

BRITTANY TERRACE (01-53)

Mr. Gregory Shaw of Shaw Engineering and Mr. Peter Kean appeared before the board for this proposal.

MR. PETRO: Application is for the site plan amendment, approval for the mobile home park to expand an additional 107 units. Application previously reviewed at 12 September, 2001 planning board meeting. This is Phase 1 and Phase 2, we're going to look at this, right?

MR. SHAW: Well, yeah, I thought we'd take an opportunity to discuss that tonight. Should I proceed, Mr. Chairman?

MR. PETRO: Yes.

MR. SHAW: Last time we were before I think was in the fall of last year, we presented this proposal for a total of 233 mobile home units. Previous to that, the applicant was before you in May of 2000 where the concept of approval and accepting the drawing was wrestled with and it's my understanding that while we were in before you with an amended site plan, what we're really looking for is an accepted site plan not an approved site plan, a document from which your building inspector can issue building permits and C.O.'s. So with that being said, when we were last here in the fall, the issue of the capacity of the sewage treatment plant was discussed and what the board directed your consulting engineer to do was to write a letter to the DEC asking what is the capacity of the plant, what are they using and the bottom line is how many more homes can they hook up at Brittany Terrace before you exceed the capacity of the plant. The DEC responded to that and I believe you have a copy of the letter. And the only thing I'd like to point out is that the DEC was in error with respect to one unit, we only have 64 existing units, not 65. So if their cutoff is 77, we're allowed 13 units, not 12, and again, those existing units are indicated on the plan, you can count them if you want. So what we're here tonight for really are three things, one is acceptance of the overall plan, okay, representing 233 units and

one residence, two is acceptance of a Phase 1 plan of just those 13 units that would be allowed prior to expanding the sewage treatment plant. And the third thing would be the acknowledgement of this board or the direction of this board to let Mr. Kean install the slabs for three units which are presently sold. Okay.

MR. PETRO: Part of the Phase 1?

MR. SHAW: As part of Phase 1, so really its Phase 1 for 13 units, okay, it's letting him lay down three slabs with water and sewer penetrations through the slab to at least get him going on the commitment date and then three is the acceptance of the overall drawing reflecting 233 mobile homes and one residence.

MR. LANDER: Back up just a little bit, 233, what number did you start with let's say eight months ago whatever it was last time you were here?

MR. SHAW: The number has not changed.

MR. LANDER: Okay, I thought we had discussed that we were going to lose road one those units in there.

MR. SHAW: Road one being?

MR. LANDER: If your number hasn't changed.

MR. SHAW: Correct, number hasn't changed, which is that.

MR. ARGENIO: On the left.

MR. LANDER: Bottom left.

MR. SHAW: Road I, I'm sorry, I don't think that was resolved, I think certainly was discussed.

MR. LANDER: There was a unit count, I know the chairman was very concerned about the unit count and he, being that it was going to be so difficult to do anything because of the topo here, you had I had thought or I, my memory serves me that you were going to eliminate those units there.

MR. SHAW: I don't think we committed to that at all, it was certainly discussed and my client was going to think about it, but I don't think that's been resolved unless my client tells me differently, we're here before the board tonight asking for a proposal for 233.

MR. PETRO: How many acres?

MR. SHAW: 68.0.

MR. PETRO: So under today's zoning, you'd be allowed approximately about 32 units, how many are here?

MR. KEAN: According to the local law of the Town of New Windsor, density figure in manufacturing housing community or mobile home park is 4.6 per acre.

MR. PETRO: It's been being changed, if it hasn't already been changed, have they revised that or in the section coming up?

MR. BABCOCK: Yeah, it's in the process.

MR. SHAW: I understand that that's why I used the word we're looking for acceptance, not approval, because if you remember the correspondence from the town attorney, it basically states that this project was approved in the very late '60's and only thing we had to do was prepare a plan and submit it to the building inspector, show how they'd be built. And I believe the next progress was that the building inspector felt uncomfortable without the board seeing it here, here before the board again, we're not asking for approval.

MR. PETRO: I don't want to waste our time, your time, my time, here's the deal, if anybody objects or has anything to say, speak up, Phase 1, 13 additional units and I agree with your count because 64, 13 you're correct, I have no problem, I think the board has no problem, building permit for the 3 units, they're done, matter of fact, Phase 1 is done, you got from the DEC what we asked, we appreciate it, and that's it, you've got the 13 units. As far as Phase 2, not interested, all right. So what that simply means until you have

sewer capacity for Phase 2, I don't care if it's for 10 or 233 units, if you show us the plant, how it's functioning, you've got a SPDES permit in your hand, then I agree. This probably does have according to Mr. Crotty's letter an approval, we'll look at the layout once again and you'll probably be done, but I'm not going to look at it until that point when you have the sewer capacity, when it's available, not saying you're going to build it when it's available, we'll look at Phase 2.

MR. KEAN: Would you please clarify when it's available? I'm not saying we're going to build it when it's available.

MR. SHAW: I guess when can we come back to the board and ask for acceptance of the drawing? When we have a SPDES permit in hand, when we have the design drawings in hand or when it's physically built?

MR. PETRO: At this time, I'm going to say when you have the SPDES permit, if someone else feels differently, then I would listen to reason or further instruction from somebody higher up than me and this board, all right. So to recap, Phase 1, 13 units, God bless you, build what you want to do, 13, do the 13. Mike, you're going to do the permit, right?

MR. BABCOCK: Yes.

MR. PETRO: Not a problem because you have capacity, you have shown that you have it, DEC has given us a letter to that effect, Phase 2 I believe you do not have a capacity, DEC says you don't have capacity, you're not disputing the fact.

MR. KEAN: I agree.

MR. PETRO: Do you, when you receive SPDES permit, come before the board, we understand you have approval, it's not going to change from 69 to another year whenever that may be, we'll look at the layout again and go from there.

MR. SHAW: Thank you.

MR. KARNAVEZOS: I just have one question, the residence on its own septic or part of the--

MR. KEAN: It's own septic.

MR. ARGENIO: We have a letter from DEC in hand. Why is there a sewer smell in the vicinity of your sewage treatment plant in the event of a heavy rainfall? I live there, I'm not taking this secondhand, I know it firsthand.

MR. KEAN: I don't dispute that, the current system is a septic tank which after retaining, septic tank is pumped out to an exposed surface sand filter which has been approved by the DEC, matter of fact, McGoey, Hauser and Edsall. When you pump out of a septic tank into an exposed sand filter, there's an odor. Now hopefully, in fact, I will assure you that as soon as we get the sewer plant designed completed and the plant's replaced, that's going to go away. There will be no odor.

MR. ARGENIO: So it's working properly now?

MR. KEAN: Yes.

MR. ARGENIO: This letter from the DEC and the odor and everything is all fine and in compliance with what the DEC requires?

MR. EDSALL: I can't say that there's not a violation or an operational problem there. That letter doesn't address any operational problems. What that addresses is their permitted capacity based on their SPDES permit that they have right now. If the building department gets additional complaints about odors, I'm sure that will be passed on to DEC as complaints and they may under their jurisdiction have enforcement, go out and find out if they're supposed to be chlorinating the effluent and they're not.

MR. KEAN: It is chlorinated.

MR. EDSALL: I don't know what the problem is.

MR. ARGENIO: As far as you know, Mr. Kean, everything is proper and working properly and the odor is the odor and that's something that the residents have to live with?

MR. KEAN: Yes, we're not pleased about it, we have been there for a long time, we have considered ourselves good neighbors always, it's our intention as soon as we possibly can and might well be before the 13 are completed to put the plant in, come back to this board.

MR. ARGENIO: Other than the plant being constructed, you don't have any intention about doing anything about the odor as it exists?

MR. KEAN: I will be delighted to do anything that's reasonable, but I have tried to address this problem in the past. There's no way to my knowledge to other people I have spoken with that you can take the discharge from the septic tank and expose it to air and not have some kind of an odor. I agree that most of the time, it's not a problem. When you have a very humid, still day, yes, I agree that there is a problem.

MR. ARGENIO: Okay, that doesn't please me, but it's an answer.

MR. KEAN: I understand that, I wish there was something more reassuring I can say to you. The only thing I can say with a hundred percent certainty is that as soon as the plant is, sewer plant, it's not expansion, it's a total replacement of what's there is being designed as we speak, literally, so that's in process, and as soon as we can get the DEC to get the paperwork done, get SPEDES permit and get whatever permits are necessary, the plant's going in, so I would like to think maybe it's another year, maybe less, I would hope less.

MR. ARGENIO: Okay.

MR. KEAN: Thank you.