

*******DRAFT*******

The Town of Forestburgh Town Board held a **Special Meeting** on **Wednesday, October 19, 2011** at the Town Hall.

Supervisor Galligan call the meeting to order at 4:00 p.m.

Roll Call: Present – James P. Galligan, Supervisor
Eugene D. Raponi, Councilman
John W. Galligan, Councilman
Michael Creegan, Councilman

Absent – None

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – Dan Hogue, Highway Superintendent
William D. Bavoso, Attorney for the Town
Tim Gottlieb, Town Engineer
John Munsey, C.T. Male Associates

Supervisor Galligan stated that the purpose of this meeting is to review comments made so far on the initial site plan application for the Lost Lake project. Supervisor Galligan then asked our consultant, John Munsey of C.T. Male to give us a summary on what he has reviewed and the comments so far on this initial submission.

John Munsey – We received the first set of drawings and we commented on those, which is the C.T. Male and Tim Gottlieb comments. In response to those written comments, the applicant shipped us a second set of drawings on Monday morning, which was Monday the 17th, just this past Monday. We did have a conference call with T. Gottlieb, C.T. Male representatives, myself and Chet the engineer that’s doing most of the technical review of these drawings, with Mike Brinkash of the applicant’s team. We went over a lot of issues at that point and we are waiting to see the revised set of drawings which we did get on Monday, but we haven’t had an opportunity to review them in detail at this time frame. I did ask Chet to send me an e-mail summary of where we are at before three o’clock today. He said he has completed a review of the phase one drawings that were delivered Monday, a cursory review, not a very detailed review. His general comments were they have addressed some of our comments, but not all of our comments, a lot still need to be addressed. In this second revised set of drawings a lot of our comments have not been addressed yet. We are prepared to go into some level of detail on that, but I don’t know how productive that would be. Mr. Munsey asked Mr. Gottlieb if he had anything to add thus far. Mr. Gottlieb replied that basically they are the items we spoke of before. I also looked at the drawings quickly today and there are still items that need to be addressed. Some of the information we asked for was there and some was not, I have not looked at it in detail yet. Mr. Munsey added that there was a miscue in the e-mail, I just picked up today, Binkash’s revised, October 14 correspondence which might have more information. I never received this e-mail, I just got it tonight before this meeting. Previously they had sent direct correspondence in response to C.T. Male comments, essentially agreeing to make all of the comments we have outlined and the same to Mr. Gottlieb’s comment letter. This e-mail, theoretically combines the two, so there is nothing new here. I have not had a chance to review that level of documentation. I can speak to some general issues that have come up. One is the issue of underground utilities. Quite honestly, the whole time through the DEIS to the FEIS, innocently I thought that all utilities were going to be underground on this subdivision. Now we get the plans, and it’s basically showing that overhead utilities are going to be on the roads and there will be underground connections to the houses and common facilities. The site plans clearly show that there will be some above ground utilities within the Lost Lake Resort. It’s not a super large issue, however, the last conference call that we had, Mr. Brinkash agreed that he was going to contact National Grid to see if they would even allow the utilities to be above ground versus underground. I haven’t heard from him on that, I don’t know if they have received a definitive word at all. Mr. Brinkash replied that he has not received word. Mr. Munsey continued that going back and looking at the DEIS, the findings statement is silent on the issue of utilities, as to whether they are above ground or underground. Within the context of the DEIS, the only reference to that was “the common facilities and house lots will serviced by underground electric, telephone and cable

connections.” I read that to mean all of the utilities would be underground. In looking back at it, it could be viewed either way. Certainly the connections need to be underground, but I think there is some leeway there. Within the town subdivision regulations, Section E – utilities and streets – it says that the Planning Board shall, whenever possible, require that underground utilities be placed in the street right of way, between the edge of the paved roadway and the outside edge of the right of way, a minimum of three feet deep, to simplify the location and repair of lines when they require attention, the sub divider or applicant shall install underground service connections to the property line of each lot within the sub division for such required utilities before the street is paved. The last sentence reads that nothing herein shall require the undergrounding of utilities. So it doesn’t appear that the town code requires underground utilities, the DEIS could be construed either way and the additional due diligence that we need to do with the applicant is, for a realty sub division, is it an absolute requirement or not. We don’t have a definitive answer to that. Theoretically we could get an answer quickly, Mr. Gottlieb and I discussed that while I was on my down here, and I was under the assumption... Mr. Gottlieb stated that it was his understanding, with the couple of consultants that he spoke with, that it’s based on town code, most town’s say it has to be underground. Or the utility – the utility may say “no, we don’t want it above ground, it has to be underground – end of story” – most of the sub divisions that we have done in Sullivan County, everything has been underground. Councilman Galligan asked if it was a safety issue or a sight issue. Mr. Munsey replied that he believed it was a cost issue mostly. It’s cheaper to put above ground utilities. Councilman Galligan asked from the town’s standpoint. Mr. Munsey replied that from the town’s standpoint, he felt it was more aesthetics, but in that we are dealing with internal roads that are always going to be private roads, it’s not really a town issue, it’s internal to the facility. It can be judged either way, ultimately it is a Planning Board/Town Board issue. We could all discuss this with the applicant and get their perspective on it. Dan Hogue added that one of the benefits of underground as opposed to above ground is the weather. Weather doesn’t affect underground like it does above ground. Ice storms and wind storms take down wires, that are primarily the concern – electrical hazards.

Motion by Councilman Sipos, seconded by Councilman Creegan to open the floor to public comment. All in favor. Motion carried.

Richard Feller – I have more of a puzzlement, and I thank you for your comments, but they are not helping my puzzlement. When was the public hearing? I’m only here because one of my neighbors called me this morning and asked if I knew there was a meeting at four o’clock on this subdivision. When was this meeting scheduled and decided to be held? The notice wasn’t in the democrat. Clerk Joanne Nagoda stated this meeting was scheduled at the October Town Board meeting on October 6 and was published in the democrat last Friday and again yesterday. It was also posted upstairs on the board and at the store. Mr. Feller continued that it was not on the calendar on the website. Joanne replied that it should have been on the website as well. Mr. Feller stated that when you pull up the month of October on the website, you get an absolute blank page. Why was this scheduled for four o’clock instead of six or seven – the normal times for meetings when people can attend? The issues you are talking about are so important – some of them could have and probably should have been earlier on in the process. You’re getting into issues now, where I remember it was said that “well, we’ll deal with utilities and all of those other things – all we’re going to deal with now is water and sewer.” That was it. Now you’re getting into issues and you’re negotiating again, as to whether we should go above ground or below ground. This is stuff that the public, I would think, that had filled this small room during your other meetings, with regard to this development, would be interesting in hearing this discussion, but at four o’clock – this is nothing personal – this is just a citizen of Forestburgh, talking to the town board – but four o’clock is just really inappropriate time for this. Somebody like me, searching on the website did not find it – and now you’re going to be negotiating again. Supervisor Galligan replied that we are not negotiating – this is just matter of discussion. Mr. Munsey added that these are not negotiations – these are issues that are coming up during the site plan/subdivision review aspect of the project. My personal opinion is that whether the utility lines internal to this subdivision are above ground or below ground, ultimately it’s at your discretion. You could require them to be under grounded but I don’t know, but I don’t really see that as a town issue. I see that as a resort issue.

Supervisor Galligan asked Mr. Munsey if he would like to continue with his comments. Mr. Munsey replied that he felt the applicant should – well I would like to know what their basis is....

Randy Gracy – We have been having discussions with those at Orange & Rockland, John Grohol, the gentleman that used to work for me, and attended several meetings here, he met with them probably about two years ago and explained the line extension needs that we are going need to have out here. Even the upfront things like the water

well, the sewer plant, the sale facility and the clubhouse. We discussed getting a master plan to them because they have to come up with a master plan for design because we are going to need three phase in multiple locations and they will need to provide a single phase for the single family lots. During that discussion we told them we want to do it exactly or similar to what we did at Eagle Rock and if they had any questions, we gave them the contact names of people at PP&L (Pennsylvania Power and Light) that we had dealt with. It has always been our plan to run overhead in the rights of way, just like we do at Eagle Rock. We've always said this is going to be a mirror image of what we do at Eagle Rock. The lines to the residences and the amenities are all underground and that has been the plan here. That is why we disclose our utilities in the property report to the homeowners that their connections to their homes will be underground. That is what we have here and I think it's consistent with the FEIS.

Supervisor Galligan suggested we move on, as there is a lot to cover.

Mr. Munsey continued that basically with the research that we did, there is nothing in the town code that requires the utilities, specifically, to be underground. Going back to the notes that I made, we had a discussion about the subdivision checklist that the town has. We came to the conclusion that the checklist is a guide not a prescriptive requirement, so because something is on the checklist, does not absolutely mean that it has to be addressed within the site plan/subdivision application. However, if it's in the code, then absolutely it needs to be addressed. There was an issue relative to the 100 foot/200 foot subdivision in showing adjacent structures from the outside peripheral area of the Lost Lake Resort. Theoretically if there is a structure close by that has a septic system or well that's near the property line we'd want to know that before we approved the subdivision. So, there is a requirement in the town code that it's 100 feet that needs to be shown on the site plans and they do not show that yet. We discussed an alternative approach with the applicant in terms of providing us with a shape file, so that representing you, the town, we could do some level of due diligence at least. Supervisor Galligan asked what a shape file is. Mr. Munsey replied that it is a file that would enable us to basically take the shape of entire subdivision and overlay that on to an ortho imagery so we could then interpolate are there structures on there. I think there are like a dozen or so structures, there aren't that many. That is one of those things where the guideline said 200 feet and the town code said 100 feet. That is one of the technical issues that haven't been addressed yet.

We came to the conclusion that all of the connections to the lots for water and sewer need to be shown on the subdivision plans in order to get health department approval. Mike Brinkash stated that can address that, quite simply, our water and sewer engineer did not have these items ready for me when this went to print. And just to address an earlier comment for clarity, and I know you said you were going through some things specifically, part of a little bit of a problem that we had was, we attempted to address every single comment, but some of these comments, well for example, when you get to the storm water and stuff, our answer is when we do our revised storm water retention plan, your comment will be incorporated in it. We are literally expecting comments from the DEC and the DOH any day. It doesn't make sense to make all of these different plan sets, they could be outdated by the time we get to this meeting. That is our plan, and again, we do agree to comply and whatever we could address we did, but some of this stuff hasn't been handled on the other plans. One other thing, that I don't know if it's going to be mentioned, this is our subdivision plan, but essentially we have seven permit applications, and each of those is either a big book like this or several sheet plan set, and I think we have come to at least some agreement that, there is going to be information in all of these sets, it's all pertinent. We already have sixty four sheets, we don't want to give you six hundred and forty sheets, we are referencing all of the individual permit applications. They are all in the review process and there could be changes to all of them.

Mr. Munsey stated that the real status report here is that we are in process. We haven't completed our review of the second set of revised drawings. We have done a cursory review, we know we are going to have more comments. We are not prepared to discuss those comments specifically right now, because we haven't had enough time to review it. I'm not sure how best to utilize the time of the Town Board at this point in time. One of the other things I was prepared to address was the whole nexus between the SPEDES construction activity permit, that since the town is not an MS-4, they are going to have get approval from the DEC of the SWEP plan. One of the things I just wanted to bring up is that general permit has a nexus to, through uniform procedures act, with the DEC, that permit does not become effective until which time that they have obtained all other permits from DEC. I know the applicant is pushing a schedule forward that has come up on other projects that C.T. Male has been involved in and I just wanted to bring this up now so that everybody is aware of that. The general permit would allow them to go out and initiate site grading is tied into the other DEC permits. So it doesn't become effective until the other DEC permits have been issued by the agency, so one of the other things I asked Mike (Brinkash) that it would great if you could come to this

meeting and give us a summary of where you are at with all of the other permit applications. Particularly those related to DEC. Supervisor Galligan asked Mr. Brinkash if he was prepared to do that. Mr. Brinkash replied yes, and based on our conference call last week, we all agreed that it would be a good idea that every time we have a revised set of plans, we are going to list the date of our latest permit application. So this is a good time table to know where we are at. Basically we have a pre-application meeting with the DEC on our storm water application, we submitted plans on August 8, 2011, after that we immediately scheduled a meeting with the DEC to review point by point the things that are in our plan. They requested a little bit of additional information on our phasing plan for grading, how we are going to phase in the grading within the phase. We provided that to them. Shortly after our meeting, we are now about five or six weeks out and we should have comments any day. Mr. Munsey asked if an NOI (Notice of Intent) had been filed. Mr. Munsey stated that the notice of intent is part of the permit process associated with the SWIP. In order to obtain general permit coverage under the storm water permit, you have to file a notice of intent with the DEC. The DEC has sixty days from that time period to respond to those comments. So that NOI is a critical submission to DEC. What the applicant is doing is trying to get their approval on the SWIP, but the critical thing is to get the NOI in, start the sixty day clock and in that time frame you can get the DEC's comments. They have to comment in that time frame, but without putting in the NOI, it doesn't start that sixty day clock. Dominic Cordisco stated that the NOI is a necessary step in the process. But it is only necessary when you are beginning construction, since we are not beginning construction right now, we don't have file the NOI. It doesn't mean we don't have to go to DEC, we are before DEC, we can have a technical review and sign off from them eventually on our plans. We don't have to file the NOI because filing the NOI triggers other requirements such as inspections and payment of money that is part of the process but you would only do that when you are ready to put a shovel in the ground. It is my expectation that we will not file the NOI until we are ready to begin construction. It doesn't mean that we aren't going to work with the DEC and satisfy their concerns that are what we are doing now.

Mr. Munsey stated that what the applicant is doing is they are trying to get pre-approval from the DEC of the SWIP before they file the NOI. Mr. Cordisco added this is something we have done on other larger projects - an NOI for a smaller project - like a ten lot subdivision, but for a project of this size, you only file the NOI when you are ready to go and start construction. Mr. Munsey stated it was very helpful to have this discussion from our standing. Mr. Gracy added that we are not trying to get one permit before the other. I have known all along the DEC is not going to issue one permit, they are going to issue them all at the same time. A SWIP permit has to be acquired, which means a SWIP review - a storm water review has to be done. So the DEC has agreed to review our storm water plan, comment on it and then we can address their issues and then we can get the plan to where it's acceptable to them. Then when we do file our NOI, it's just a matter of the review will be much simpler. They will have already reviewed it and I would assume it would just be an issue of issuing that if they have issued all of the others. That is how we are working with all of these applications - whether it's DOH, DRBC - we're trying to get all of the comments in, we're trying to get them all addressed because we know they aren't going to issue any permits unless they issue them all at once. We have to start getting the plan to their satisfaction on one application while we are working on the others. Eventually we will have them all satisfied and that is when they will be able to issue the permits. As far as construction, I've known all along and have no intention of starting construction until I have all of the permits in place, because you can't. So if anybody is thinking I'm getting the plans so I can get started - I can't. I hope there weren't any misunderstandings, so therefore....Mr. Munsey stated that this dialogue is really helpful. We didn't know what the intention was. Mr. Gracy stated this meeting will be really productive. We want to remind everyone that we agreed to have our subdivision plan reviewed simultaneously with all of the other applications with the other agencies and I know a number of your comments are associated with my applications. The storm water comments obviously, if it's a utility or water supply issue or a sewer issue, again, it's going to be difficult for us to answer your questions completely without knowing what the DEC is going to ask. So what I was hoping we could do is, if we were to go through your comments, and I don't mean this minute, but if we can carve out the ones that are associated with pending applications, then those that aren't associated with a pending application, for example the over head utilities, to say it's not on the plans yet, we don't know to what degree or what level you want or what you expect. I was hoping today that Mike could get the questions that he needs answered so we know where to look more precisely, what we need to do to make them more complete. We're not opposed to doing virtually anything. I know what I am mandated to do, I think we showed that in the past. I just want to make sure that if we're doing it, if we could iron it out today, that way, when we are doing it, hopefully the next review on your part should be simple or quick. The next question is that you said you were going to do an initial review, not a thorough review, my question is when you will have your thorough review complete so we are not addressing subliminary comments and then we get another round of comments. It gets expensive printing those copies and it's time consuming.

Mr. Munsey suggested always giving them a couple of weeks at a minimum. To do those reviews, that's reasonable. It's consistent with what we have done on other projects. At this point, I don't anticipate coming up with any new comments. We are trying to see if our prior comments have been addressed and have they been addressed sufficiently. Chet, who is the P.E. on the staff of C.T. Male is the primary reviewer of this. His wife is due with twins anytime, so he can't travel right now, after the twins are born, he will be with me. But his comments to me while I was on my way here were, things that were not addressed, for example the stream crossings, they haven't specifically called out the impact areas, the erosion control measures that are normally required for stream crossing. Another example, on the gated access point, they haven't provided the higher level of detail for gated access points, although they did put a note on the plans that specified that the gated details will be added, but Chet couldn't find the details of them. Mr. Brinkash stated these are the kinds of things we need to have discussion about. We show the locations of the gates on here, it's a proposed gate and in our response, with regard to the wetland crossings and I understand you haven't had a chance to review this yet. We are making a resubmission to the DEC this week. Mr. Munsey asked if that was in response to their statement of incomplete application. Mr. Brinkash replied yes and they had other comments to. That is what we were interested in. What I don't want to do is have one particular item on four different plan sets, with four different people reviewing them it just becomes chaos. This is sixty four sheets of information, it's not like we are skimping on information, but at the same time if we can defer to other applications, it's a cleaner way of doing things. Mr. Munsey stated that he didn't disagree, but when they do their review they are going to identify those areas as not being addressed. Mr. Gracy added that for our time to be more valuable today, if we can focus on the items in your review that are associated with the application. We are not waiting for any other input or any other agency, just you and the town versus what we've done. For example, the level of detail on the gated entrance. Do you want to know the make and model of the gate mechanism or just the location or do you want to know the color of it or what. Mr. Munsey replied that we specifically reference that in our conference call. Mr. Gracy stated that he is just asking, he wants everybody on the same page. Mr. Munsey stated that we addressed all of this in our conference call. We wanted to know if you had pictures that would show what they would look like, include those, don't necessarily make them part of the application, and there should be some level on construction detail. Again, I am out of my area of comfort here, as I am not an engineer, so maybe Tim would like to address the detail issue. Mr. Gottlieb added that typically it would be a detail that would show how it is going to be constructed. It doesn't have to be overly complex, just show us how it is going to be constructed so that when the building inspector goes out to do his inspection, he can say "ok they did what they were supposed to." Mr. Brinkash asked wouldn't the footings and such be more of a building issue. What I picture, as far as our plans what we did was to add a sheet in the back, and enlarged that area so you could see it better, we added dimensions like a five foot gate, that kinds of stuff. Mr. Gracy added that from an architectural standpoint if the stone walls out front there is a complete set of construction blueprints that will be prepared by an architect. That is not usually associated with a subdivision plan it's a use that is permitted within the subdivision and then you apply to the town for the building permit that is when you find the architectural drawings and everything else associated with the request for a building permit. Mr. Munsey didn't disagree.

Attorney Bavoso stated that he just wanted to comment on what Mr. Gracy had stated. It really relates back to what Richard said in the beginning. We need to understand again, what we are doing here. On October 6th, at the town board meeting with plans that have gone back and forth to our consultants and the town board for review and comment, Mr. Gracy had asked if we were in a position to schedule a date for a public hearing. The town board had not yet had a conversation with their own consultant to discuss the plans or comments it had seen at that point in time. The town board then decided to schedule this special meeting this afternoon in order to accomplish what is going here right now. Which is a discussion of what needs to be done to get these plans in a condition that the town board is satisfied that they contain significant detail to be used for a public hearing, so that the public will have an idea what the subdivision and site plan are. Again, to get back to Richard's comment, the town board went beyond the necessary notification requirements. It is a special meeting of the town board; it's not a public hearing. It's not a hearing at all, it's a meeting with the applicant just as if this was a planning board, to have a meeting with the applicant to go over the preliminary process of getting these plans in a condition to be voted on by the town board for public hearing purpose to notify the public. The Town Board put it in the paper, that's not necessary, they are obligated by a special meeting of the Town Board to notify the press, it would have been nice if it was on the website, but that is a contractual issue we'll have to address. It is a special meeting of the town board to discuss these issues with the applicant. We are not going to avoid the public hearing and I'm sure the public hearing will be at an evening meeting so that more of the public can be available. I also agree with Mr. Gracy that the purpose here is, I don't think for us, to listen or discuss the issues of the applications with outside agencies other than the Town Board, we want to get the issues resolved as to what's got to be on that plan that are required by our subdivision

regulations and site plan regulations so this can be the best plan possible so you could eventually vote to set a public hearing so those plans will be available in Joanne's office for the public to look at prior to that meeting in the condition they will be at the public hearing. I also agree that things like the gate, those are building permit issues. We just need to make sure that our consultants and the applicant's consultants agree with regard to the site plan specifics are in conformity with our own regulations. Supervisor Galligan added that a picture of the gate might not be a bad idea to have at the public hearing, as someone may want to comment on it or see what it's going to look like. People want to know what's going to be in their neighborhood. Councilman Creegan added possible some rendering drawings so they can say "wow, ok, that's what it's going to look like". Attorney Bavoso added you can specify what has to be on the plan and that can be one of them, generally, mechanicals are not, but if that's important information to the town and if the board thinks it's important to the town, then we ought to have them. Supervisor Galligan stated there is going to be a gate house and a keeper, not just a gate, again this is only one issue, but I'm sure people want to see what it's going to look like.

Mr. Munsey asked Mr. Brinkash to continue with the summary and offered what we can do it go through the findings statement comments that are unrelated to any findings statement issues and discuss how extracts from the findings statement have been addressed within the site plan. We can play that by ear.

Mr. Brinkash continued that talking about the storm water pollution prevention plan and the wetland crossing application. There are two applications to the DRBC, one for ground water withdrawal and the other is for discharge of pollutants into surface water. Mr. Gracy stated that we have been informed that we will be on their early December docket. Generally when it's on their docket, the permit of the DRBC can be issued prior to the other permits, it is my understanding they will issue theirs. The DEC is going to want those before they issue theirs. I am confident that all of the DRBC issues will be addressed and improved by early December.

Mr. Brinkash continued that the DOH water supply permit application, that was originally submitted back in May, in August we received a request to provide basically, these subdivision plans. I was just informed today, by our water and sewer engineer that he received four or five verbal comments from DOH and the intention is to get those addressed and returned to the DOH as soon as possible. I guess with the DEC water supply application and also the SPEDES for sewer, I believe there was a comment letter received in August and those comments were addressed and resubmitted. We are basically waiting on the DEC. The only thing that is in our hands right now is the comments from the DOH.

Mr. Munsey stated that it would be helpful to go through some of the comments of the findings statement. I will be referring to C.T. Males findings statement compliance checklist. Item three is open space and recreation, and to address this comment, the applicant might put on the cover page a tabulation of open space. For phase one, no problem in addressing the fifty percent open space requirement, as you get closer to phase seven, they may be approaching the fifty percent for the entire development, though they are tabulating open space both in phase one and then overall for the entire acreage on that. That clearly addresses our comment. Attorney Bavoso stated that what Mr. Munsey is reviewing right now is attached to a September 30th cover letter.

Mr. Munsey continued item number four, golf course design, the findings statement said that the design principals developed by the Golf Course Superintendents Association of America would be followed. Mr. Munsey asked Mr. Brinkash if he made notations on the first sheet for that, Mr. Brinkash replied yes. That is area twenty nine – all areas of the golf course, except where buildings are located, will be restricted by deed (inaudible) will remain open space. Mr. Munsey again continued with the golf course sustainable design – your response to that was in addition ...

Mr. Brinkash stated that he would read their response back – with regard to sustainable design, the applicant concentrated on two applications for sustainable design. Water use/conservation and water quality protection – the preparation of a storm water prevention plan for this project. In addition, note number thirty has been added, certain design information has been added for the golf course's preliminary plan. Items such as irrigation will be provided to the town prior to construction, all designs will be based upon sustainable design principals of the Golf Course Superintendents Association of America.

Mr. Munsey stated that clearly meets our requirement that it be listed somewhere clearly on the site plans to be consistent with the findings statement. Item number six – wildlife observation trails for phase one – where will these trails be, that was the question we asked. That was addressed by adding a note to the cover page as well. Supervisor

Galligan stated that is another thing you are going to have to show on these plans, as I'm sure that is one thing the public will want to see and know. Mr. Brinkash stated that on the sheets, we show basically a grey line that basically runs along lot lines, the easement and goes up to the main gate. It is on sheets 9A, 10 and 11. Mr. Munsey stated that it goes behind the lots and it's something that wasn't in the prior plans, so, check, it's done. Comment seven, access to internal parking – a gated entry with twenty four hour security. Mr. Brinkash stated they added page sixty two to the plan – which is a site and grading plan – the controlled access entry – from the initial submission, we added a lot of new labels – labeling the parking area for example – that was stuff that was not shown. This has to do with right of way limits – we made the comment that they weren't clearly shown and dimensions should be shown on the site plan for any right of ways with appropriate setbacks. That will take a more detailed route to get there. Mr. Brinkash stated that his initial reaction to that was sure, they are on here, they are all over but when you look at each individual sheet, there were a few sheets where they didn't show up. It was a valid comment and we went back through and made sure that it shows up on all of the sheets.

Mr. Munsey continued that the next comment, nine, was parking and the parking shows about forty spaces for the sales office and five at the gate – we reiterate no on street parking – it is a prohibited aspect of the project as designed. More detail is shown at the controlled access as well. Project phasing plan – our comment on that was that the application to the Sullivan County Department of Public Works has not been included – I didn't see you list that in the list of permits and approvals. Mr. Brinkash stated it's not there – it has not yet been submitted. We will copy the town directly when that application is made. We have to double check some site distances and things like that. Mr. Munsey stated that is a findings statement requirement that at the point in time where they are seeking site plan approval, they need to make application to the county for the work permits. Item number twenty two – golf course operations – the golf course will be irrigated – and this is a change – utilizing surface water drawn from Lost Lake and back up water sources on the onsite wells and waste water treatment plant effluent when conditions warrant such use – I believe you guys have simplified that. Mr. Brinkash responded that the information on golf course irrigation has been included in the DRBC ground water withdrawal application as well as the DOH application. Projected requirements are between fifty thousand and one hundred eighty five thousand gallons per day, depending upon the time of year. Information about the affluent is in the SPEDES application. The affluent tank will be used as a reservoir for golf course well TW5 which is shown to be utilized as an irrigation source. The use of Lost Lake as an irrigation source has been eliminated. Mr. Munsey stated that there was a lot of discussion about that during the SEQRA record process, and a lot of concern prompted by that. And now, it's basically not being used, as they go to seek other permits for the project, because that would make it more difficult to get those other permits essentially. Setbacks and buffers – a fifty foot wide setback and buffer around the entire project parcel and we wanted them to specifically show them on all of the plans. The minimum one hundred foot wide buffer for both sides of St. Josephs Lane, we wanted that more clearly shown on the plans. Then there are the set back requirements for the individual lots, sixty feet for any single family house, for the perimeter of the property. I am assuming you added more specificity to that on the plans. That is another check we are going to have to do – that all of the plans have that in there. Item twenty four is really a town board issue. Covenants and restrictions on home site development, I'm sorry, this is a developer thing. We said that no real information was provided, but it really isn't too relevant to site plan approval. How is that addressed, Mike? Mr. Brinkash responded that we will provide that under separate cover. We do have that – Attorney Bavoso stated that we will want to see that before we approve the site plan. Supervisor Galligan stated, yes, we are going to want to see that – what's required of the owners. Mr. Gracy stated that we have a draft – it will be to you tomorrow. Mr. Munsey continued we have already addressed the wetlands, you are showing the wetland sites on the plans in more detail. Mr. Brinkash again replied yes, we are showing an area and noted that it is subject to DEC – we spotted an area that will probably be a part of phase four. The idea here is going to be to extend the existing wetland. Again, continued Mr. Munsey wetlands are such a big part of this project and this is such a big project, the wetlands are very small, covered under the wetland program – it's still a hard permit to get from the Army Corp of Engineers and the DEC. It is sufficient to outline the mitigation area so we know where it is, not specifically what's the grading and the planting plan because that will all be detailed in the core DEC permits. Item number 28 on page 8 – road centerlines will be staked will be reviewed by the town for the site plan review process. Mr. Brinkash stated that basically, when you want to go out and look at that, just let us know and we'll get plans out there. Mr. Munsey stated this was added to the findings statement and it would give you and opportunity to go out and field validate some of the road center lines – it would give Tim (Gottlieb) and C. T. Male a chance to review everything as well and Dan (Hogue) also. Mr. Munsey continued that another factor that is applicable is that they are going to have to stake out the areas for clearing. This is another extract from the findings statement and it will give us a chance to see if these areas look appropriate for the clearing, do they look consistent with the approved site plans. We're given an opportunity to do a field check on them. Mr. Gracy asked if this was

something that needs to be coordinated soon. We are ready to show you center line. If you are going to want to see the limits of the clearing, that's going to be more in my subdivision plans. I guess what I need to know is let us know when you want to do it, before the weather gets too bad. Mr. Gottlieb added that if you wait too long, you might be waiting until May. Mr. Munsey added that he would suggest having the road center line staked out so that town representatives will have a chance to out there and review them. I don't think at this point in time it's necessary to delineate the clearing areas, moreover it would be really difficult to discern those in the field. It would take a long time to do it. To go out and do a field recon of the road centerlines, it would add some justification to us in the review process that it looks like they won't run into any significant problems here. Things that we would be looking for would be steep slopes, bedrock outcrops which can be overcome by some level of design, but do these road layouts make general sense. Discussion was held to road widths, doing this as soon as practicable and having it done and ready prior to public hearing. Discussion was also held on who would and should attend the site visit for the centerline inspection and doing it sooner than later. Mr. Gracy stated that he would have someone available to show everyone around and have the maps available they are ready to go. What you will see is perfect, there are no steep slopes or rock outcroppings or anything like that.

Mr. Munsey continued, a really minor issue, wildlife ecology there were some box placements that were part of the mitigation. Mr. Brinkash stated that we show a total of six nesting boxes and we can give notes on that when it's coordinated with the biologist. Mr. Munsey continued that we already discussed clearing limits, although that is something we wanted on the phase one site plan as well. Minimum lot size, seven thousand square feet and it appears that all of the lots are consistent with that. Historic and archeological resources they have already responded to the clearance correspondence from the state office, they basically agreed with their approach and the historic site that was on there was not eligible for inclusion on the state register of historic places. Transportation, the at grade crossings, St. Josephs Lane, we already discussed that a little bit. We wanted those locations depicted, which they were. We wanted some level of design detail on the site plans. Not the level of architectural detail that Mr. Gracy was making reference too. Just general geometric details. Plus it would be helpful to have graphic renderings so we know what the existing gates at Eagle Rock look like, these, as understood are to be replicates of those. Traffic mitigation – there is no issue there. Number thirty five on page nine, the applicant will make a written request to the county to make a reduced speed limit on St. Josephs Road – Mr. Brinkash stated that is part of their application. Mr. Munsey added that it was to be requested to make it safer at the “at grade” crossings. But there is no obligation to get a reduced speed limit, but to seek a reduced speed limit. Traffic mitigation on page ten, item thirty six, there was a requirement to have a construction routing traffic plan. How was that addressed? Mr. Brinkash replied there is a three paragraph response, basically, a lot of this will depend who the contractor is and where they are coming from. I do have a phase one routing plan, I haven't gotten it to you yet, John, but we are initiating meetings with the county identify roads and road conditions and to meet with the town superintendent, but have a preliminary traffic routing plan and we have discussions planned with other people before that is finalized. Mr. Munsey stated this is not part of the site plan itself, but a separate and distinctive part, as long as there is a plan. Would it make sense to make that note a part of the site plan. Mr. Brinkash stated he would. The reality of it is, once construction is ready to begin, that is when it should come. We'll know where these people are coming from, where they are getting their materials, right now everything is sort of a guess. Supervisor Galligan stated the highway superintendent may suggest alternate routes. Mr. Brinkash suggested to address the whole issue, we can add a note to the plan that says prior to construction the traffic route must be coordinated with Mr. Hogue and the board. Superintendent Hogue stated that most of the problems that we have are in the spring time with wet conditions. The sub bases on the road can't handle repeated heavy truck traffic. That would pretty much be my concern, if there is a lot of truck traffic on roads residents complain. Supervisor Galligan stated that there are not a lot of people living on the Cold Spring Road in the Town of Thompson. Superintendent Hogue stated that Cold Spring Road is more of the county concern, I am thinking if they come across Rose Valley Road or Lake Joseph they would be the only town roads impacted. Mr. Munsey continued police protection and emergency access points will be gated. Supervisor Galligan asked how access will be gained, will police and fire have a key, we have quite a few gated houses in Forestburgh and those owners provided keys to their property to the fire company or we have the access codes. Mr. Gracy added that we have the upscale entrances, like the main entrance that can be operated with a toll tag and we would provide them to all of the emergency services, they will get one for each of their emergency vehicles and they will be good to go, plus we have security on staff twenty four – seven, so if there is ever an issue you still have my security escort. That is our plan, we won't have it from day one of course, we'll have limited security right off of the bat, then by the time we have three or four homes in there it will be twenty four/seven. Mr. Munsey again continued item thirty eight – the status of donating two acres for the emergency services parcel to the town – can that discussion be summarized? Mr. Brinkash stated what we have is done is highlighted an area on the plan and tagged it as approximate location of

two acre donation parcel for emergency services. We don't know the exact configuration, so we didn't want to draw it out exactly. We also provided a note on this plan – sheet thirty one – future dedication of two acre parcel on St. Josephs Road it will be created at a future subdivision phase when the specifics are worked out between the developer and the fire company. Supervisor Galligan stated that another fire house is not the priority of the fire company; it's what you are doing to encourage your employees and residents to become volunteers, right now that is their top priority. Mr. Munsey continued that it is identified in the plans and that is all we wanted. It sounds reasonable to allocate that to a future subdivision phase, not necessarily associated with phase one but it's on the phase one plans as a requirement. I agree that it doesn't make sense to define that parcel right now. It will make sense in the future to define that parcel when the needs are better addressed by the town. Recreation – Bushkill Park East – how was that addressed? Mr. Brinkash replied again there is a note on the plan that it will be offered for dedication when the phase is set up. On the master plan we weren't sure when this was going to apply, probably not until phase seven. Mr. Munsey stated that we wanted shown on the plan that it is a later phase donation. The last two are water supply and a geotechnical report of memorandum, Chet of our office told me that wasn't provided as well. Mr. Brinkash responded that he has that but needed some clarification – the subsurface after the (inaudible) during the site plan approval process. We are in receipt of a memo from our geologist that has viewed the site, but has not done a full blown study on that area, but has enough information to determine that the site is suitable to do a detailed study and it's our opinion that we are not going to do that detailed study until just prior to construction, just to make sure that something doesn't change from now until we receive our final permit. Mr. Munsey responded that in concept, we agree with that, but we said give us what you have and we will look at it. As a result of the SEQRA to come up with this big, long findings statement that has requirements that are applicable to the site plan application process those are the ones that are really centric to this project that are unrelated to the other permits. A few of them are very important issues to the Town because they were mitigation measures that were offered up and our intent was to make sure they were offered up somewhere, at least as a note in the subdivision plans, so there is a record of them.

Supervisor Galligan asked where do we go from here? Attorney Bavoso replied that at the beginning of the meeting, Mr. Munsey stated they need a few weeks to review the plans and new information. The town board has a meeting on November 3, which is just over two weeks from today, do you wish to have your consultants back and see if you are prepared to take further action. Do you want them back with their comments of what they are reviewing in the next two weeks and decide what you are going to do from there. Mr. Munsey stated that prior to November 3, review comments will be provided. I do know that, after speaking with our primary technical review team, that we are going to have comments. I know that they are dealing with “moving targets” on some of the other issues, but we will be checking to see if they addressed our comments sufficiently and if they haven't, those are going to be the additional comments we will provide. Supervisor Galligan stated that the board agrees that our consultant should have ongoing communication with the developer throughout the process. Mr. Munsey stated that was very helpful to be able to have that conference call last week. If you will allow us to continue to do that again, everyone called in and we hashed things out between the engineers, there was a lot of consensus that was developed or some of the issues go to the town board, and ultimately, it's your call. One of those is the utilities. Mr. Munsey also reminded Mr. Brinkash that he is waiting for him to provide the shape file for review. We need to know where the nearby neighbors are so that we can, to the best of our ability, strive to identify those. Attorney Bavoso stated the residents would want to know that, especially with the location of wells and septics. Mr. Munsey added that the town code says we need to show all wells and principal structures within one hundred feet of the property line, or something very similar to that. That is a requirement of the applicant. It is a large site and it's difficult to do that, but we want some level of due diligence. Mr. Brinkash asked if the town code requires showing wells and septics, he thought it was only on the checklist. The town code just said structures within one hundred feet. Mr. Munsey replied that the town code said one hundred and the check list said two hundred. Mr. Brinkash stated that they would like to use some sort of an aerial photo, what we don't want to do is go knocking on the doors of these people's houses and ask to go back and locate survey markings and their septic systems and wells. The reason is we fit all of our isolation districts, distances from sewer lines to property lines are in excess of what is required to the well. Even if these people had their wells right on the property line, we are still far away from that and vice versa. It's really not important information. I agree that the house location would be and if we can use an aerial image I think that would be reasonable. Mr. Munsey replied that we would agree to that, it is a reasonable approach for a project of this size. Mr. Brinkash continued that we counted nine houses adjacent to phase one, they are more than two hundred feet. I was interpreting it as any properties within one hundred feet. Mr. Munsey stated if there aren't any, we will just put a note on the plans. Discussion was held to number of homes, locations of wells and septics, the railroad bed and aerial photos of the property. Mr. Munsey added that it brings out a good point in planning for a future public

hearing on a project like this, how do we want to best depict it – do we want to put maps up, do you want to direct the applicant to do a power point presentation, do you want both? It is a large project and it's tough to convey everything on paper in a practicable way. Supervisor Galligan added that having the aerial photo, especially if it's a little bigger, so you can show here is where it's going to be, here's the Cold Spring Road, etc. People can walk in and get an immediate impact of what is going to happen and how it looks and exactly where it is. The maps are all available at the town hall. The more detail you can give them right up front, the more you will answer their questions. And you can point to particulars and show where they are going to go. A power point might be good to start off with, it's a good introduction of what is going on. Mr. Munsey continued that one item that we didn't address and it came up in our conference call, was the typical details of where the houses are relative to the lots. I don't believe we came to a consensus on that. Typically you show where each of the houses are going to be one each one of the lots. This is a large subdivision so what the applicant has put together is atypical detail sheet for a lot. I believe there are three of them and is that sufficient? Supervisor Galligan stated that in his experience, if it were a subdivision where each house would have its own well and septic, you would want and need that to be shown. But here you are having water and sewer piped in and out so you just need to see the connections. Councilman Galligan stated that we wouldn't hold anybody to putting a house "exactly" where it's been mapped out – I think doing that would be a waste of time. Mr. Munsey continued that there was a lot of discussion how people will buy one lot for their home and then buy adjoining lots so no one builds next to them, so if it builds out like Eagle Rock, which is what the plan is, then you are not going to see a house on every lot, so it would make sense. Supervisor Galligan stated it is our obligation, in the planning process to plan for a house on every single lot. Attorney Bavoso stated that under the site plan requirements of the zoning law, Section 85-29, it is to show all structures on adjacent properties within one hundred feet of the lot line of the subject property.

Supervisor Galligan asked if Mr. Munsey could get their comments to us prior to the November meeting, it would be better. Mr. Munsey replied they would strive for that. Attorney Bavoso added perhaps the comments could state where we are in the review, and where we are with regard to the plans that you have seen and any recommendation that you have for future action by the board. Supervisor Galligan added the public hearing will open up a lot of comments and there will be modifications.

Richard Feller – I just have couple of quick comments, from perspective, what you are both saying is that the power point presentation would be a very useful tool. That way when you are talking about something, everyone is looking at the same thing. My comment on this is that you have a project moving forward and you want to be successful and that you run into as few obstacles as possible. Which brings me to the concern that I always have, which is water supply and utilities. I've raised it at other meetings and I raise it again now because we have new information today, and that piece of information is that the golf course will not be irrigated whatsoever with water from the lake. It will be irrigated naturally and with water from a well. The developer has now taken out the lake as the source and, as you had mentioned, it was probably done because it's easier to get approvals because they are not disturbing a natural body of water. Which from a homeowners perspective on Cold Spring Road, raises even more flags and concerns and brings me back to the issue I had raised previously, which I won't bring up again, but it's well documented and it's still a concern and you are talking about a lot of homes. I restate that the language that's in the findings statement those four words are insufficient – the burden of proof shouldn't be on anybody. If it's on us, it's an obligation, if it's on the applicant then it still puts the obligation on the homeowner because if the applicant comes up with proof that it's not their responsibility that our wells go dry, then it's our obligation again to prove that their facts are incorrect. My goal obviously is to remove that and make that correct. So that has to do with water, so I raise that again. There was a time that I was told, that not in the past, but going forward, and I think we are at that point now, where other permits and other things are being talked about and being issued and those are other times to raise this issue. Now is that at the public hearing or to the department of health, who do the homeowners raise this issue to? That is the first question, the other one simply has to do with the other utilities that we are talking about now, electric and I am assuming it will go along with cable, phone and things like that as they will be running on the same poles or run in the ditch in the ground. The question of course then is, with this section of the subdivision and the others moving forward, again my objective and I think the objective of those that I have spoken to on Cold Spring Road, is to make sure that those that are part of this subdivision are not the only ones who get the advantage of the new power lines, high speed, broadband internet access and cable and things like that, but the existing homeowners are kept in mind as well. We've discussed this previously a few months back. Those are the concerns I have and as I said in the beginning, knowing this is going forward, I want it to be successful because it's to my benefit for it to be successful. But at the same time, I obviously don't want to be harmed and if at all possible be helped by some of the things that are going to be happening. I re-state that all for the record.

Supervisor Galligan thanked Mr. Feller and stated that his concerns are legitimate. Attorney Bavoso stated that Mr. Feller should go and take a look at the front page of these plans to see what agency permits have been requested from and contact them with any concerns that you have with regard to with what they are ultimately going to permit. Supervisor Galligan asked Mr. Munsey and/or Mr. Cordisco does the DEC hold public hearings with regard to their permitting process? Mr. Munsey stated that they do, for major projects they have discretion depending upon the level of public comments that they might have a public hearing. Attorney Bavoso added that if you don't contact them about the application you are not going to know if they are going to have a public hearing. It was asked that Mr. Brinkash supply the town with a list of agencies who have permit applications from the applicant pending. Mr. Brinkash agreed to send the list.

Mr. Munsey stated that Mr. Feller brings up a good question relevant to water supply and the potential impact to private residential wells, the findings statement is what it is, however, maybe we should add a note to the site plans that specifically relates to the carrying out of that mitigation measure that is specified in the findings statement so there is some level of enforceability, if would give a clearer path to enforcing that provision if it was included in the site plan. I see a benefit to including that in the site plans. On a second point, I can't help but think that just by bringing the utilities to the area, expanded utilities to the area, isn't that a benefit? Discussion was held with the fact being that the local utilities are not eager or willing to expand due to the distances between residences. Mr. Feller added that he has bigger lines in house than what is on the pole next to his house and the phone lines are from the year one. I have spoken with the PSC in Albany and the FCC in Washington and they say as long as they are providing you with some utility – you have utility enough. This is the ONLY opportunity for the residents of Cold Spring Road.

Supervisor Galligan stated that he is sure that Time Warner will want to get to you (the developer) because of the potential for a lot of customers. You will have more negotiating power than the town, you might say to them that you can come to us, but there are a half a dozen residents down the road – what will it take to get it down to them. I would hope that we can work something out where that could be accomplished. The town has very little to no say in these matters.

Mary Ann Toomey – Phase one – how much – how many miles of wild life trails are there? Mr. Gracy stated that the corridors are depicted on the maps. There are multiple corridors on the property. Councilman Creegan stated that Mary Ann brings up a good point, I know we were hoping to be able to get some observation sites set on the plan, so that if people do walk on the trails. Mr. Brinkash stated that the way the phasing worked out, there isn't a lot of the trail and corridors in phase one. They (the wildlife observation areas) are still on the table, just only as they build down towards those phases that contain the wetlands and areas like that. Supervisor Galligan stated they did notice the trails and wild life observation areas at Eagle Rock when we visited. Mr. Munsey stated that he couldn't answer the question definitively, but there are a couple of miles of trails, in phase one which is three hundred ninety two acres , and four hundred lots, there are a few miles in phase one.

Superintendent Hogue – I know that Rich (Feller's) main concern, as well as the rest of the residents, is water. The water tables fluctuate and that is a significant draw one hundred and eighty five thousand gallons for the golf course, I don't know if it's a thought, and I don't know where the water lines are, is there a way the residents around there could be serviced by the water system in the development. Councilman Sipos stated that this has been addressed when Richard asked what would happen if his well went dry – would Lost Lake drill a new well for him. Mr. Gracy responded that at Eagle Rock, they have customers outside of the resort, so it is not unheard of and it's not uncommon for us to serve nearby homes. Mr. Feller added that those are interesting facts to raise during the public hearing as well. That shows good will to the public.

Randy Gracy – I know you want to get these plans as close to complete to your satisfaction as possible, so we're ready for the public hearing. My question is, since we are still waiting for comments from the various applications, which could slightly affect the location of some things on the plans, but nothing major, are we just working on satisfying C.T. Male to that degree so then we are ready to schedule the public hearing and not wait for the other comments from the other applications. Dominic Cordisco added that it is a good point, these permits that we applied for are things that the applicant normally wouldn't apply for until after you've had your public hearing, and you actually have preliminary approval, we front loaded that process to make the best plans that we could at this point, but to hold us to satisfying ALL of the comments from the outside agencies, such as the DEC and Dept. of Health, before we can get to a public hearing is flipping the process. Supervisor Galligan responded that he looks at this two

ways, let's say we have a public hearing a month or two from now. It's my understanding of the regulations and the process, that if some agency has asked you to make major changes that you have to do, nothing says that if enough of that happens, we can't have another public hearing. Mr. Cordisco stated that is true, there is nothing that says you can't have a second public hearing, after preliminary approval or before final approval. Supervisor Galligan stated that we want to get input from our local citizens, and I know I won't be Supervisor after January, but I hope the board will keep the door open, so that if they feel it's necessary, they will get more input. To try make everybody as happy as we can make it. I don't want it to be just one public hearing and that's it, that's unfair to the citizens. Mr. Gracy stated that he agrees with that approach, what I would like to see is, it's a pretty good complete set and I would like to go ahead and have the first round of public hearings, we're not going to close it, we had one before that we left open, we can do that now. We want to make some concessions, we want to make some modifications and find out what the concerns are of the other citizens here and if they have questions that we can't answer, we'll make note of it and we'll answer it. Supervisor Galligan replied that we will get the comments from our consultant before our next meeting, and the one's from our engineer, and maybe at the November meeting, we will be able to set the public hearing. Mr. Munsey added that it was the intent to recommend to town board to have a public hearing once the collective comments of Gottlieb Engineering and C.T. Male were addressed collectively, and to not wait for further comments. Attorney Bavoso added that it also should not be on a date that is not a town board meeting.

Mary Ann Toomey – One concern was the affluent run off going into the Bashakill and raising the temperature to seventy degrees, and I'm sure the DEC will have something to say about that. Has anything changed since the initial plan? Supervisor Galligan responded that its part of the permitting process with the DEC and they know that's a Class "A" trout brook and if water is being discharged into that, they are going to be very concerned. Mr. Munsey added that would be a condition of site plan approval. It would be contingent upon obtaining the permit from the DRBC as well as the DEC on those discharge permits. I would say that nothing has changed along that line. The town, appropriately, I believe, is relying upon the regulatory authority and the expertise of those specific agencies to weigh in.

Supervisor Galligan asked if there were any further comments.

MOTION by Supervisor Galligan, seconded by Councilman Sipos to enter into executive session for the purpose of collective bargaining agreement with the highway department and further invite Attorney Bavoso into the executive session. Vote: 5 ayes – 0 nays. Motion carried.

MOTION by Councilman Creegan, seconded by Councilman Sipos to reconvene at 6:35 p.m. Vote: 5 ayes – 0 nays. Motion carried.

ADJOURNMENT – MOTION by Councilman Sipos to adjourn at 6:36 p.m.

Respectfully submitted,

Joanne K. Nagoda, RMC
Town Clerk