

LEGACY_WOODS_-_KNOX_VILLAGE_SENIOR_PROJECT_(08-01)

Michele Babcock, Esq. before the board for this application.

MR. ARGENIO: Application proposes development of 14.21 acre parcel with 184 senior housing multi-family residential units with three buildings. The site also includes 3,200 square foot clubhouse building and other site improvements. This plan was previously reviewed at the 16 January, 2008 planning board meeting. I see Miss Babcock here to represent this.

MS. BABCOCK: Yes, good evening. We're here tonight with a revised site plan based on the comments that we had received at the January planning board meeting. Since that meeting, we have met with the fire inspector twice and based on his recommendations we have made revisions to the plan layout. We have made changes to the fire lanes, fire hydrant locations as well as sidewalk locations. The purpose of our return this evening is really to ask the board to consider three items, one is to receive any comments that you may have with respect to revisions that we have made based on the recommendations of the fire inspector. The second is to ask the board to make a favorable recommendation to the Town Board with respect to the side yard waiver and the third is for the board to provide a conceptual approval of the accessory uses that we're proposing on the site. If I may, I will do a brief overview of those revisions.

MR. ARGENIO: I'd like you to do that.

MS. BABCOCK: Okay.

MR. VAN LEEUWEN: Can I ask you one question? These are three stories the buildings?

MS. BABCOCK: Yes.

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MR. VAN LEEUWEN: Elevator?

MS. BABCOCK: Yes.

MR. VAN LEEUWEN: Cause I don't see it here unless I've got the wrong page.

MR. BABCOCK: No, they're internal, you won't see it on the plans.

MR. EDSALL: Well, the plan you have is not that detailed more just shows the units, I'm not sure they've done the final design.

MS. BABCOCK: Right, we only have the interior for each unit.

MR. ARGENIO: Mike, they have to have that by law.

MR. BABCOCK: Correct, if they're multi-family they'll have that.

MR. ARGENIO: Go ahead, Michele.

MS. BABCOCK: With respect to the side yard waiver the Town Board is actually the board that would authorize that waiver as part of our special permit. But we're asking that this board make a favorable recommendation. The way that we have the plan designed is that we would need a waiver with respect to building 5, 6 and 8, the side yard setback.

MR. ARGENIO: Excuse me, Michele, just one second. Dominic, unless I misunderstand the senior regulations, please help me with this, the waiver for the offsets on the side yard is that given by this board or the Town Board?

MR. EDSALL: It's the way it's written it says that the

planning board grants the waiver but that that waiver must be included in the special permit, i.e. both boards have to okay it.

MR. ARGENIO: Go ahead.

MS. BABCOCK: The proposed side yards for building 5 is 39 feet, the proposed side yard for building 6 is 43 feet and for building 8 is 41 feet. The code requires a setback of 50 feet. The only two requirements that are contained in the code is that the setback does not exceed 50% and that the fact that we consider the length to width ratio of the parcel. The code says width to lot ratio of 5 to 1 and in this case this lot is 6 to 1 and based on that we would ask that the board favorably recommend this waiver. Also our adjoining property owner is the Chestnut Woods project located in the Town of Cornwall, we have done, we have looked at their landscaping plan and have incorporated their design into our landscaping plan that way it's not only consistent but that we make sure that we provide an adequate buffer between the two projects.

MR. ARGENIO: The Chestnut Woods project are you familiar with that?

MR. EDSALL: I am, having the pleasure of reviewing it for Town of Cornwall.

MR. ARGENIO: What kind of side yard setbacks do they have on that facility?

MR. EDSALL: I don't recall their zoning but it's very similar.

MR. ARGENIO: It is very similar.

MR. EDSALL: I will have the exact number for you at the next meeting.

MR. ARGENIO: My question that I'm going to ultimately ask and maybe I should wait but I won't, is there an issue Mark with the timing of this recommendation on the side yard variance to the public hearing?

MR. EDSALL: Well, there is a practical timeframe for the applicant to move forward and prepare let's say a preliminary grade set of plans and prepare the SWPPP, they need to know what the layout of the site is, so they need some type of indication from the board that the waivers make sense and appear to result in a project that the board feels is acceptable otherwise they can't move forward. So it's chicken or the egg, you really have got to let them have some type of indication otherwise they can't get forward, they can't get through the public hearing, you can't get done with SEQRA until SEQRA's done the Town Board can't act so if you don't move forward on the waiver they're dead in the water, I'll put that it way.

MR. ARGENIO: I don't want to give up any of our rights as a planning board. The only thing that I'm concerned about is by giving that favorable recommendation only as it relates exclusively to the side yard issues I don't know what's next door, I have no idea.

MR. EDSALL: Well, again, as Miss Babcock indicated, the code is written recognizing that certain shape lots have their own problems, narrow lots must reserve accessways, fire lanes and such so it was recognized that it may cause the buildings to be pushed to the sides to provide access capabilities. So a project that did not have this type of configuration lot wouldn't even be able to ask you for the waiver. The provision was in the code recognizing that certain size lots with multi-family have certain problems and that's why the codes--

MR. ARGENIO: They'll need these waivers from time to time.

MR. EDSALL: That's correct. And again I'm not suggesting that you give up any rights because when you do your SEQRA review if something else jumps out where it causes a problem you can address it under SEQRA, you can address it as part of your planning board public hearing, but they really need to have an indication if you believe the site functions so they can move forward.

MR. ARGENIO: Go ahead, Michele.

MS. BABCOCK: That's really it on that issue as Mark said based on our meeting with the fire inspector we have modified the plans to provide adequate fire lanes and additional parking and based on the configuration of the site that was the greatest side yard.

MR. ARGENIO: I'd like to read this, municipal fire 3/12/08, once hearing by fire board is complete final review of the plan will be conducted. So you don't have approval from them but I guess you do have them acting that you received it and that's it.

MS. BABCOCK: The fire inspector actually has given us his approval with respect to the 30 foot fire lane leading to the clubhouse and along the south side of the buildings 1, 2, 3 and 4. We're appearing before the Board of Fire Commissioners for the interior roadways between buildings 1 and 2 here and buildings 3 and 4.

MR. ARGENIO: That approval from them that you seek needs to come to this board with no ambiguity.

MS. BABCOCK: Yes.

MR. VAN LEEUWEN: You know, Michele, I think personally to see what this thing looks like why can't we have some kind of a small drawing on this end to see what's

next door to that property?

MS. BABCOCK: We can provide that.

MR. ARGENIO: You've given us the benefit of that on one side.

MR. VAN LEEUWEN: We only have your side, don't see anything on the other side, I'll go take a look at that.

MS. BABCOCK: My understanding the project has received approvals but has not begun construction.

MR. EDSALL: It's very close to getting stamp of approval. My suggestion is if you gentlemen if you go toward the back of the, well, maybe 2/3 of the way through there's a sheet A3 which is the aerial view with the imposed site plan on it.

MR. ARGENIO: Our sheets are numbered, Mark, I have 2 of 3, 3 of 3.

MR. EDSALL: Keep going.

MS. BABCOCK: All the way in the back.

MR. EDSALL: You have like and A3. I would suggest that possibly we could ask the applicant if they have the the ability to superimpose Chestnut Woods on the same plan, that way you'd get a real good orientation understanding, the same as you can see the relationship of the proposed project to the existing multi-family to the north you could see what's proposed in Cornwall as well.

MR. ARGENIO: Mike, is there any traffic count that's used in the parking analysis for recreational facilities other than the building i.e. a pool or tennis courts, do we have any traffic parking

requirements for amenities of that nature?

MS. BABCOCK: Well, we have parking calculations for the clubhouse would be for square footage of the clubhouse.

MR. ARGENIO: Nothing for the tennis court so to speak which is divorced of the clubhouse.

MS. BABCOCK: Well, it's the code says recreation facilities, so I don't know if it comes out with the--

MR. EDSALL: The provision is there so that you get square footage of enclosed areas and they have exceeded that.

MR. ARGENIO: How many stalls are at the clubhouse?

MS. BABCOCK: Sixteen.

MR. ARGENIO: Does that meet code, Mike?

MS. BABCOCK: Yes, Mark's saying they exceeded it.

MR. EDSALL: No, for the square footage of the, you're saying for parking Jerry or--

MS. BABCOCK: Yes.

MR. ARGENIO: Yes.

MR. EDSALL: Well, for parking I'm suggesting that you may want a little bit more only because 3,200 square foot building has an occupancy of probably how many people, well over a hundred and there's only 16 parking spaces, so if we can get a couple more there probably be to their advantage.

MR. ARGENIO: What do you think about that?

MR. BABCOCK: Well, hopefully these people would walk to the clubhouse, that's the theory but I know that they do drive, some people do drive.

MR. SCHESINGER: I have a comment relative to that, okay, love swimming pools and I'm an avid tennis player, however, you're supplying them with two amenities both of which are seasonal, I don't know the size of the clubhouse.

MS. BABCOCK: It's 3,200 square feet.

MR. SCHESINGER: So 3,200 square feet which is fair in size, I don't know just throwing something on the table that maybe there's a way of making more of an accommodating clubhouse and, you know, offering an amenity that's a little bit more useful on a yearly basis.

MS. BABCOCK: Right now what we're proposing is within the clubhouse is a meeting room, an exercise room, a card room and a cyber cafe and then within each building we're providing a community room.

MR. ARGENIO: So in each individual building you have a community room in addition to the clubhouse?

MS. BABCOCK: That's correct.

MR. ARGENIO: That's good.

MR. JESUDASON: If I may say, I'm an architect to this project and talking about the clubhouse, we're giving a separate clubhouse which has a multi-purpose hall and possibly exercise room and card room and cyber cafe and so on and in addition to that as a common facility each building has small community--

MR. ARGENIO: She just said that.

MR. JESUDASON: --in addition to that so people will be going to the clubhouse as well as stay in their building and use the facilities.

MR. ARGENIO: Let me ask you a question Michele or Banny, got some more parking for us?

MS. BABCOCK: We can take a look at that.

MR. ARGENIO: I think Neil has a good point with that and Henry's whispering in my ear up here too, I want to point out for the benefit of board members that Mark's number 6 in all the bullets associated with it Dan and Henry and Neil page and a half of bullets page and 3 quarters of bullets all those issues are clean-up issues on the plans, there's no issues there that are backbreaking issues, it's all as we see and we say on this board level clean-up issues. Is that statement pretty accurate, Mark?

MR. EDSALL: Yes, I tried to get the documents to the application as early as possible so when they come in for public hearing the plans are in the best possible shape.

MR. ARGENIO: Note to self, Michele, the two pages of bullets associated with number 6 they really need to be addressed before the public hearing. I won't, we're not going to schedule the public hearing until those things are cleaned up.

MS. BABCOCK: Not a problem.

MR. VAN LEEUWEN: Do you have copy of those?

MS. BABCOCK: I do, thank you.

MR. ARGENIO: Go ahead.

MR. SCHESINGER: Michele, what's your method of mail

distribution?

MS. BABCOCK: I believe that they're going to have mailboxes next to each unit that way each unit would have one section of mailboxes.

MR. SCHESINGER: Do you know that definitely?

MS. BABCOCK: I do not see it on the plan, I don't think the plan has gotten to that level of detail yet that we have included that but before the next meeting we can add that.

MR. SCHESINGER: And I'm assuming that those little squares near almost every building the one on the upper right-hand corner are all dumpsters?

MS. BABCOCK: No, these squares are fire hydrant locations.

MR. SCHESINGER: How many dumpsters do you have?

MR. JESUDASON: This small rectangle are trash bin locations.

MR. SCHLESINGER: That's what I asked.

MR. JESUDASON: And the fire hydrants are here.

MS. BABCOCK: We have--

MR. SCHESINGER: Those little squares are dumpsters, correct?

MR. JESUDASON: Yes.

MR. ARGENIO: You can't send an attorney to do an engineer's job.

MR. SCHESINGER: Obviously they'll all have the correct

accessibility.

MS. BABCOCK: That's correct.

MR. ARGENIO: Dan and Henry, if you have any questions certainly chime in at any time. I do want to touch on one thing, Michele, if you would, one of Mark's comments I'd like to read it to you. As specifically noted, previously noted, Section 300-18 (i) (1) provides specific requirements with regard to laundry provisions, the applicant should endeavor to explain how they intend to comply with this.

MS. BABCOCK: Yeah, we're providing laundry facilities within each unit and that's depicted on the current plan set that we provided.

MR. ARGENIO: Mark, is that more a building code issue?

MR. EDSALL: The laundry?

MR. ARGENIO: Yeah.

MR. EDSALL: That's just a provision, matter of fact Dom and I are examining the code to see exactly what that 18 (i) (1) has in it but it's not a building code issue to my knowledge, it's just an issue of amenity and convenience that the Town Board when they adopted the law said they wanted to make sure seniors had that available.

MR. JESUDASON: Usually with senior housing we provide a common laundry with whereas we have exceeded that requirement we're providing in each unit a laundry facility, washer and dryer facility so it far exceeds that.

MR. ARGENIO: Mr. Rosen, I just want to read this as well and you may not be aware of this but this has been a problem with other projects in the town, senior and

condo alike, the plan sheet for the clubhouse should indicate that the clubhouse will be a hundred percent complete and available for use prior to 50% unit occupancy as per the code. We have had problems around town with condos.

MR. ROSEN: We'll comply with that.

MR. ARGENIO: They build the condos, they're at the--

MR. ROSEN: You used the word they, we don't, we'll comply with that.

MR. ARGENIO: Your reputation precedes you, sir.

MR. EDSALL: Mr. Argenio, that gives them the option of either having community facilities and has criteria for that or as an alternative they can provide it in each unit.

MS. BABCOCK: We provide that on sheet A5.

MR. ARGENIO: We don't want to be talking about the 99th percentile unit and still have these facilities unusable. Mark, how does it speak, Mark, how does it speak to the code that's to the construction of the pool? The pool was a huge issue over at RPA, I understand this is senior housing but I think there's similar issues.

MR. EDSALL: I believe it's the clubhouse and all the amenities that go with it.

MR. ARGENIO: Which includes the pool, the tennis court, the walking trail.

MR. EDSALL: The walking trail we would probably look at a phase basis only because you would end up destroying it which we're possibly doing excavation for different foundations. But the common facilities

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should be in.

MR. VAN LEEUWEN: Can I ask you a question, try to make sure when you put the garbage enclosures up that they kind of fit in with the building and so forth.

MS. BABCOCK: With respect to design?

MR. VAN LEEUWEN: Yes.

MR. ARGENIO: Show us the detail on that Michele if you would be so kind that would be helpful.

MR. VAN LEEUWEN: Because that looks like H-E-L-L when somebody drives in and they see the containers just sitting there.

MS. BABCOCK: Not a problem. One of the things that we're asking the board tonight is to give us conceptual approval with respect to the accessory uses that we're proposing on the site based on the proximity to Five Corners. We're not proposing any type of commercial accessory use on this site. One because of the close proximity to other retail and service goods as well as the transportation that's provided directly off Route 32.

MR. ARGENIO: I think that's reasonable. What do you guys think?

MR. SCHESINGER: Bus stop right near there?

MS. BABCOCK: My understanding I believe I'd have to confirm the location but it's right out there towards the front entrance.

MR. SCHESINGER: Walking distance?

MR. BABCOCK: There's a bus stop at the Mobil gas station there but I don't think this facility, these

people would probably use that much, I think they would use it just like the other one in Vails Gate we talked about with the Dial-A-Bus which would come right on site right to their unit actually to pick them up.

MR. EDSALL: Michele, you may want to similar to what you did on the other multi-family project in the town senior project they provided a location on the site plan where the bus shelter or the pickup could be.

MR. ARGENIO: Mark, what was that?

MR. EDSALL: I'm suggesting that they identify what the pickup would be.

MR. ARGENIO: I was just going to say the same thing.

MS. BABCOCK: Not a problem.

MR. ARGENIO: Make sure you not only identify it but you have provisions for the bus to be able to pull up, pick up or drop off and then leave. Danny, you're noticeably mute in this whole thing, do you have any thoughts?

MR. GALLAGHER: You guys are covering most of my thoughts.

MR. ARGENIO: No, I think it's good. We'd like to receive elevations too Michele if it's not too much trouble at some point in time.

MR. VAN LEEUWEN: Michele, is this a separate piece of property that's not attached to any of these other properties?

MS. BABCOCK: That's correct.

MR. VAN LEEUWEN: Who is the owner?

MS. BABCOCK: Knox Village Inc.

MR. VAN LEEUWEN: So it's part of Knox Village?

MS. BABCOCK: It's actually two separate owners, the other property is owned by Knox Village Associates.

MR. VAN LEEUWEN: Awful close.

MR. BABCOCK: This set of plans I have, Mr. Chairman, sheet A4.

MR. ARGENIO: You guys did them already.

MR. BABCOCK: It's actually one sheet beyond that.

MR. ARGENIO: Mark, I'd like you to elaborate on one thing, this is really kind of the last thing that I have which is we're going to see this again guys, this is our recommendation to the Town Board and there's going to be further reviews and a public hearing, Mark, can you just elaborate a bit for me on your dialogue relative to the solar lighting fixtures?

MR. EDSALL: Well, the board in both the Town Board and the planning board have shown an interest in energy conservation, green construction for town projects for a cost savings basis but as well recommending that project developers consider it in the design of their private facilities. There are technology available at this time that there are solar lighting fixtures that could potentially have a great advantage cost wise and from an environmental standpoint have a less of a draw on the electrical system of the area.

MR. ARGENIO: Do you folks have any thoughts on this?

MR. ROSEN: Well, we'd like to take that issue up when the plans are in the making.

MR. ARGENIO: That would be great.

MR. ROSEN: I can guarantee to the board that we'll look at it, we'll even be happy to sit down with Mark but you know that's the type of thing we'd like to leave up to the marketing people, the architect.

MR. EDSALL: The only difficulty is that we should, we would probably want to try to along the way identify what type of fixtures so when you do your lighting plan you can design the light fixtures.

MR. ARGENIO: I agree with what Mr. Rosen is saying, it's very early in the process.

MR. EDSALL: But by preliminary hearing we should probably have a lighting plan as to whether or not you want to go to a conventional lighting plan.

MR. ARGENIO: But you said prelim but public hearing.

MR. EDSALL: Public hearing and have the alternative out there that they're going to continue to investigate it and the board may--

MR. ROSEN: That's the route I'd like to go and as the plans progress we'll be more than happy to sit down with you and if we find a reason to change it I have no problem.

MR. VAN LEEUWEN: Mr. Rosen, is that your last name, are you any relation to Ben Blumenfeld?

MR. ROSEN: He was a partner in Knox Village as well this piece of property.

MR. VAN LEEUWEN: If you're as good as he is cause he was quite a guy. When he said I'll do it, you didn't have to ask him twice, you didn't have to ask him to put his hand up, it was done within two weeks. I've

been here 26 years, okay, and I'll tell you Ben was a very honorable man.

MR. ROSEN: You'll be able to say that about us 50 years from now as well.

MR. VAN LEEUWEN: I hope so. Who's your father?

MR. ROSEN: David Rosen and my other partner Mark Saunders and his father is Joe Saunders, they're all partners, Dave Rosen, Ben Blumenfeld and Joe Saunders.

MR. ARGENIO: Mr. Van Leeuwen goes back a bit. Let's move on with this. We're going to see this a few times, Mark and Dominic, I'd like you guys to be with me on this please.

MR. VAN LEEUWEN: Mr. Rosen, are you any relation to the two brothers that built these two large subdivisions across the street?

MR. ROSEN: Woodwind and Countryside, yes, one was my brother, one was me.

MR. VAN LEEUWEN: I thought I recognized you.

MR. ROSEN: You look too young to recognize me.

MR. ARGENIO: Guys, let's go through some of these formalities here. Which item do we start with first, Mark, are we going to do conceptual review first?

MR. EDSALL: Well, I think what you may want to get by comment number 4 to the extent that that again is a basic concept understanding of what they're proposing as part of the project. And I'm not saying you have to take any action, you really can't take any action because you haven't done SEQRA.

MR. CORDISCO: That's correct.

MR. EDSALL: But you can say it seems reasonable and we see no problem with you proceeding based on what you're telling us.

MR. ARGENIO: That's relative to the amenities.

MR. EDSALL: Yes.

MR. ARGENIO: Do my contemporaries feel that the amenities here are reasonable?

MR. VAN LEEUWEN: Yes.

MR. GALLAGHER: Yes.

MR. SCHLESINGER: I voiced an opinion prior to.

MR. ARGENIO: Well, what's your opinion?

MR. SCHLESINGER: Well, I said they're offering two major amenities that are seasonal, that's all.

MR. ARGENIO: Okay.

MR. CORDISCO: If you wanted to take a straw vote that would be a strong indication to the applicant that where you're coming out on this.

MR. ARGENIO: I think the amenities are reasonable. Danny, what do you think?

MR. GALLAGHER: I agree.

MR. ARGENIO: Henry thinks yes and Neil thinks they're reasonable.

MR. SCHLESINGER: I'd like to.

MR. ARGENIO: He thinks they're reasonable but he made

a comment that they're seasonal. I don't know if maybe he's proposing an ice skating rink or a bubble.

MR. SCHLESINGER: A bubble.

MR. ROSEN: Well, the clubhouse is not seasonal and we'll have a health club in the clubhouse.

MR. ARGENIO: Okay, we're passed that. What's the next item, Mark, help me procedurally?

MR. EDSALL: Number 3 which deals with the way they are requesting for the side yard, indicated that you wanted to get an understanding of the relationship between this project and Chestnut Woods which is in the Town of Cornwall but adjoins this project. If you don't feel comfortable giving them a straw vote or straw pole on the side yard waiver then you may have to wait till you have that overlay.

MR. ARGENIO: Well, I don't want to interrupt you, finish.

MR. EDSALL: Just when you want to do it.

MR. ARGENIO: Relative to that my only concern on that was I don't want to give you any rights that we may have in the future relative to that. I would like to see what's proposed for the property next door and its proximity to the property line. I don't have a problem.

MR. VAN LEEUWEN: Are they owned by the same people?

MR. EDSALL: No.

MR. ARGENIO: Different people.

MR. VAN LEEUWEN: I'd like to see that before I vote on anything, even do a straw pole.

MR. EDSALL: I would suggest maybe that they come back to another meeting with really just focusing on that issue then.

MR. ARGENIO: I quite frankly would like to see that too, Michele, I'd like to see what's proposed next door, I don't suspect that there's going to be an issue but just trying to be prudent, that's all.

MS. BABCOCK: There's a plan so it is available.

MR. EDSALL: Then I would suggest that what you do is ask them to address that comment number 3 which is the side yard issue and comment number 8 which deals with the orientation of the building to building and separation of buildings if they came back and dealt with just those two issues I believe the rest of my comments are basic layout issues and they could then proceed with their SWPPP preparation.

MR. ARGENIO: I think I agree with that. Neil, do you or Danny do you guys have any problems with that?

MR. SCHLESINGER: No, I agree.

MR. GALLAGHER: That's fine.

MR. ARGENIO: I would suspect Mark or Dominic that this would not negate or mitigate the need to address the last issue relative to the recommendation to the Town Board about the suitability of the location of this facility, we can still vote on that I would think no reason we can't vote on that.

MR. EDSALL: Well, the Town Board can't act until SEQRA's done, I'm sure you're not going to act on SEQRA till the public hearing's done so that's when you really have, when that's all done with and you're prepared at that point to close SEQRA and say to the

Town Board we think it's time for you to issue this special permit that's when you really are making a recommendation.

MR. VAN LEEUWEN: We should do SEQRA first.

MR. EDSALL: After the public hearing.

MR. ARGENIO: Let me just get straight in my mind here because these senior regulations are new and we're still all at least I'm still on the learning curve here. Mark, you just said you talk about the Town Board and what I'm talking about specifically is the recommendation, the necessary recommendation that this applicant requires us to make to the Town Board as to the suitability of this location for this facility.

MR. EDSALL: Right.

MR. ARGENIO: That's what I thought we were supposed to.

MR. CORDISCO: But the Town Board cannot act on it until because we're doing coordinated review the Town Board cannot act on the recommendation until after SEQRA's complied with so what Mark and I are suggesting is that you hold off on making that recommendation.

MR. ARGENIO: Because it has no benefit at that point.

MR. CORDISCO: Because it sits there and at this point--

MS. BABCOCK: Well, if I may, it does impact the possibility of the plan layout and we can't proceed with our preparation of the storm water management plan until we have some type of conceptual approval that the board is okay with this proposed layout.

MR. ARGENIO: Well--

MR. EDSALL: Just a clarification, the Town Code for senior regulations is being revised slightly because of the issue of the Town Board being unable to act for the special permit until SEQRA's done. That modification Mr. Cordisco wrote and is working with the town attorney now to get that adopted by the Town Board, we're effectively following that revision even though it isn't adopted only bars the State Environmental Quality Review Act, won't allow the Town Board to act so that clean up in the law for procedure makes the are process slightly different and that's why the difference in what I think you have seen in the past versus now and I just confirmed with the Supervisor that since they can't act it wouldn't make any sense to send it back over with a recommendation that really would have no benefit cause they couldn't act anyway.

MR. ARGENIO: I'm glad you say that because for a second I thought I was losing my mind. I specifically remember this being a little bit differently.

MR. CORDISCO: That's absolutely correct, it was done differently but what we're trying to do is clarify the law and resolve this, not conflict but resolve this issue where the Town Board cannot act. But that said of course as Miss Babcock mentioned that they need to do their storm water design, that's an expensive process in terms of the engineering that's undertaken in order to do that, so I think if she's asking for conceptual approval, the code doesn't provide for conceptual approval but nonetheless once again you could do a straw vote or straw pole as to the general layout which would then give the applicant enough confidence to proceed with undergoing the storm water design.

MR. ARGENIO: Lot of straw in this room tonight, you notice that?

MR. CORDISCO: Not a lot of hay.

MR. ARGENIO: I don't think that's unreasonable and certainly you need to have some sort of flavor if you're going to invest the money in the SWPPP and do all that business. I don't take exception to what's here, I mean, I, it's as somebody pointed out here Mark pointed out it's a long narrow lot and there's limited things that you can do and to provide for appropriate traffic circulation, and as I said before Michele with no ambiguity the firemen have to sign off on this. Neil, do you have any comments on the layout?

MR. SCHLESINGER: I don't have any comments on it and I think that a straw vote is just like a positive recommendation but no way allows you to go ahead with work and saves you time and now your point is well taken but it surely doesn't ensure your guarantee that eventually the Town Board is going to go ahead with it also, so you have a gamble either way.

MR. ARGENIO: Danny, will the layout work?

MR. GALLAGHER: Layout's fine, I think we should take a look at clubhouse parking.

MR. ARGENIO: Okay, Henry, the layout?

MR. VAN LEEUWEN: I have no problem with the layout itself but I definitely have some problems with the two properties across the street, okay, one the road was never finished off and Ben Blumenfeld had to come in here, we had to drag him in here and he went in and finished the road. And those are some of the things that stick in my mind and I don't like to see the town or the people of this town get stuck for anything.

MR. BABCOCK: Are you referring to MacNary Lane?

MR. VAN LEEUWEN: No, I'm one of the, I think it was

Keat's Drive or one of the streets.

MR. BABCOCK: It's been completed now.

MR. VAN LEEUWEN: Yes, Ben Blumenfeld we had to write him a letter and Ben said I'll take care of it in two weeks but in two weeks it was done. But it stayed that way as a dirt road for two or three years and gave you guys a lot of headaches, you remember where the old shed is we're right in there right across the street, I don't want to see that happen.

MR. ARGENIO: That said and Mr. Van Leeuwen I've said this before brings a lot of seniority to this board and a lot of experience over the years with dealing with a lot of different issues and certainly knows more than I do about the evolution of a lot of the planning and the different history in this town. But as I've said before as well we have to try hard to focus on what's in front of us and that's important.

MR. VAN LEEUWEN: You're absolutely right.

MR. ARGENIO: And I certainly do appreciate the commentary. So thank you and conceptually?

MR. VAN LEEUWEN: No problem.

MR. ARGENIO: Okay, Mark or Dominic, is there anything else, doesn't seem to me that there's anything else that we can accomplish with this application?

MR. CORDISCO: From my notes I don't recall whether the board has actually circulated for lead agency and if they have not then I think that that would be something that they could do tonight.

MS. BABCOCK: Yes, they have and the 30 days has elapsed.

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MR. CORDISCO: My apologies, okay.

MR. ARGENIO: Need a new secretary.

MR. CORDISCO: Fair enough.

MR. EDSALL: I don't recall either.

MR. CORDISCO: The other thing of course these plans will have to be referred to the County Planning Department.

MR. ARGENIO: Certainly.

MR. CORDISCO: And I think that--

MR. ARGENIO: But Dominic I want to get a level of finality here before we do that, that's typically what we do.

MR. CORDISCO: That's where I was going.

MR. ARGENIO: You did understand that, Michele?

MS. BABCOCK: Yes.

MR. EDSALL: I think that we'll ask them back for a number 3 and number 8.

MR. ARGENIO: You have the comments Michele?

MS. BABCOCK: I do.

MR. ARGENIO: Thank you very much for coming in. Thank you, Mr. Rosen.