

Meeting of the Planning Board of the Town of Lewisboro held at the Town Offices at 79 Bouton Road, South Salem, New York on Tuesday, July 17, 2018 at 7:30 p.m. The audio recording of this meeting is 180717_001.

Present: Jerome Kerner, Chair
Janet Andersen
Greg La Sorsa *arrived at 7:45 p.m.
John O'Donnell
Rich Sklarin
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Jan Johannessen, AICP, Kellard Sessions Consulting, Town Planner/Wetland Consultant
Ciorsdan Conran, Planning Board Administrator
John Wolff, Conservation Advisory Council (CAC)

Mr. Kerner called the meeting to order at 7:35 p.m. and noted the exits.

I. PUBLIC HEARING

Cal #01-13PB

(0:20 – 23:45)

Verizon Wireless at 117 Waccabuc Road, Goldens Bridge, NY 10526, Sheet 11, Block 11137, Lots 35 and 52 (Francis Coyle , owner of record) - Application for Verizon equipment upgrade and Special Use Permit renewal.

Michael Sheridan, Esq.; Snyder & Snyder, LLP; was present on behalf of the applicant.

Prior to the start of the meeting, Mr. Sheridan submitted the receipt for mailing the public hearing notices to the Planning Board Administrator.

The Chair announced the opening of the public hearing. There were no objections to the time, place or advertisement of the public hearing.

Mr. Sheridan stated the original Special Use Permit was issued 8/15/13 and the application is for its renewal.

Mr. Siebert stated he had prepared a resolution for the Special Use Permit. He noted that due to a recent revision in local law this is the first example of a modification (Verizon equipment upgrade) to an existing tower for which the Building Dept. will determine if the eligible facilities exemption request criteria are met thereby only requiring a Building Permit. Mr. Sheridan stated that the application was submitted to the Building Dept. today.

Mr. Johannessen stated there is a separate Special Use Permit for mitigation of the tower site and the appropriate plantings have been installed. He noted his last site visit was in October 2017 and the next wetland mitigation monitoring report is due 12/31/18. Mr. Johannessen stated each carrier has a five-year Special Use Permit. Mr. Siebert stated the owner of the tower, Homeland Towers, received its Special Use Permit in Sept. 2012.

Mr. La Sorsa arrived.

The following members of the public addressed the Board:

- Tomor Kendezi (115 Waccabuc Road, Goldens Bridge) noted trees on the property line and near the tower are dying/dead, the lake is dark, there has been dumping, noise, questionable soil, hanging power lines, power lines rubbing on trees and a Verizon employee who did not have the combo lock drove on his property. Mr. Kendezi stated he was concerned about the environment and the resale of his home.

Mr. La Sorsa requested Mr. Kendezi submit photos of the site.

Mr. O'Donnell requested the applicant correct his submission to reflect that NYSEG is the local power company not ConEd. He recommended a site visit/report by the Wetland and Building Inspectors along with an appearance by Homeland Towers regarding the status of the mitigation. Mr. Sklarin concurred that more information was needed. Mr. Sheridan stated the tower was not Verizon's and that Verizon is only responsible for its equipment and not the tower mitigation. He noted that Verizon visits the site to perform monthly maintenance checks.

Ms. Andersen asked if diesel generators are part of Verizon's Special Use Permit. Mr. Sheridan stated Verizon's generator is existing and in the compound permanently. Mr. Johannessen stated other carriers may be bringing in temporary generators.

- Sarah Landis (3 Harriet Lane, Goldens Bridge) stated during the last power outage the generators failed causing the cell tower to go out.

The Board reached consensus to adjourn the public hearing to August 21st and requested Mr. Johannessen, along with the Building Inspector, visit the site and offer a report to the Board.

II. DISCUSSION

Proposed cell tower behind Lewisboro Volunteer Ambulance Corps (LVAC)

(23:52 – 32:39)

Mr. Siebert stated the Town Board is examining its right, through the Monroe Balancing test, to exercise jurisdiction over construction of a cell tower behind LVAC. He noted the Town Board will make a lead agency determination at its August 13, 2018 meeting.

Mr. Siebert stated this Board wrote the Town Board June 20, 2018 with questions about the proposed site and coverage gaps. The Board reached consensus that Mr. Siebert prepare a second letter to the Town Board regarding possible cell tower installation at the high school campus, specifically on the light posts, bus radio tower or the lower field known as the Pit.

Alan Cole, member of the Antenna Advisory Board (AAB), stated the AAB had toured the LVAC site and historically the Katonah Lewisboro School District (KLSD) has turned down proposals for cell towers on its campus. He noted that he was not sure when the next AAB annual report would come out and if there is still a blank spot at Routes 121 and 138.

Les Simon (787 Route 35, Cross River) suggested the Board be prepared to consider future co-locators on the tower.

III. WETLAND VIOLATIONS

Cal #2-16WV

(32:41 – 35:53)

Palomino Residence, 292 Waccabuc Road, Goldens Bridge, NY 10526, Sheet 7C, Block 12668, Lot 20 (Gustavo Palomino, owner of record)

Jeri Barrett, J. D. Barrett & Associates, was present on behalf of the owner.

Mr. Barrett stated this matter is nearly complete. He noted the fill has been removed, 25 trees and 177 shrubs have been planted and he is ready to send in his compliance report.

The Board reached consensus that Mr. Johannessen and Mr. Barrett make a site visit.

Mr. Siebert requested the applicant compile the remediation costs and submit them to Kellard Sessions. Mr. Barrett agreed.

This matter is to be placed on the [August 14], 2018 agenda.

Cal #3-16WV, 06-17WP

(35:54 – 43:28)

McGuinness Residence, 17 Schoolhouse Road, South Salem, NY 10590, Sheet 22, Block 10802, Lot 35 (Annette and Peter McGuinness, owners of record)

Jeri Barrett, J. D. Barrett & Associates, was present on behalf of the owner.

Mr. Barrett stated Phase 1 (installation of pillars, gates, stone walls and drainage plus relocation of the driveway and animal pen) is well underway. He noted the same contractor will also be working on Phase 2 (parking court and space behind the activity barn). Mr. Barrett stated Dept. of Environmental Conservation (DEC) has made a site visit, is pleased with the mitigation and will be issuing the permit shortly.

The Board reached consensus that Mr. Johannessen is to visit the site on September 6th and this matter is to be placed on the September 11, 2018 agenda.

Cal #01-18WV

(43:28 – 45:57)

Potz Residence, 1178 Route 35, South Salem, NY 10590, Sheet 27, Block 10805, Lot 29 (Siegfried and Karen Potz, owners of record)

No one was present on behalf of the owners. Jeri Barrett, J. D. Barrett & Associates, has not been retained by the owners.

Mr. Barrett stated he has spoken to the property owner, made a site visit and conferred with Mr. Johannessen on the alleged violation and mitigation.

Mr. Siebert stated no plea has been entered.

The Board reached consensus to have this matter on the September 11, 2018 agenda.

IV. DISCUSSION

Requests for relaxation on septic requirements per Planning Board resolutions and wetland permits

(45:58 – 1:00:50)

Mr. Siebert referred to his March 21, 2017 memo and reviewed the two types of septic pumping requirements:

- the County and Town five-year minimum requirement; and
- the approximate 50 homes with pumping requirements due to wetland permits issued by this Board.

He noted those 50 wetland permits have varied language and in recent years there has been a standard developed. Mr. Siebert stated areas to be discussed include: enforcement, requests for relaxation, and is inspection instead of inspection and pumping sufficient.

Mr. Siebert stated the requests for relaxation related to lower intensity of use and stretching out the time between pumpings. He recommends the Board focus on 4-5 requests at a time and see what patterns emerge in order to develop a strategy for addressing these types of request.

Mr. O'Donnell requested minutes for the five matters to be reviewed by the Board and added these topics for discussion: enforcement, non-compliant sites, whether (or not) new public hearings need to be held, conferring with previous Board members and staff to learn how decisions were made.

Mr. Kerner recommended discussing current best practices with the Town Engineer and whether (or not) relaxation stays with the property.

Ms. Andersen stated after a review of the various resolutions a long-lasting solution should be sought. She noted that variations in occupancy may change usage but the required inspection frequency should be consistent.

The Board reached consensus to have this matter on the August 21, 2018 agenda for discussion and contact the five oldest requests for relaxation homeowners to appear at the September 11, 2018 meeting.

V. WETLAND PERMIT REVIEW

Cal #66-17WP, Cal #12-17SW

(1:01:31 – 1:30:42)

Dedvukaj Residence, 170 Elmwood Road, South Salem, NY 10590, Sheet 47, Block 10056, Lot 38 (Yuliya and Zef Dedvukaj, owners of record) – Application for a single-family residence, driveway, septic system and well.

Zef and Yuliya Dedvukaj, owners; Tim Cronin, Cronin Engineering; Tracy Chalifoux, RLA; and Michael Sirignano, Esq. were present.

Mr. Cronin reviewed the history of the application and flooding on the property and Elmwood Road. He noted changes in the proposal including: reduction in impervious surfaces (lawn instead of a rear flagstone patio), installation of a 4' retaining wall along the front of house to separate it from the wetlands and a 25' bridge as part of the driveway to keep the stream bottom intact. Mr. Cronin stated the drainage basin is 447 acres, 2 acres of which are the subject property and by developing this lot there would be a reduction of the peak flows going under Elmwood Road. He noted the pipe under road is 48" and it should be ten times larger (for example, a 14' wide by 7' high box culvert) and the property abutting to the north (Spencer) also has a 48" pipe under the road which is 8 or 9 times too small for the flow off its 391 acre tributary area. Mr. Cronin stated water will continue to flow over the road until these inadequate pipes are addressed.

Mr. Cronin stated the septic tank is a solid, underground 5' tank and although there could be a puddle above it the rain water will not get in to it.

Mr. Johannessen noted the rain garden will treat the water quality and there will be times when it is covered in water. He added this site is outside of the NYC watershed and there will not be state-required post-construction stormwater practices. Mr. Johannessen stated that as there is no retention of stormwater on the property the applicant should contribute to fixing the culvert. Mr. Cronin stated the applicant would consider installation of CULTEC units. Mr. Johannessen stated the applicant has to provide 1:1 mitigation.

Mr. Johannessen stated the flooding of this section of Elmwood Road is a known problem, the pipes under the road are inadequate and Kellard Sessions has twice applied for, but failed, to secure grant money to replace the culvert.

Ms. Dedvukaj stated the site did not allow for the house location to be shifted.

Ms. Chalifoux reviewed the planting plan – removal of invasives; planting of 325 native shrubs, trees and perennials in the wetland buffer; and 134 perennials in the rain garden. She noted the mitigation area is 21,000 sf and the area of disturbance is 26-28,000 sf and the only disturbance (2,850 sf) within the wetlands is the bridge. Mr. Johannessen discussed a box culvert, the piers for the bridge and the U.S. Army Corps of Engineers' (USACE) potential involvement.

Mr. O'Donnell asked if Browns Reservoir (First Taxing Dist. Water Dept./Norwalk, CT) offers grants for nearby culvert repair work and requested the applicant submit a copy of the Westchester County Dept. of Health (DOH) application. Mr. Cronin agreed to supply the Board with the DOH application.

Mr. Wolfe stated the CAC is looking to Mr. Johannessen to determine the adequacy of the storm water management.

Cal# 36-18WP

(1:30:43 - 1:53:30)

Hunter Residence, 19 South Shore Drive, South Salem, NY 10590, Sheet 33D, Block Camp, Lot 15 (Graeme Hunter and Laurence Robin- Hunter, owners of record) – Application for a dock and weed harvesting.

Mr. Kerner recused himself.

Graeme Hunter, owner, was present.

The Board reached consensus to authorize Mr. O'Donnell to act as Chair on this matter. Mr. O'Donnell noted in subsequent meetings he may recuse himself on this matter also.

Ms. Andersen stated that while she is a member of the Three Lakes Council (TLC) and knows the vendor on this application she will not participate in TLC discussions on this matter and not recuse herself from the Board's discussions.

[There was a four minute recess.]

Mr. Hunter stated the dock was installed last summer.

Mr. Johannessen stated he is familiar with aquatic weed harvesting and has asked the applicant for additional information including: project limits, target vegetation, methodology, location of turbidity curtain and dewatering site.

The Board discussed the South Shore property lines, use lines, ownership of the lake bottom, NYS waters and bifurcating the application.

The Board reached consensus that Mr. Hunter should meet with Mr. Johannessen, amend the application to note the dock is installed and to add the weed harvesting and have this matter on the August [14], 2018 agenda.

Cal# 40-18WP

(1:54:01 – 2:04:06)

Mazella Residence, 25 East Street, South Salem, NY 10590, Sheet 53, Block 9834, Lot 38 (Jonathan Mazella and Vivecca Underwood, owners of record) – Application for an accessory building with one guestroom.

Re Hagele, AIA, was present on behalf of the owners.

Mr. Hagele stated he met with Mr. Johannessen in April; the proposed structure will be before the ZBA next week for size and height variances. He noted that wetland consultant, Paul Jaehnig, is to attend the next meeting to discuss the wetland mitigation and the engineers on the project are Keane Coppelman Gregory.

Mr. O'Donnell asked if there are wood chips in the wetlands per the submitted plan.

Mr. Hagele stated the driveway is gravel and there is a one-car garage, a wood shed and a three-holer outhouse. He noted there were no previous wetland permits required for this site and there has been no contact with the DEC. Mr. Hagele stated the property drains into the Norwalk Watershed and the proposed additional bedroom has DOH approval.

Mr. Johannessen stated he would confirm the wetland boundary and recommended the applicant contact the DEC regarding off-site wetlands.

Mr. O'Donnell requested a project narrative. Mr. Hagele agreed.

The Board reached consensus to wait until the ZBA determination, the applicant is to meet with Mr. Johannessen regarding open items, and then come back to this Board in order to schedule a site walk in September or October.

Cal# 41-18WP

(2:04:07 - 2:19:01)

Handler Residence, 25 Woodway Road, South Salem, NY 10590, Sheet 38, Block 10549, Lots 12 & 20 (Martha and Richard Handler, owners of record) – Application for habitat restoration and herbicide application.

Jay Fain, Jay Fain & Associates, was present on behalf of the owners.

Mr. Fain stated the proposal is wetland enhancement and restoration for 12 of the property's 60 acres; all 12 acres are in New York. He noted that many invasive species (phragmites, mugwort, Japanese knotweed) are found at the former gravel pit site and the only herbicide being proposed, Rodeo (glyphosate), will be applied by a licensed applicator using a hand-held sprayer. Betsy Barnett (35 Woodway) stated she did not want planes spraying chemicals.

Mr. Wolff stated the CAC was concerned about using any herbicides along the water's edge.

Dawn Christopher (45 Boway) asked for a map showing the treatment area and distributed a comment letter from Spencer Weneck (27 Woodway). Mr. Fain stated he would review the proposal with the neighbors.

Mr. Johannessen stated there was a previous DEC permit (issued 2009, expired 2013) for herbicide use that was characterized as a Type I action under the State Environmental Quality Review Act (SEQR). Mr. Fain stated he would supply the previous DEC permit information as well as confirm whether (or not) the current proposal is a Type I or II action.

Mr. La Sorsa stated farther along in the application process there would be a time for public comment.

Mr. Fain stated he would check if a Dept. of Environmental Protection (DEP) permit is required.

VI. SITE DEVELOPMENT PLAN

Cal #10-15 PB, Cal #20-17WP, Cal #5-17SW

(2:19:02 – 3:25:33)

Wilder Balter Partners, NY State Route 22, Goldens Bridge, NY 10526, Sheet 5, Block 10776, Lots 19, 20 & 21 (Property Group Partners, LLC, owner of record) – Application for a 46 unit MF development on a ±35.4 acre parcel.

John Bainlardi, Wilder Balter Partners; and Jeff Contelmo, P.E., Insite Engineering, were present.

Mr. Bainlardi reviewed the recent submission:

- Buildings 1, 2 & 3 will have individual entrances to the units;
- Building 4 will have a mix of individual entrances (first floor) and central entry and interior hallway access; and
- Building 5 will have a central entry and interior hallway plan.

He noted the bedroom count remains at 1 bedroom (26), 2 bedrooms (14) and 3 bedrooms (6) and the DEP has approved the SWPPP; the DEC has issued a wetland and SPDES discharge permit; and the DOT is ready to issue the access permit, has approved the bond amount and that application is at Stage 3.

Mr. Bainlardi stated funding has been awarded at the County and State levels. He noted that a condition of those funding awards is constructing to the LEED for Home V4 (Silver Level) and Energy Star V-3.1 standards. Mr. Bainlardi stated five units are adapted for the mobility impaired while 2 units are adapted for the hearing and/or visually impaired.

Mr. Bainlardi stated back-up generators will be installed and provide power to emergency lighting, the septic and water systems plus the club space, which will serve as a gathering point (heating/cooling station) for residents. He noted the 72-hour pump should be completed by the first week in August, five neighboring homeowners are participating in the off-site monitoring and the 21 neighbors originally contacted for well tests were also updated regarding the 72-hour pump tests.

Mr. Contelmo stated an item he is working on is an interior central stairwell to the lower level in Buildings 2 & 3. Mr. Bainlardi added this is to avoid an exterior staircase and some sidewalks may be removed.

Mr. Bainlardi stated a deed restriction is proposed in order to preserve the open space but it would be subject to locating the water tank and septic expansion areas within the easement area; the DOH has agreed to grant a waiver since it has been demonstrated that the expansion area will continue to be accessible. He met with Bobbe Stultz, Lewisboro Land Trust (LLT), who is considering overseeing the annual reporting component of the deed restriction/conservation easement. Mr. Bainlardi stated he had met with the Bedford Audubon Society (BAS) to link the Wilder Balter trails to the BAS trails for passive recreation.

Suzanne Cahill, Bedford Audubon Society, stated the BAS covers 102 acres and is on the north and south sides of Todd Road. She discussed connecting the BAS pond trail to the Wilder Balter trails. Mr. O'Donnell requested a trail map for both sites and asked if there would be trail head parking on the Wilder Balter property. Mr. Bainlardi stated he preferred the use of the Wilder Balter property for trail access be limited to Wilder Balter residents.

Mr. Bainlardi reviewed the unit layouts for the various buildings:

- Building 1 is 4-over-4;
- Building 2 is 4-over-4-over-2;
- Building 3 is 4-over-4-over-2;
- Building 4 is 4-over-4-over-clubhouse/office space/conference room (4,000 sf) with interior staircase; and
- Building 5 is 4-over-4-over-2 with an elevator.

Paul Ottaviano (203 Goldens Bridge Road, Goldens Bridge) asked if there were back doors to the buildings. Mr. Kerner stated egress is a Building Dept. issue. Mr. Bainlardi stated he will resubmit the revised floor plans and elevations to this Board and the Architecture and Community Appearance Review Council (ACARC).

Mr. Kerner requested the revised floor plans and elevations be submitted to the Goldens Bridge Fire District (GBFD) for comment and Mr. La Sorsa also requested the GBFD comment on the lack of a secondary access road.

Mr. Bainlardi stated the International Code Council (ICC) reviews road width, site circulation and requires two separate access roads when there are 200+ units. He noted the proposed road is 24' wide (flanked by parking spaces) and exceeds the ICC requirements of 20' width. Mr. Bainlardi stated the Building Code requirements include Knox Boxes, truss signage and certain notes on the plan. He noted the balance of avoiding tall trees along the roadside while not denuding the hillside.

Mr. Sklarin requested a representative from the GBFD attend the next meeting. He asked for permission to walk the site. Mr. Bainlardi agreed.

Mike Begley (13 Shoshone Drive, Katonah) stated he walked the site last weekend and noted an 80-90' drop. He asked where the rock blasting starts, where the dumpster will be located and the status of contact with the U. S. Fish and Wildlife Dept. (FWS), regarding the bog turtle and bat studies. Mr. Kerner stated the wetlands will be enhanced and requested Mr. Begley write the Board with questions. Mr. Johannessen stated during the SEQRA process his firm

reviewed the Hudsonia report, he has supplied information to the FWS and noted there is no mandatory FWS jurisdiction at this site as there are no federal permits required. Mr. Bainlardi stated they will be sensitive to bat habitats as it relates to the timing of tree cutting.

Mr. Bainlardi stated he will supply information on dishwashers. He noted there will not be washer/dryers in the units, the heating is propane-fired central heating and each apartment will include an individual A/C unit.

Mr. Bainlardi requested the Board instruct its consultants to draft a resolution. The Board did not reach consensus on drafting the resolution and instead will review the application's correspondence. Mr. Sklarin stated a binder of materials would be good preparation for the next meeting.

Mr. Siebert stated the Board has 62 days from the close of the public hearing to act on the application. He noted there is relevant data -- pump test results, revised architectural drawings -- that is still outstanding but the Board should work toward a decision.

The Board reached consensus to add a second meeting in August and hold this matter over to the August 21, 2018 meeting, dedicating 7 – 9 p.m. for its discussion.

Mr. Bainlardi stated the next set of plans to be sent to the GBFD is not that different from what they have already reviewed. Mr. Contelmo added that of the GBFD's 12 comments the only one that the applicant could not accommodate is the site's secondary means of egress and that authority over the fire and ICC code is held by the Building Inspector. Mr. Kerner listed a few areas in town where multiple properties have single access: Silvermine, South Shore and Bayberry Lane.

VII. SPECIAL USE PERMITS

Cal #04-18PB

(3:25:36 - 3:33:36)

MKR Lab Inc., 79 Bouton Road, South Salem, NY 10590, Sheet 31, Block 10805, Lots 31, 50 & 78 (Katonah-Lewisboro School District, owner of record) – Application for a Special Use Permit.

Sarah Landis, MKR Lab Inc, was present.

Ms. Landis stated the proposal is to run after-school programs for children in one classroom (C4) of the former Lewisboro Elementary School building and the curriculum will be STEAM (science, technology, engineering, art and math) based.

The Board discussed signage and lighting. Ms. Landis stated her lease prohibits signs. Mr. Johannessen stated he has visited the site and there is adequate exterior lighting. Mr. O'Donnell recommended the Board visit the site during its next meeting.

The Board reached consensus to schedule a public hearing for a Special Use Permit at its August 14, 2018 meeting and directed Mr. Johannessen to prepare a resolution for the same.

Cal #02-10PB

(3:33:36 – 3:37:46)

Bedford Audubon Society, 35 Todd Road, Katonah, NY 10536, Sheet 5, Block 10776, Lots 7 & 30 Sheet 5, Block 10777, Lot 3 (Bedford Audubon Society, owner of record) – Application for a Special Use Permit.

Suzanne Cahill, Bedford Audubon Society, was present.

Ms. Andersen stated she was a past board member of BAS but will not recuse herself from this Board's discussions. Mr. Kerner stated he was a past president of the Sullivan County BAS but will recuse not himself from this Board's discussions.

Ms. Cahill stated the application is for a Special Use Permit and she apologized for the expiration of the previous Special Use Permit.

Mr. O'Donnell recommended Mr. Johannessen, along with the Building Inspector, visit the site and review the attendance logs and parking lot fence.

The Board reached consensus to schedule a public hearing for a Special Use Permit at its August 14, 2018 meeting and directed Mr. Johannessen to prepare a resolution for the same.

VIII. EXTENSION OF TIME REQUEST

Cal #8-12PB

(3:38:24 – 3:39:06)

Petrucelli/Badagliacca, Oscaleta Road, South Salem, NY 10590 Sheet 33B, Block 11157, Lot 46 (Steven Petrucelli and Teresa Badagliacca, owners of record) - Request for a 90-day Extension of Time to resolution granting Preliminary/Final Subdivision Plat, Negative Declaration Under SEQRA, dated October 21, 2014.

No one was present on behalf of the owners.

Ms. Andersen recused herself.

On a motion made by Mr. La Sorsa, seconded by Mr. Kerner, the Board granted a 90-day extension to the Resolution granting Preliminary/Final Subdivision Plat, Negative Declaration under SEQRA, dated October 21, 2014; the new expiration date is October 8, 2018.

In favor: Mr. Kerner, Mr. La Sorsa and Mr. Sklarin. Abstain: Ms. Andersen. Against: Mr. O'Donnell.

IX. TOWN BOARD REFERRALS

Amending Section 220-26(F) of the Town Code to remove the eligibility priorities for middle-income housing.

(3:39:10 - 3:52:19)

Tony Gonçalves, Town Board member, was present on behalf of the Town.

Mr. Gonçalves stated the Town of Bedford was sued for giving preference to residents applying for [middle-income] housing. He noted that our Town Code's section on middle-income housing includes language giving preference to Lewisboro residents, employees, first responders and teachers. Mr. Gonçalves stated that on the advice of the Town Attorney and in order to avoid a lawsuit, the Town Board is recommending removal of the eligibility priority language from the Code.

Mr. Gonçalves stated there are middle-income housing units at Onatru and Oakridge. Mr. O'Donnell asked if these units could be used for affordable housing. Mr. Gonçalves stated these particular units are designated as middle-income housing. Mr. O'Donnell requested the Town Board comment on what it is doing to create affordable housing, with the exception of the Wilder Balter development. Mr. Gonçalves requested written comments to take back to the Town Board.

Mr. Siebert stated the Town Board is obligated to refer changes to the Zoning Chapter of the Town Code to this Board. He recommended continued discussion at the August 14th meeting. Mr. Sklarin requested the Town Attorney provide his basis for the recommendation to this Board.

Ms. Andersen stated if the events in nearby towns have led the Town Attorney to recommend this change, this Board should defer to that recommendation.

Mr. Siebert stated that there are two types of discrimination under the Fair Housing Act, intentional and demographic. He noted in the first case, testers (posing as applicants) experience racial discrimination while in the second, the local demography creates discrimination due to provisions favoring local residents who live in areas that are not statistically are not racially diverse. Mr. Siebert stated that the case in Bedford related to middle-income housing and that Town settled the lawsuit and he will contact the Town Attorney for more information.

Amending Section Chapter 220, Sections 220-2(B), 220-23(A)(19) and 220-43.5 of the Town Code to redefine definition of Educational Use
(3:52:20 – 3:52:56)

Mr. Kerner stated the Town Board has adopted the revised Educational Uses section of the Town Code (cited above) and this item was on this Board's agenda due to the previous MKR Lab application.

X. MINUTES OF January 16, 2018; MINUTES OF February 27, 2018; MINUTES OF March 20, 2018; MINUTES OF March 27, 2018, MINUTES OF April 17, 2018 and MINUTES OF June 19, 2018.

Due to the late hour of the evening, discussion of unapproved minutes was postponed.

XI. ADJOURNMENT
(3:52:57 – 3:53:07)

On a motion made Ms. Andersen, seconded by Mr. O'Donnell, the meeting was adjourned at 11:29 p.m.

In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa, Mr. O'Donnell and Mr. Sklarin.

Respectfully Submitted,



Ciorsdan Conran
Planning Board Administrator