

Al Fusco answered that that had gone back and forth several times, and actually the language had been settled on here, in a Planning Board session.

Willard Schadt said that he doesn't remember seeing this "preferred alternatives" language before, and asked if the Board could even express a preference? He quoted from the document: "...the Board prefers a 15 to 18 unit alternative..." He said that he doesn't think that the Board is in a position to express an alternative.

Al Fusco said that he actually had a question mark on that himself, and wanted to refer it to the town attorney. He said that it was his understanding that that had come out of that first twenty that they had had ultimately concurred with.

Willard Schadt said that he doesn't think that they can, because it repeats the language that they had just discussed at the last meeting.

Al Schock concurred and said that he understands that.

Willard Schadt said that the logic doesn't follow. He said that this says that we preferred the 15- 18 because it mitigated all of the potential impacts and it has the following positive impacts that preserve and protect important wetlands and steep slope areas. He said that an alternative would even do better than that, that is, it would mitigate periodic flooding on Wilson Road, while smaller density would occur. He said that he doesn't understand where this language came from.

Mr. Plotsky said that he thinks that the answer is, as they had discussed at the last meeting, that the findings statement is at the point at which the Board actually makes their determination. He said that the applicant is obviously interested in attempting to have some indication as to the Planning Boards' determination, understanding that it can't be stated, where it would be inappropriate to state it in the FEIS. He said that some of this language, he thinks, is for lack of a better term, "feel good" language for the applicant. He said that it also addresses... and the third and fourth positive impacts that the Board did not identify yet, certainly applies substantially more to the 15/ 18, than they do to the 900. He said that he thinks that that is part of the genesis of this language.

Willard Schadt said that he has to disagree with that, because on line 68 there is an admission that there's going to be additional police, fire and clerical expenses. He said that he sees no figures to say that there will be a substantial net annual increase, and he said that he just can't believe it. He said that when you figure that the money is going to be supposedly for the (Wilson) road, what about the additional police, fire and clerical, which was brought up earlier in the document? He said that that is assuming that this Board approves the whole document. He said that basically this language is saying that we have a gun to our heads, we have to approve the 15/ 18, or we get nothing. He said that you can characterize that proposal all you want, but when somebody says you'll get a million five, if you approve the 15/ 18 units, and if you approve anything less, you get zero. He said that he saw nothing to show the calculations for substantial net annual increase.

Mr. Plotsky said that the applicant suggests, that the property taxes will cover the cost of services, on page I-60. He said that if that is accurate, then the monetary benefit, if the 15/ 18 is approved, would be a substantial financial benefit to the town. He said that you have to read them in conjunction with one another. He said that he would agree with Mr. Schadt that on one page it says that there will be an increase in cost of services by police, etc., and there's no indication that that is covered by anything else, and then there's money over here, if you approve 15/ 18. He said he agrees, there's no analysis there. He said that on page I-60, all by itself it says, that the property taxes mitigate for the increase, or the increase in value.

Willard Schadt asked, what about the language that the Board prefers, how can the Board state in this, what it prefers? Where did this language come from?

Mr. Plotsky answered that he believes that it was submitted by the applicant, for the Boards' approval.

Willard Schadt answered, but this is brand new, we've discussed forever, and then all of a sudden we get the final, and we're supposed to approve this, without discussion?

Al Schock said that the applicant is thinking that we have discussed it.

Willard Schadt agreed and said that the Board has discussed it, but he doesn't think that the Board can express a preference in this document, he said that he thinks that it's inappropriate for the Board to express a preference in this document. He said that that is the purpose of the application and the site plan review. He said that if it comes down to an application, and it comes before me, a consideration of a million and a half is not going to consider into my determination of whether or not this is a good project. He said that he wanted to make this very clear now. He said that it has to be sound on its' face, and somebody says it's not sound, and as long as the town is aware, they may not get the one million five, because they're saying here that they don't have to pay anything, and if they get less than 15/ 18, if they get 15/17, as their attorney, I'd say, "don't pay them a nickel, the contract speaks for itself, there's no intent." He said that the town is not going to see any of this money. He said that he is not going to vote to approve that language that says he approves 15/ 18, but the rest of the Board can vote what they want.

Al Fusco said that he actually had a question mark next to that part as well, and it was his thoughts that this is something that had been discussed to some point. He said that he thinks that he almost agrees that this should be more in the findings statement than the FEIS. He thinks that maybe this language needs to be looked at a little more. He said that in relationship to the monetary aspect of it, and he said that he doesn't mean Wilson Road, because that stands on its' own, but the DEIS, and subsequently in some sections of the FEIS, where it related to the cost effectiveness of either the 900 or the 1500, that the police, fire, ambulance, school, everybody pretty much signed off on that, that there would be sufficient funding on the tax base to handle those aspects of it. He said that he thinks between the two documents, and the FEIS includes the DEIS, by reference.

Willard Schadt asked, so what you are saying is, sign off on that, even if it's a 900 unit alternative?

Al Fusco answered, that's correct.

Willard Schadt said, but then this is not appropriate here, if you justify the 15/ 18 to say that it's a substantial net annual increase, that there's already an agreement, and there'll be increase, even with the 900?

Al Fusco answered, it would be with both.

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Willard Schadt said, but they're saying specifically, why we would approve 15/18, but we're also getting it with 900?

Al Fusco said that this language needs to be re-worked a little bit.

Willard Schadt said that he doesn't see why this has to be in here at all.

Al Schock referred to the document saying, "I-86, it says alternate plan, and then on line 90 it says, preferred alternative." He said that this is the one that we gave them, but this is the one that they prefer. He said, "this is sort of what we led them to prefer?"

Al Fusco said that he sees his point, and if the other Board members agree with that, then he said that this is something that he and Mr. Plotsky should take back to the applicant.

Mr. Plotsky said that the other alternative, it seems to him, is for the Board to adopt the FEIS, with that page stricken.

Al Fusco elaborated by saying, maybe not the page, but just that paragraph. He said that the rest of it is okay, that is, the issue of wear and tear is fine with the Board; the Board has been advised by its' attorney, that is fine...

Willard Schadt pointed out that that language is elsewhere in the FEIS.

Al Fusco answered that he doesn't believe so.

Glen Plotsky said that he knows that the language on the bottom paragraph is not.

Al Fusco said that if the Board is going to strike anything now, it should be from: "...the board prefers...the four items."

Al Schock said that the issue that concerns the Board about wear and tear, and he read: "This issue has now been addressed by the applicant and in the event of the Boards' approval, the comprehensive plan for 15/18 is not true, the applicant \$1,000." He said, and other Board members agreed, that this is not a true statement. He said that it may not be 15/18, even if the Board agrees to it. He said that as long as the Board agrees with it, the applicant still has to do the \$1,000 per unit.

Dave Dean said that that is the agreement, the way he understands it, if it's approved for 15/18 and only 900 is built, or 500 or 200 is built, they still have to pay the grant. He said that the thing, he thinks, that the Board has to look at, is when you take into consideration, all of the issues here, on the project itself, forget about the \$1,000 per unit, if you look at the development on its' face, in other words, can it stand on its' own, regardless of that "lollipop", if you will. He said in other words, at 900 units, have they mitigated all of the impacts, have they mitigated the impacts, and is that appropriate. He said, if it's appropriate for 900, is it appropriate for 15/18? He said that that is really where this has to be. He said that the word "preferred" doesn't even seem appropriate to be in there.

Willard Schadt said that he agrees with the town attorney, and he doesn't see any reason why this page has to be in there at all, unless there is a requirement, for some kind of concluding paragraph.

Dave Dean said, it's not up to the Board what they prefer.

Glen Plotsky said that actually, it is up to the Board what they prefer, but not in this document, in the next document.

Dave Dean said that he finds the word objectionable. He said that the only way that the Board can find in favor of anything is, does it meet the Code and does it mitigate the circumstances? He said that that is the bottom line here.

Al Fusco directed the Board to page 241, he said that it does relate to the \$1,000 contribution upon a certificate of occupancy, so therefore, he said that he is comfortable taking this page out, in its' entirety.

Willard Schadt said that he has some disagreements with the other things, but in thinking about this, and he said that this project has started maybe ten, fifteen years ago, and there's been a number of Boards and counsel working on this, and a lot of time and effort has gone into this, and nothing is going to be perfect. He said that if this page is out, and as long as everybody understands that it is his feeling that nobody is going to see any money for the roads, and if the Board is willing to accept no money for the roads, as a reality, then he is prepared to go ahead with it.

Al Schock asked when was this revision written?

Al Fusco answered, a week ago, because the Board had talked about this at the last meeting, and this was just written a week ago.

Willard Schadt said that this just repeats what is in 166.

Al Schock asked, where did this preferred alternative come from?

Al Fusco answered that the applicants' representative gave it to him last week. He said that he actually had a question mark next to it, because he had missed a meeting at one point, and he didn't know if it had been discussed and agreed upon anyway.

Mr. Plotsky said that they did talk about that language, but it wasn't necessarily adopted to by the Board, but it was talked about in executive session. He said that he had indicated that the applicant was interested in at least knowing that the Board was considering it, or at least favorable, or something like that. He said that that was the language that was proposed, that's all it was, gave it to the Board ten days ago or so. He said that in re-reading this page, if the Board wants to take it out, and if the applicant has a problem with that, then so be it. He said that it's up to the Board.

Willard Schadt said that there is nothing in here that would take it out of substance, because the substance is repeated in two other places in the FEIS.

Al Fusco said that it would be fine for the Board to adopt the document, without that, and in fact, he honestly said that he prefers that the Board adopts that, without it, because, this is the Boards' document, and it's making it more the Boards' document, by the Board having the final say. He said that in the findings statement, that is where the Board has the opportunity to say, for example, the 15/18 is what the Board has come up with, after a review, and one of the reasons why, might well be because of the upgrade to Wilson Road, or it could be that the applicant has solved and mitigated most of the other ones. He said that if the Board chooses not to, and they choose 14/18 or 900 or whatever, then the Board gives their reasons for that as well. He said that it is with the understanding, as Mr. Schadt said, that the Board knows it is not going to see the money... he said that he doesn't think that the money is the issue at this point anyway. He said that the issue is, let's further this along, let's get this done. He said that now he will have to do some real investigation, to come up with what the feeling of the majority of the Board is.

Al Schock read: "That this issue has now been addressed by the applicants' agreement that in the event of the Boards approval of a comprehensive development plan..." He asked, what does that mean? Does it mean that when it's all said and done they come up with a 15/18 or is it right now?

Mr. Plotsky answered not today. He said that basically what happens is, the Board does the FEIS and then the Board does the Findings Statement. He said that the findings statement is going to be where the Board indicates, kind of in a synopsis, what the applicant has borne out, as far as what they should be entitled to, what the Board should approve. He said that it's a like a short re-cap.

Al Schock asked, what does the words "comprehensive development plan" mean?

Mr. Plotsky answered that that is the plan, after the findings statement, where the applicant actually has to come before the Board and give a site plan of the whole thing. He said that the applicant is not going to give the Board "building plans" with regard to the first phase, but they're going to give the Board an overall plan, and a more detailed plan of the first phase.

Willard Schadt asked about the time frame of the next steps?

Mr. Plotsky answered that the Board has to post it and distribute it, and there's a public comment period of 15 or 30 days.

Al Fusco concurred and said that the public comment period can be as short as 15 days or as long as 30 days. He said that the Board sets it, and he would recommend 30 days.

Mr. Plotsky continued, and said that after that public comment period, the Board meets again, and Al Fusco will have a draft findings statement, that the Board would review together and ultimately adopt.

Willard Schadt asked, but that doesn't take place until after the public comment period is over?

Al Fusco answered that that is correct. He said that assuming that the Board modifies this, and accepts it as the FEIS, and the Board is going to present a public vote on it, and at that point, it needs to be distributed, not only to the Board members, but also put on the web, copies to the post office, town hall, etc. He said that there will be a 30 day comment period, and then in the meanwhile, he said that he will start drafting a findings statement, that is, not making the Boards' decision for them, but outlining the steps that have been done so far, what the Board has looked at, what the Board has seen, what the Board has recommended as mitigations, whatever the Board does. Tell everybody what the Board has done. He said that then after the comment period, the Board will meet and tells the town attorney, the town board liaison and himself, what they would like to see in that, i.e., and comments that Board members may have, reasons that they may have, that the town engineer hasn't articulated, and he will articulate some more. He said that at that point, once the Board comes to an agreement with it, then that findings statement would be voted upon, and the Boards' job would be done for the time being. He said that after that, the applicant has the opportunity to come back and present a comprehensive plan to the Board, and a phase plan, with phase one of the project that the Board has delineated in the findings statement.

Derek Wilson asked, the Delaware River Basin Commission (DRBC) comes into it, at this point?

Al Fusco answered that that would be during that 30 day comment period.

Derek Wilson asked, the comment period, or the comprehensive plan period?

Al Fusco answered that yes, they would get to comment again at that point too. He said that once the Board has a new submittal, basically the whole thing starts all over again, and the Board is starting out with another SEQR finding. He said that this is not the last of the SEQR on this job.

Derek Wilson asked, in this document, the DRBC is referred to as a permitting agency, so at what point, does the applicant seek a permit from the DRBC?

Al Fusco answered, when the applicant is looking for site plan approval.

Al Schock asked, the Board gets a comprehensive development plan for 15/18 units, and then the applicant goes to phase one, that is, 200 units at \$1,000 per unit, and then the applicant goes to phase two, and all the way up to 900 or 1150 units, and then there's a problem. What does the Board do then?

Al Fusco said, that they will then have to mitigate it, as it says right here in this document. He said for example, let's say that the law has changed, or the NYSDEC comes in and says okay, you know that 100 foot buffer, now it has to be a 200 foot buffer. He said that the applicant has to comply with that and show the Board how he's going to do that.

Al Schock said that the Board has done its' part, and has gotten the comprehensive development plan done, and the applicant is pretty much locked into that plan.

Al Fusco agreed and said however, as the phases go on, if the Board finds a problem, or if the State law changes, or the applicant runs into a problem, then the applicant must mitigate that.

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Schadt made a motion to approve the FEIS as amended, and adopt it as complete, with the amendments shown to the Board this evening, with the exception of the K "preferred alternative" which is to be omitted in its' entirety, as identified as I-90. Santiago second.

DISCUSSION:

Al Schock asked, should the Board state that it's already been addressed in page 241?

Al Fusco answered that he thinks everybody knows it, but if the Board wants it to be known that it's somewhere else also, he will include that.

Willard Schadt personally thanked Al Fusco and Glen Plotsky and their staff for all of the work that they have put into this project.

Roll call vote: Santiago, aye; Wagner, aye; Vicaretti, aye; Hunter, aye; Schadt, aye; Schock, aye; Wilson, abstain.

Motion carried.

COMMUNICATION FROM BOARD MEMBERS

Derek Wilson made a generic suggestion, that because a lot of the new members are not familiar with the SEQR process, that a training session be held for Board members.

Bob Vicaretti said that he had gotten an email from Matt Ryan of the Orange County Planning Department, saying that bi monthly they have discussions to planning board members, either through e-mail or classes. He asked the Board members if the secretary could forward their email addresses to the OCPD, so they can be notified of things like fracking, etc. and notification of classes.

The Board members said that the secretary could forward their email addresses.

ADJOURNMENT

Wilson made a motion to adjourn. Santiago second. Roll call vote: Santiago, aye; Wagner, aye; Hunter, aye; Vicaretti, aye; Wilson, aye; Schadt, aye, Schock, aye. Motion carried.

Meeting adjourned at 7:50 p.m

Respectfully submitted,

Barbara Brollier, secretary