerner, Mr. Stalzer stated that there is a community well off of the property.

The CAC had no comments.

An October 30, 2014 deadline was give to resubmit for the November 18, 2014 Planning Board meeting.

VIII. DISCUSSION

Oakridge Gardens (Smith Ridge Housing, LLC, owner of record), NYS Route 123, Vista

Phil Pine, owner, was present.

Mr. Pine reviewed the letter to the Planning Board dated September 25, 2014.

Mr. Pine stated that a qualified cost estimate for the wetland mitigation plantings is required. Mr. Pine stated that earlier in the day he received an estimate (approximately $38,000) which included plantings for the entire site, not specifically for Phase I. The bond being put up is for a five-year period, with no partial release. Mr. Pine requested that Kellard Sessions determine the amount of the bond so that it could be in place prior to the November 18, 2014 Planning Board meeting. The bond is required to be in place prior to the issuance of any Certificates of Occupancy (C/O).

Mr. Kerner confirmed for Mr. Johannessen that review and approval of the bond amount by Kellard Sessions would be sufficient and that it would not be necessary for the applicant to appear before the Board for this matter.

Mr. Pine discussed the partial release of the escrow for the work being done on the water, sewer and well. Mr. Pine stated that the water and sewer have been completed and are before the WCDH. The WCDH will not give approval until the well is complete. Mr. Pine stated his belief that the well should be approved by the WCDH in the next few weeks.

The process for release of the funds was discussed. A site inspection is required prior to recommendation for release of the funds.

Mr. Pine discussed the Downstream Defender. Mr. Pine stated that the Downstream Defender is backordered. Mr. Pine requested that the resolution be amended to require that the Downstream Defender be installed prior to the tenth C/O, rather than prior to the first C/O. Mr. Pine stated his intent to install the Downstream Defender upon receipt of the unit. After discussion with the Board, Mr. Pine requested that the resolution be amended to require the installation of the Downstream Defender by December 30, 2014, regardless of whether or not a C/O has been issued.

Mr. Kerner noted that scrubbers on the access roads are required, however, Mr. Kerner has not seen any scrubbers. Mr. Kerner has noticed deterioration of the driveway. Mr. Pine stated his willingness to correct this issue.

Mr. Pine discussed Phase II of the project. Mr. Pine requested that the Board allow first floor master bedroom down alternatives in the C and E units.

Mr. Johannessen stated that exterior changes to the façade of the unit would occur.

Mr. O'Donnell suggested that Mr. Pine submit an application to ACARC.

Pending submission of architectural plans and revised site plans, a resolution addressing the modification will be prepared.

An October 30, 2014 deadline was give to resubmit for the November 18, 2014 Planning Board meeting.

Sprint Nextel (Sprint)), applicant (American Towers, Inc., owner of record), South NYS 35 & West Route 123, South Salem, NY – Equipment Upgrade – Cal# 4-14PB

Mr. Monteleone stated that a scrivner's error was contained in the resolution adopted at the September 16, 2014 Planning Board meeting.

Mr. Johannessen stated that the remote radio heads were listed in the pieces of equipment that were to be painted to match the existing color. Mr. Johannessen was notified by the attorney for Sprint that the remote radio heads come in a standard color and cannot be painted as this will interfere with their function.

On a motion made by Mr. O'Donnell, seconded by Mr. Goett, the resolution dated October 21, 2014 granting Amendment to the September 16, 2014 resolution, Exemption from Requirements, to Sprint Nextel (Sprint)), applicant (American Towers, Inc., owner of record), South NYS 35 & West Route 123, South Salem, was adopted.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

IX. CORRESPONDENCE AND GENERAL BUSINESS

Proposed change to the zoning designation of property zoned R-1A to R-B affecting real property located at 5 East Street, (Cipriano, Pietro and Jennifer – owners of record), Block 9834, Lot 36, Sheet 53

Mr. O'Donnell stated that the Town Board offers neighbors the opportunity to express their opinion on the proposal. Should an application come before the Planning Board, neighbors are welcome to attend the Planning Board meeting(s).

2015 Planning Board Meeting Dates

The Planning Board adopted the 2015 meeting dates proposed by the Planning Board Secretary. 2015 meeting dates will be posted on the Town website.

X. MINUTES OF OCTOBER 7, 2014

On a motion made by Mr. O'Donnell, seconded by Mr. Tetelman, the minutes of October 7, 2014 were adopted.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

XI. ADJOURNMENT

On a motion made by Mr. O'Donnell, seconded by Mr. LaSorsa, the meeting was adjourned at 10:02 p.m.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

Respectfully Submitted,

Lisa M. Pisera

Lisa M. Pisera
Planning Board Secretary