

TOWN OF NEW WINDSOR

PLANNING BOARD

OCTOBER 10, 2012

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
DANIEL GALLAGHER
HOWARD BROWN
HARRY FERGUSON
DAVE SHERMAN

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE PELESHUCK
PLANNING BOARD SECRETARY

ABSENT: HENRY VAN LEEUWEN

MEETING AGENDA:

1. Windsor Heights MHP
2. Apple Ridge Subdivision
3. Temple Hill Apartments S.P.

REGULAR MEETING:

MR. ARGENIO: Welcome everybody. As I said, we're going to start in just a moment or two early because Franny has, her mom is in the hospital so she'd like to get over there.

MR. ARGENIO: So first order of business for the minutes Henry VanLeeuwen is not here. I've asked Dave Sherman to come up and he's sitting to my left, further to my left, Danny's sitting with me in the Vice

Chairman's slot.

APPROVAL OF MINUTES DATED 9/12/12

MR. ARGENIO: First item of business is the approval of the minutes dated September 12 which were sent out on September 25. If anybody sees fit, I'll accept a motion we accept them as written.

MR. FERGUSON: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded we accept them as written. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Nicole, thank you for getting them and Franny, Nicole and I had a little discussion about trying to get them out on a more timely fashion and it seems as though that's happening and that's a good thing.

ANNUAL MOBILE HOME PARK REVIEW:

WINDSOR HEIGHTS MOBILE HOME PARK

MR. ARGENIO: Windsor Heights Mobile Home Park.
Somebody here to represent this? What's your name?

MR. SASSER: Joel Sasser.

MR. ARGENIO: Jennifer, you've been out to visit this
park and everything is fine?

MRS. GALLAGHER: Yes.

MR. ARGENIO: How many units do you have, Mr. Sasser?

MR. SASSER: I'm not sure off the top of my head.

MRS. PELESHUCK: Twenty-six.

MR. ARGENIO: So 26 is what I've been told. I'll
accept a motion for one year extension.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded. Do you have a
check made out to the town in the amount of \$250? Is
it good?

MR. SASSER: It's probably good if you run to the bank
tomorrow morning.

MR. ARGENIO: Motion's been made and seconded that we
offer one year extension. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank your for keeping a nice, neat
place, it's important that we keep our town nice.
Thank you for participating.

MR. SASSER: Thank you everybody.

REGULAR ITEMS:

APPLE RIDGE SUBDIVISION (08-16)

MR. ARGENIO: Regular items, Apple Ridge is not here yet, okay, so we're going to go right to the next. And then for the record, Apple Ridge may not even show up because what they're doing is?

MR. PFAU: If Mr. Esposito doesn't show up I'll take the floor on it.

MR. ARGENIO: I don't think, say that again, Joe.

MR. PFAU: If Mr. Esposito doesn't come, I can represent.

MR. ARGENIO: Okay.

MR. CORDISCO: You're the project engineer?

MR. PFAU: That's correct.

MR. ARGENIO: Let's give him an opportunity.

TEMPLE HILL APARTMENTS SITE PLAN (11-14)

We'll start with Temple Hill Road Apartments, Joe, and I assume you're here to represent that? I see Mr. Mandelbaum is in the audience. This application proposes 272 unit multi-family residential development which is 186 totally affordable senior citizen units and 84 work force housing units plus two caretaker apartments on 19 1/2 acres. The plan was previously reviewed at the 14 September 2011, 9 November 2011 and 8 August 2012 planning board meetings. Mr. Pfau I assume is going to update us on where we're at with this application. I know it needed the benefit of some zoning changes which were part of the global zoning update at town board level. So that said, Joe, can you share with us a little bit here please where you're at?

MR. PFAU: Yes, as I stated, the town board did create the overlay for the work force housing. The plan has not much changed since we were here this summer. We gave the board an update. We have been diligently working with Mark Edsall's office, the fire department, we've gotten a sign-off on the SWPPP, we've gone through, met with Palisades SHPO, we've done all of that and we're here procedurally this evening to schedule a public hearing with the planning board so that we can move forward back to the town board hopefully with a positive recommendation for an overlay on this property.

MR. ARGENIO: Go ahead.

MR. PFAU: And that's it. Just as I, you know, the update that we gave this summer the unit count hasn't changed, the layout hasn't changed. We've made a few additional detail revisions based on Mark's comments and the fire department comments but I believe at this point this thing's pretty good to go and we just want to hopefully get a public hearing set so as I said, we can get back to the town board.

MR. ARGENIO: Where are we at with SHPO?

MR. PFAU: Okay, we got a letter back from SHPO saying there's no visual impacts at all to the site, historical resources concerned. We have taken care of that. We have submitted a Phase I archeological report which was requested. So that's all in the works. So we should expect to sign off on that. We have a sign-off letter from Palisades?

MR. ARGENIO: What does that mean what you just said?

MR. PFAU: That we've got the typical letter from SHPO asking for a Phase I archeological study.

MR. ARGENIO: And we have it right here.

MR. PFAU: That's correct, no impacts.

MR. ARGENIO: Folks in Albany have a copy of this report?

MR. PFAU: That's correct.

MR. MANDELBAUM: Hopefully by the time of the public hearing we'll have a letter from SHPO saying no problem.

MR. PFAU: We also have a letter from DEC that they have identified no endangered species on the project site. We also have a sign-off from the Palisades Park Commission with regard to the plan. I believe that you have in your possession a sign-off from the fire department on this project.

MR. ARGENIO: I do.

MR. PFAU: And at this point I believe that's--

MR. MANDELBAUM: Traffic study was done and I think Mark spoke to Phil Grealy.

MR. ARGENIO: We'll speak about that in a minute. Just for the edification of the members, this report from Tracker Archeological Service is in Nicole's office and if I just could, I'll read from a section here, during the course of the 1-B archeological 28 STs were excavated, I assume that's sample tests?

MR. PFAU: Yes.

MR. ARGENIO: No prehistoric artifacts or features were encountered, 20th century buildings and associated features were encountered, no historic 19th century or earlier artifacts were encountered, no further work is recommended. That's their recommendation. We'll hear from the folks from Albany on this in the form of a letter I would assume at some point in time in the near future. These guys do a pretty thorough job, Tracker,

I hired them one time to do some research for a project that I was involved in and my goodness, did they go through and excavate, hand holes and they sifted dirt and very thorough folks. And the letter I have here from SHPO does indicate that they're awaiting this report and they'll give us a recommendation after they receive their report. Okay, so to be continued on that. Mark, can you did you speak to somebody from--

MR. EDSALL: John Collins?

MR. ARGENIO: -- John Collins' office? I know we spoke about that earlier in the week or last week and did you reach out to those folks?

MR. EDSALL: I did and I spoke with Phil Grealy and there is no new information. The information that's before the board is basically the traffic study that was commissioned back in the beginning of the year that was submitted to the board in March. It was dated March 2, the study was expanded from a mere analysis of the intersection proposed as part of Jonah's project to Route 300. It looked at more globally the issue of developing a connector road from Route 300 to Route 32 which in effect would be this project road being developed as a town road, the center spine road connected to the RPA spine road which the board is part of good planning procedures, looked forward to having that road extended.

MR. ARGENIO: Mr. Mandelbaum is proposing this thru-road as a town road, yes, for dedication?

MR. EDSALL: Yes, yes, so the plan that the town or rather the planning board looked at for RPA is now coming to fruition with this road being developed, the point being to correct, make a connector road which may alleviate some of the traffic that runs either Union Avenue or down through Five Corners or at minimum allows traffic from each of these projects alternate routes to exit from the area and head out onto the traffic network. The study that John Collins Engineers prepared looked at that aspect, gave some results. In short, they commented that on a global basis, they believe it will enhance the overall traffic network that the town has in this area, be it Five Corners, Union Avenue and such but also comments on the warrants and needs for improvements at the main intersection off Route 300 and this project.

MR. ARGENIO: Now, what did it say relative to that?

MR. EDSALL: It is suggesting that there be a left turn lane created in Route 300 similar to what is developed at Continental Manor, similar to what was put in for Washington Green on Route 32. The traffic signal at that intersection however with this project alone would not meet the warrants. He is projecting that with the use of this road for both this project, RPA and some connector road traffic the warrants would likely be met that would--

MR. ARGENIO: For a signal?

MR. EDSALL: For a signal.

MR. ARGENIO: But not at that point?

MR. EDSALL: Not at that point, that would have to be revisited down the road.

MR. ARGENIO: What are you proposing on 300 for improvements now? Are you guys using that turning lane improvements?

MR. PFAU: My understanding from talking to Collins it was a quasi-turning lane, it was widening out Temple Hill Road.

MR. EDSALL: The details they have to explain and again I did make it very clear to Phil that we were looking forward to someone from John Collins being available for the public hearing.

MR. ARGENIO: I think that would be a very smart move.

MR. EDSALL: Has committed.

MR. ARGENIO: For you, Mr. Mandelbaum, and you, Joe, for him to be here to speak that evening.

MR. EDSALL: The applicant asked that I speak with them and make that request. Phil said that he or Pete would be available for the public hearing when it's scheduled.

MR. ARGENIO: So we're talking about some sort of left turn in left turn out on Temple Hill Road on the front end of that construction?

MR. PFAU: That's correct.

MR. ARGENIO: Is that in addition to the suicide lane that exists there now on 300 or are you going to be modified?

MR. PFAU: I think we're just going to be--

MR. MANDELBAUM: That sounds good.

MR. PFAU: No, make it more concise with striping.

MR. GALLAGHER: They'd widen the striping at Continental?

MR. EDSALL: Yes, the requirements for that configuration will be DOT mandated so I think I'll clue Phil in that I may want to touch base with him so the board has a clearer picture I suggested but you can revisit that at the public hearing.

MR. ARGENIO: When will we have a picture or plan or image of what that's going to be?

MR. MANDELBAUM: You'll have it for the public hearing, actually before that because he had to--

MR. EDSALL: I'll touch base with Phil, let him know we want that nailed down for the public hearing.

MR. MANDELBAUM: Mark, he said you'll have it in one week and he can send it to DOT, in the meantime, might as well start the process.

MR. ARGENIO: I agree. What about the signal?

MR. MANDELBAUM: I think it's a great thing later on by somebody else, I built the wall, that's enough, no, at this time because we're going to phase it, actually going to be, it's a site plan subdivision done in sections so I would say Phase I cannot pay for it but maybe we should talk to AVR to once it connects how we can work it together but I have no problem working with them to put it up in the future phase.

MR. ARGENIO: How are we going to address that, Mark?

MR. MANDELBAUM: It really benefits both of us.

MR. ARGENIO: Well, I think it benefits everybody, it's

going to help RPA for marketing, it's going to help you for marketing, you have Section One, Section Two, Section Three, Section Five, Section Six, somehow we skipped Section Four, I guess, are they phases, Joe?

MR. PFAU: Yes.

MR. MANDELBAUM: Sometime in maybe like give you an example I don't, but I think Section Two and Section Three may be one phase as in Section One and Five or something would be another phase because you have senior work force, special needs, disabled veterans like in one phase. So if after we do one phase we can definitely work with our neighbors here to talk about the traffic because it really benefits both of us and if you want to set up a meeting to talk to them about it.

MR. EDSALL: I think I'm going to share with the board the fact that I did raise that issue with the Supervisor because this connector road is more of a town wide issue than a site specific issue and the Supervisor indicated that it was his intent that this project have a developer's agreement that would identify their obligation.

MR. ARGENIO: Which would include the signal?

MR. EDSALL: Yes. What we'll do is we'll toss that one to the town board, Town Supervisor specifically and I'm sure that it will be worked out and I'm sure Dominic will have his fingers in it.

MR. CORDISCO: If that's the direction that the town board wants to go, the town board has its own separate approval as part of this project, they can certainly condition their approval on developer's agreement for future traffic impact costs.

MR. ARGENIO: Dominic, I'm certainly and again, if any of the board members have any questions on this, please chime in, Dave Sherman, this predates you by a long shot and it certainly predates a lot of other members, this thru-road is something that we have been talking about for a long, long time and I'm certainly happy that we have a developer of the caliber of Mr. Mandelbaum involved in this cause he's proving himself to be a guy who can get things done and he's a guy who makes commitments and the history would dictate that he follows through with those commitments.

MR. BROWN: You're absolutely right, Jonah does follow through but AVR is hedgy and this could be years away before they--

MR. ARGENIO: We don't know with AVR, Howard, you're right and they have, you're right, you're right, I don't know what to say beyond that. The pieces are out there and we're trying to put them together.

MR. MANDELBAUM: Have the Supervisor set up a meeting with us and AVR and we can talk about it and see where we can go. By next meeting, you'll have answers hopefully from both of us and we'll have it from there, I mean, I'll be happy to pay my share, I don't have a problem with that.

MR. BROWN: Remember when we gave the approval to AVR we did ask them when they expect to start and they said depending on the market.

MR. ARGENIO: This is a dynamic thing.

MR. MANDELBAUM: But once the market starts and the road is connected then, you know, they started and maybe if I'm only at Phase Two so before I finish this phase and when they connect we can share in the cost of the traffic light and put it in, that way by the time the connection is done the traffic light is there existing.

MR. ARGENIO: Mark and Dominic, you guys have to put some creative thought in this because your learned counsel is going to be important both for the town board and the planning board in crafting some type of framework that gets this done.

MR. EDSALL: I have already, as I said, I've already raised the issue with the Supervisor and we'll just keep pushing it along.

MR. ARGENIO: What's this, Jonah?

MR. MANDELBAUM: That light should be operating before the road is connected.

MR. ARGENIO: Absolutely.

MR. EDSALL: Hopefully.

MR. ARGENIO: What's this here?

MR. PFAU: That's retaining walls.

MR. ARGENIO: How tall are they?

MR. MANDELBAUM: They're tall but they're not in stone.

MR. ARGENIO: I don't think we're looking for stone, Jonah. Again, what I don't want to do, we've been so focused on the global impact of the project, I don't want to lose sight of the details.

MR. EDSALL: Mr. Chairman, our normal comments of concern regarding retaining walls are already included in my draft notes.

MR. ARGENIO: Alright, am I seeing 10 feet?

MR. PFAU: On the highest end in the corner these are two 12 foot walls at the very highest point and they drop down.

MR. ARGENIO: Am I seeing 14 foot down here? There's fence on these, Mark, I'm hoping?

MR. EDSALL: I'm going to go through that whole, our normal checklist.

MR. MANDELBAUM: We can show a fence on top of the wall.

MR. EDSALL: That's, we've got some standard guidelines on that.

MR. ARGENIO: That's a detail, Mark, you're going to have to get on their case on that.

MR. PFAU: Fourteen foot it looks like the bottom one is.

MR. ARGENIO: And they're tiered. What about the third one, Joe, all the way to the left?

MR. PFAU: This one right here?

MR. ARGENIO: Yes.

MR. PFAU: Those are two 10 foot.

MR. ARGENIO: Okay, we're going to, I would presume that I think it's a foregone conclusion we're going to have a public hearing, right, until the, I don't want to say we're in the middle of Vails Gate, we're certainly darn close to being right smack dab in the middle of things. Does anybody, any of the board members have any other thoughts on that or disagree with that?

MR. GALLAGHER: Definitely.

MR. ARGENIO: Howard and Harry, you guys agree?

MR. BROWN: I agree.

MR. ARGENIO: Dave?

MR. SHERMAN: Yes.

MR. ARGENIO: Okay, I think, I mean, the plans have been in a pretty good shape for quite some time. I would think that they're at a level of fitness where we can schedule it. Mark, do you agree with that statement?

MR. EDSALL: Yeah, I'm continuing my detailed review, I had tabled that because we weren't sure how the zoning was ultimately going to be adopted but now that the town board is done with their zoning amendments, I'm reinitiating my detailed review. But these are fine for a public hearing.

MR. ARGENIO: You really need to kick that in the behind, I think.

MR. EDSALL: I am but I think you're fine for a public hearing.

MR. ARGENIO: Schedule a public hearing.

MR. GALLAGHER: So moved.

MR. SHERMAN: Second it.

MR. ARGENIO: Motion has been made and seconded to schedule a public hearing for Temple Hill Apartments. Roll call.

ROLL CALL

MR. FERGUSON AYE
MR. BROWN AYE
MR. SHERMAN AYE
MR. GALLAGHER AYE
MR. ARGENIO AYE

MR. PFAU: Is this, I'm sorry, is this a public hearing for the site plan as well or--

MR. ARGENIO: As well as public hearing for the site plan.

MR. PFAU: Not zone change.

MR. EDSALL: Zone change is done, special permit is issued by the town board.

MR. CORDISCO: That requires a separate review, the town board special--

MR. MANDELBAUM: They have to send it after the public hearing, they have to send it to the town board.

MR. CORDISCO: Correct.

MR. MANDELBAUM: Site plan and subdivision.

MR. GALLAGHER: My question was basically is it going to be for low income? Is it Section 8?

MR. MANDELBAUM: No, work force housing is for people specific income range, people with special needs, it's also based on their income but also it's for, you're familiar with Occupations Inc., same thing, they would be our joint partners in here, joint applicant for the state, they're the one who for the people with special needs and disabled veterans. I'm just the landlord, they can get the services.

MR. GALLAGHER: Somebody calls up and saying if they accept Section 8 it's going to be a--

MR. MANDELBAUM: We're not Section 8. What you're talking about is project based voucher, some projects get vouchers from Section 8 for 50 apartments, we're not that. If somebody has a Section 8 voucher and comes to us with a voucher, we can accept them but it has to go through a criteria, just like we're doing for the seniors, no difference. In New Windsor, the first one I think we have only maybe six people out of 93

with Section 8.

MR. ARGENIO: I want to be careful with this term Section 8 because when people spit that out, it's a derogatory, it tends to be interpreted as a derogatory comment. So I think what's important is Danny you asked the question, I think it's important that the applicant do offer you specific answers to your specific questions and not a generic question and a generic answer. So let's just be clear about it, Jonah, so you have the work force housing carries with it special, specific criteria, is that correct?

MR. MANDELBAUM: They have to meet a specific income just like the seniors do, except like if probably half of the employees in the Town of New Windsor can qualify, if not more than half income wise to move into those buildings for a person, husband and wife with a kid, if they have the income criteria they can move in. Section 8 is very different. Section 8 housing is to encompass, apply for Section 8 voucher and they're allowed to get a certain income to move in. It's very different than a person who has a voucher themselves and they come in and they have a voucher they have to go through the same criteria as the regular person income wise and so on. Also, we have to have Section 8 involved with certain specific things. Now if they don't meet our criteria, I don't have to let them move in, simple. We have the right to see where they live, if they pay the rent, terrible tenant and so on because I can't jeopardize the tenant next door just because they have a voucher. We have Section 8, we kick people out. Believe it or not, they pay more rent because under the law I'm allowed to charge the maximum, right, 30 percent, 60 percent or 50 percent but if they're not a qualified tenant and the criteria we don't have to let them in. None of our buildings, any building that I've done is a Section 8 building a lot of people have the misconception you have when it's project based that means the project itself has vouchers from the state or from HUD and they collect people based on income, it's very different. We're not a Section 8 housing, affordable, if you want to be the correct, like you said, called affordable housing.

MR. ARGENIO: I certainly don't expect you to understand every single nuance of the code, Dominic, that he just described but does what Mr. Mandelbaum just shared does that make sense to you?

MR. CORDISCO: It certainly does.

MR. ARGENIO: I don't expect you to have that code memorized but I just want to make sure it makes sense, it makes sense to me and I'm glad to hear you say that.

MR. CORDISCO: That's consistent with the Town Code that the town board adopted.

MR. ARGENIO: Okay, does that answer your question?

MR. GALLAGHER: Yes.

MR. ARGENIO: Do you guys have anything to my right, Harry, Howard? We're going to certainly see them again.

MR. BROWN: I want to see the public hearing first.

MR. ARGENIO: Please, Mark, very briefly or Dominic just outline for the benefit of the members what the next step and the subsequent one would be for the applicant.

MR. CORDISCO: Well, you now schedule the public hearing.

MR. MANDELBAUM: Is that for your next meeting?

MRS. PELESHUCK: Do we need DOT approval before?

MR. ARGENIO: No, we can have the public hearing, yeah, and Mark's going to work with DOT, no reason we can't, I think, I believe it will be for the next meeting, yes, we'll have to check, she'll check the notification requirements, make sure we comply but go ahead.

MR. CORDISCO: Well, that's it. The next step is to have the public hearing to hear any concerns that the public has and also to address any of the concerns that were raised tonight or any of the other open issues. And then the board will be in a position to close the public hearing. The next step after that would be to make a determination under SEQRA assuming that all the open issues have been addressed that would involve this board either making a positive dec or negative dec as the case may be, that's an important step for this project because the town board is also involved and has its own approval, it has a special permit that must be issued for this. Once a negative dec, for instance,

has been issued for this project, the project can then go before the town board for formal processing of the application. At that point before the town board, the town board must have its own public hearing in connection with the project so that has to happen as well before they can issue a special permit. Once they have their special permit, I realize that that's a little bit like ping pong, but once the project has a special permit, it actually comes back to this board for final plan approval.

MR. ARGENIO: But Dominic, there are sequential things that have to happen between the town board and the planning board but that does not mean that the planning board cannot continue to act in a parallel fashion and continue with our review and the DOT discussions, traffic, the SHPO, et cetera, et cetera?

MR. CORDISCO: Oh, absolutely. In fact, it would be very prudent to pursue all of those on a parallel track.

MR. ARGENIO: We need to hear from SHPO, obviously. Dave, do you have any questions?

MR. SHERMAN: I will but I will ask it privately.

MR. ARGENIO: Okay, what else do we need do tonight from a procedural perspective?

MR. CORDISCO: If the plans have not yet been referred to the County Planning Department, they need to go.

MR. ARGENIO: I don't see any reason why we can't do that.

MR. EDSALL: They have not because the zoning amendments were pending, we didn't want to send it out to them so they can point out that it was inconsistent with the old zoning so we'll send it out to county immediately as well.

MR. ARGENIO: We should do that and I'd very much like to have the DOT thing wrapped up. Are we okay, side bar lady?

MRS. GALLAGHER: Yes.

MR. ARGENIO: I'd like to wrap the DOT thing up. Mark, we didn't spend a great deal of time discussing it but

it seems to me that there's a bit of work there for you and Dominic.

MR. EDSALL: I'm going to coordinate directly with Phil on that. The applicants asked that I do so I'll talk to Phil, I'll tell him we want some layout information and if he can get some initial feedback from DOT that would be great.

MR. ARGENIO: We did or did not refer to DOT? We did because of the, they told us it doesn't meet the, we don't meet warrants for the signal.

MR. EDSALL: Phil had discussed that and also looked at the state warrants the various warrants that the state has in their procedures.

MR. ARGENIO: So we did refer?

MR. EDSALL: It has to go to both.

MR. ARGENIO: So we should do that, yes?

MR. EDSALL: Yes.

MR. ARGENIO: Do we need to vote on that?

MR. EDSALL: You can just--

MR. ARGENIO: You guys okay with that?

MR. GALLAGHER: Yes.

MR. SHERMAN: Yes.

MR. BROWN: Yes.

MR. FERGUSON: Yes.

MR. ARGENIO: So we'll do that. What else guys?

MR. CORDISCO: That's it.

MR. EDSALL: All you can do.

MR. ARGENIO: Thank you, Mr. Mandelbaum.

APPLE RIDGE SUBDIVISION (08-16)

MR. ARGENIO: Steve, we started a minute or two early, you weren't late. Apple Ridge major subdivision, this is a cluster proposal. The cluster application was previously reviewed at the 28 January 2009, 11 August 2010, 9 March 2011 and 27 April 2011 planning board meetings. I think you're here tonight because you have a DEIS that you want to give to us, I think?

MR. ESPOSITO: Well, we have already given it to you but tonight we'd like you to officially receive it.

MR. ARGENIO: Where are your copies?

MRS. PELESHUCK: I have a copy.

MR. ARGENIO: You didn't bring copies for the board members?

MRS. PELESHUCK: They're huge.

MR. ARGENIO: Can I have one?

MRS. PELESHUCK: Absolutely, I don't have anything to do for the next three years.

MR. ESPOSITO: And a set of plans goes with those also.

MR. ARGENIO: Okay, what else do you have to say to us here tonight?

MR. ESPOSITO: Well, we have submitted the Draft Impact Statement along with the preliminary subdivision drawings, I know previous to the, prior to the submission Pietrzak & Pfau met with McGoey, Hauser and Edsall to start the review of the SWPPP. In the documents you'll see we have the narrative addressing those items that the board deemed necessary to analyze and address during the environmental review process, and also in their, we have all the appendices which are the technical reports that have been formed, you'll see Trackers who did our archeological, we have done hydrogeology, we have done habitat assessments, traffic, so all of those appendices are in the report.

MR. ARGENIO: Two things. I believe in the past we asked you to make some changes on the configuration of the lots, is that behind us?

MR. ESPOSITO: Yes, that's prior to us taking off and doing all of our due diligence, yeah, there was a couple of--

MR. GALLAGHER: In this area?

MR. ESPOSITO: Yes, actually, there was some lines in here we wanted to reconfigure and down here we loosened things up a little bit.

MR. EDSALL: Mr. Chairman, just to refresh your memory back from the 27th of April 2011 meeting looking back to the minutes and seeing where we're at in preparation for tonight, there were several discussions of great, you got those changes made that we wanted so that was all shook out at the April 2011 meeting.

MR. ARGENIO: Was there not a plan at some point in time that had these lots long and narrow or am I thinking of another project?

MR. PFAU: That may have been the yield plan.

MR. ESPOSITO: Right, it's part of that document, part of the plan set you'll see is the yield plan in there but even those plans--

MR. ARGENIO: That's in these binders?

MR. ESPOSITO: It's actually part of this, probably the second or third sheet in.

MR. ARGENIO: There you go, that's the one, okay.

MR. ESPOSITO: Again, these are the same number of plans, that's what sets the density for our cluster.

MR. ARGENIO: My second question to you was on the traffic study, how far out did you go?

MR. ESPOSITO: We went out, we looked at I believe five intersections and the farthest we went out is to 207.

MR. ARGENIO: Okay, I think that's reasonable. Alright, is that a spare copy? Can I take this?

MRS. PELESHUCK: Yes.

MR. ARGENIO: I want to take this with me. So you went out as far as Route 207 on your traffic study, I assume

I'll be able to get a location map?

MR. ESPOSITO: Yes, each one of the studies will have its own specific.

MR. ARGENIO: What else do you have?

MR. ESPOSITO: That's it. We'd like to get moving. We've done all the field work and all the necessary work to adequately analyze the cluster plan, just get the ball rolling.

MR. ARGENIO: You're going to have your own water and sewer plant?

MR. ESPOSITO: Water and sewer, we have the wells, some preliminary testing on those.

MR. ARGENIO: You guys going to own that?

MR. ESPOSITO: As you'll see, we described ownership of the utilities which would include the sewer and the water, with water, one of the alternatives would be, is to work with the town board, create a water district and make the improvements and dedicate those to the town.

MR. ARGENIO: I don't think we want them, do we, Dominic?

MR. ESPOSITO: Well, it's one of the alternatives.

MR. CORDISCO: It depends, I mean, creating districts is something that the town board will have to consider. One of the benefits of creating a district even with a private water company would be is that in the future if there was ever any issues out there the town could take over operation of that system and charge the people that live there directly for the cost of any upgrades that they need to perform out there rather than any other resident or taxpayer in the town having to bear the cost.

MR. EDSALL: It's a safety net approach, which is what I have been instructed for years is the best thing to have in place and I've seen the downside of it not being in place in some other municipalities where the systems have failed and you have to try to go through the creation of a district. When the system's in failure and you've got 60, 80 or 100 users who are all

arguing whether or not the district should be formed.

MR. CORDISCO: Typically, they want you to fix the system but not charge them for it.

MR. EDSALL: We want you to take it over but don't spend any of our money.

MR. GALLAGHER: Deed restriction.

MR. CORDISCO: Not in connection with the formation of the district, the problem is is that when you form a district, you have to have a petition that's signed by a majority of the landowners well here before the subdivision occurs, you've got one landowner.

MR. ARGENIO: If you want to buy a lot you're buying into it.

MR. CORDISCO: Correct.

MR. EDSALL: So it's a better method for long term protection.

MR. ESPOSITO: So initially that's what we propose. There may be, the interim would be having private water company initially run the facility and that's regulated by the Public Service Commission. And that whole process has gotten a lot better, the PSC requires that the owner make a couple bucks, have, you know, reserve funds for capital improvements so it's been worked out because of all of the lumps that people have taken over the years and that's spelled out in there and similar to the water we would do the sewer same thing, we'd look to petition the town to create a town district with a turnover agreement. So if it wasn't operated properly, the town has a mechanism to take it over and the residents of Apple Ridge would pay the bills.

MR. ARGENIO: And the rest of the residents would not have to bear the cost of any capital improvement, maintenance or whatever the case may be.

MR. ESPOSITO: Right.

MR. ARGENIO: Is this the first cluster in the town?

MR. EDSALL: No, Butterhill, Butterhill was the prime example on how not to do a cluster.

MR. ARGENIO: That's not a cluster, that's major density.

MR. EDSALL: It's a cluster but a different type of cluster but that was because they created point lots with every lot and it just didn't work.

MR. ARGENIO: No way.

MR. EDSALL: But things, the approach has improved.

MR. ARGENIO: Not going to happen, not as long as I'm sitting here. Okay, what else?

MR. ESPOSITO: That's it. The plan, we're very happy with the plan, we think it works, it's a great site, we have developed a nice product in terms of the architecture.

MR. ARGENIO: To be continued.

MR. ESPOSITO: To be continued.

MR. ARGENIO: I'll accept a motion we acknowledge receipt of this document.

MR. GALLAGHER: So moved.

MR. BROWN: Seconded.

MR. ARGENIO: Motion made and seconded that we acknowledge receipt of the DEIS document from Mr. Esposito, counsel and our engineering firm has, they're looking at it and as I said to be continued. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. PFAU: Just a procedural question, what happens now?

MR. EDSALL: Stand by, we have been sidebarred here.

MR. ESPOSITO: You'll take that.

MR. EDSALL: He's going to take it.

MR. CORDISCO: Under SEQRA, the regulations require a lead agency to provide written comments to the project sponsor to the applicant within 45 days of receipt. So what we have done now is start that clock which is entirely appropriate, it's the right thing to do.

MR. ARGENIO: What starts the clock?

MR. CORDISCO: Acknowledging receipt, correct, so 45 days from today in order to comply with SEQRA, we should provide written comments to the applicant as to things that may need to be corrected or any mistakes, not that we're expecting many, but any comments that you have, these are not comments in terms of whether or not I agree with the project at this point or particular things but they're comments as to whether or not they have addressed the items that you asked them to do in the outline. It's whether the document really is sufficient for commencing public reviews, there will be a public hearing on the document. We have one meeting in November so it might be helpful to provide comments at that meeting in November because we only have one meeting in December and that would be 60 days out so you would be outside that time limit.

MR. ARGENIO: Are we going to get hung up on the timing based on the days of our meeting? Is that going to be problematic?

MR. CORDISCO: I would hope not. Certainly one option is for the applicant to acknowledge an extension if it comes to that so, for instance, if we're at our November meeting and for whatever reason we're not completed with our review comments we can certainly ask the applicant at that time tell them where we're at.

MR. ARGENIO: Let's ask him now.

MR. ESPOSITO: I'm optimistic that they'll have the review done by the November meeting.

MR. ARGENIO: My point is that if our November meeting, let's make up dates, is November 15, let's make it up.

MR. EDSALL: It's actually the 14th, I think.

MR. ARGENIO: Is November 14th and the next meeting is

December 8 and 45 days is December 2, certainly if we get it done by the December 8 meeting under that scenarios, that's acceptable to you?

MR. ESPOSITO: Absolutely.

MR. ARGENIO: Within reason, obviously.

MR. CORDISCO: I should make it clear that there's no default approval here, these are guidelines provided by SEQRA as to when you're supposed to respond. If you don't respond, it doesn't automatically become complete by default.

MR. ARGENIO: Right, as another attorney at some point in time tried to lead us into it didn't work so well.

MR. EDSALL: To add on the issue of the next step, as Dominic said, it's a matter of did they provide the information and is the information adequate or as I like to call it complete? We could very easily reach a determination of completeness that the document does present all the information that we asked for. You may have issues that you disagree with and may take--

MR. ARGENIO: But as far as the determination of completeness that shouldn't be an issue.

MR. EDSALL: You may take umbrance with the conclusion they may have reached with them giving you complete information that may shake out as far as your input, public input but did they provide a complete document and that many times is a lot less complicated than all agreeing on all the conclusions.

MR. ARGENIO: Understood. Okay, what else?

MR. EDSALL: Toward a goal of trying for the November meeting and as a backup getting things together for the December meeting, my suggestion and I have done this with a number of boards and it works very well, we all have each others' e-mail addresses, if you see something where you have a question, shoot Dominic and I an e-mail and one of us or both of us will get back to you or we'll coordinate an answer or if you believe something's missing, should have been in there, send it to us and Dominic and I will try to be the clearinghouse to make sure everything's done, everything's complete. And if there's a list assemble all the comments, I think that's the most efficient way

to do it.

MR. ARGENIO: That's fine, thank you, Mr. Esposito, thank you, Joe. Anybody got anything else? You guys, members, anything you want on the record? Motion to adjourn.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer