

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

The Town of Forestburgh Town Board held a **Special Meeting** on Wednesday, **April 20, 2011** at the Town Hall.

Supervisor Galligan called the meeting to order at 6:00 p.m.

Roll Call: Present – James P. Galligan, Supervisor
Eugene D. Raponi, Councilman
John W. Galligan, Councilman
William B. Sipos, Councilman
Michael Cregan, Councilman

Absent – None.

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – William D. Bavoso, Attorney for the Town
John Munsey, C. T. Male Associates
Tim Gottlieb, Gottlieb Engineering

Supervisor Galligan explained there is no agenda for tonight’s meeting, we are here to review the draft findings statement for the Lost Lake project. Supervisor Galligan asked our consultant, John Munsey to explain where we are on this project.

John Munsey – After the FEIS was accepted as complete, it was sent to all interested and involved parties, and New York State Department of Transportation (NYSDOT) said that we forgot to address their comment in the FEIS. So that comment was distributed from the applicants consultant, Fred Wells, to me, they only had three minor comments, however, to make the FEIS complete, to include all of the written comments that were received, or received after the fact by the lead agency, the concept is to amend the FEIS, and have the Town Board accept the addendum to the FEIS as complete, and then that will “re-trigger” the ten day waiting period, at a minimum that you have to wait before the findings can be adopted for the project. I spoke with Christine Kline at DOT, and I told her that basically they don’t have any “regional issues” associated with the project and she confirmed that. The impacts will be on the County Roads and local roads, and we have no concerns associated with this project. However, our main comment is comment number two, where they say for phase four construction they (the applicant) will coordinate with the County DOT to review the then existing traffic conditions at the project main access. They want to be involved with that in addition to the County, that is easy to respond to, yes, they will be included in that prior to phase four construction, just to see if there are any regional issues that may of concern at that time. It is a mundane, not substantive comment, and the same thread of thought on having the DOT, having them in the consultation prior to phase four is also written in the draft findings statement. This is a one page addendum to the FEIS. Councilman Galligan asked what we have to do to include this. Supervisor Galligan stated that we have to adopt an amended resolution. Mr. Munsey added that you will have to adopt a resolution that accepts the FEIS, and as a lead agency accepting that FEIS, then the addendum needs to be distributed to all involved agencies and interested parties, re-noticed, and then ten days minimum after that, you can adopt the findings statement. Organizations like this have staff that do nothing but respond to DEIS/FEIS so when they get a response, the first thing they look for is the response to their comments. Their letter got lost, it happens, I don’t think anybody is to blame, it just happens.

Dominic Cordisco – Fred Wells got the call from DOT, saying where is the response to our comments? To wit, what comments was the reply. It was something that we were just not aware of. It was certainly not our intention to leave them out.

Supervisor Galligan asked Attorney Bavoso if he had a resolution ready for the Board. Attorney Bavoso stated it would basically be a resolution accepting the addendum to the FEIS on the Lost Lake project which is dated April 13, 2011 and that addendum includes a copy of the June 25, 2010 DOT letter and the responses to that letter.

MOTION by Councilman Galligan, seconded by Councilman Sipos to accept this addendum to the final environmental impact statement on the Lost Lake project, which is dated April 13, 2011, and that the addendum includes a copy of the June 25, 2010 DOT letter and the responses to that letter.

Councilman Raponi voting aye;
Councilman Galligan voting aye;
Councilman Sipos voting aye;
Councilman Creegan voting aye;
Supervisor Galligan voting aye.

Motion carried.

Supervisor Galligan stated that the motion is passed and we are once again in the ten day waiting period, but that does not mean that we can't begin discussion on the draft findings statement.

John Munsey – I would like to explain how this findings statement was derived. The applicant provided us with a draft of the findings statement and we took that document and reformatted it into a word document to represent delivery to the Town Board, and I would say that we made substantive comments and substantive changes pretty much across the board, in every section. A lot of the information that is in the findings statement, I would say, was boiler plate extracted from the DEIS and the FEIS. Those two documents were pretty significantly reviewed by the Town Board and C.T. Male, we didn't have many comments on what was in there. It was pretty factually correct. We went through the document striving to represent the town's best position and how to best position the town in moving forward with this approval process. That was the ideal, to write the findings statement so that is best represents the town in moving forward. Supervisor Galligan asked Mr. Munsey to lead us through it, we have all read it, but you can explain why things were written the way they were and give the developer a chance to respond if he would like.

Mr. Munsey stated that in section one, it is just trivial comments there, there is nothing substantial there. In the second section we are discussing the proposed action. I wanted to make it clear that there is a maximum amount of residential units that can be built and there is an expectation that there may be less because of steep slopes, storm water management issues, the actual number of units might be less. I want to emphasize that it is a minimum of fifty percent open space requirement in consistence with the Town PDD and in this section, it is very important, and I feel very strongly about this, the main concept that we wanted to get into this findings statement is before the applicant comes to the Planning Board for site plan and subdivision approval. As part of the initial application to the Planning Board, it's incumbent on the applicant to show all of the other permits applicable that are in hand in order for the application to be deemed complete and move forward. I think that represents the interest of the town quite well moving forward. It does create a burden for the applicant to put forward any and all other permits applicable to the project, before coming to the Planning Board for site plan and subdivision approval, but it's possible that the project could change slightly as a result of moving forward and obtaining permits from the regulatory agencies, and if the project is going to change, I think it's best in the town's interest to know what those changes are going to be early on. Supervisor Galligan stated that in his opinion this would make it easier for the Planning Board as they would know what has already been approved by the other agencies for the project. Their discussion could then be based on those approvals. MR. Munsey replied that it would certainly streamline the process for the Town and we still have yet to go through the Lost Lake PDD language, but the findings have to be perfected before that.

Dominic Cordisco – I would like to address this comment. This is extremely significant and from my practice is an entirely new way of approaching these kinds of permits in the approval process. We absolutely need the permits from all of the other agencies. The DEC, for wetland crossings, for waste water, for water there is no doubt about that and we are not trying to minimize those permits whatsoever. The question is though, in the way that this written, we have to obtain those permits before we can apply and be considered and move forward by the Planning Board. Now, if this were any other project, including those in front of this board, such as the other projects that are pending before the Town and in any other municipality, those permit applications proceed along a parallel path and before the subdivision plat is approved, and the lots are actually created approval is given on the condition that you have to actually obtained those approvals. Let's say you were going to put in a twenty lot subdivision and you needed a new road that was going to come out on Route 42, so you would have to go to the State DOT. On a twenty lot

subdivision, you would first go to the Planning Board, they would review all of the engineering reports on that plan, including steep slopes, grading, road profiles, all of those details that they would have to look at on this application too. Then when they were satisfied that we met the town's requirements, they would grant an approval and the approval would be subject to that applicant getting DOT approval for the curb cut on to Route 42. This is no different than that. Those applications would proceed along a parallel path and in that case the DOT would have an opportunity to comment on that application all throughout the process. The same should be true here. If you think about it in a practical way, if we have to go to DEC and get approval for our wetland crossings, for example, before we get detailed review by the Planning Board, we're doing a wetland crossing engineering on something where the surrounding development hasn't yet been vetted by the Planning Board. What I suggest you do is follow the same practice that is followed elsewhere throughout the State on almost every other application. I have never heard of this approach before. That would be that before any final approvals are granted, and before the plat is filed, before the lots are actually created that we have to obtain every other permit that we have to obtain to make that happen. I think that provides plenty of protection for the Town because the lots aren't yet created. I understand the concern, and the concern is that you want to be aware of any issues that are out there with other agencies while this is going, but you can certainly be aware of this in a parallel process, rather than requiring us to get DEC approval for wastewater for a phase where we don't even have a number of lots yet finalized by the Planning Board. Supervisor Galligan responded that we are just reviewing this tonight and we can't approve it anyway tonight. Attorney Bavoso added that it is not in a form for you to approve tonight and secondly, you have to wait the ten days now again. Mr. Cordisco added this is a significant point for us. Mr. Munsey stated that precedent with this, we have run across this before and just because it hasn't been done doesn't mean it can't be done. I would ask the Town Counsel is this a legal mechanism, does it make sense from a legal standpoint? Or is there something that legally does not make sense. I think in several instances that change was made with the Town in consideration. Attorney Bavoso stated that it is a matter of practice. I don't see anything wrong with either of the two procedures. Mr. Munsey is proposing something that he feels is best for the Town, but I will agree with Mr. Cordisco that it is considerably most often the case that the application process is parallel to each other. The Town is protected basically until those other approvals are received the maps are not going to be signed and filed and nothing will be issued. This is a decision that the Town Board has to make, which procedure they would prefer to see happen here. Councilman Galligan asked if there were any advantage to using the proposal of Mr. Munsey as opposed to the other way. He understands it's a long delay for the applicant, but wonders if there is an advantage for the Town. Mr. Munsey replied that he felt there was, otherwise he would not have proposed it. I think the advantage is that any changes in the project, that are the result of the permitting agency would be known entity before you started your review and approval of the subdivision and site plan approval. The applicant could still submit an application, but what I am proposing is that their application would not be considered complete until the permits are obtained to move the project forward. Supervisor Galligan asked, if in his opinion, it would streamline the process through the Planning Board. Mr. Munsey replied absolutely. I would consider this a large complex project. What happens on large, complex projects, even though it's a residential subdivision project, is that as you go through the permit process, with the regulatory agencies there is a give and take that is involved. There are negotiations on the permits and the terms and conditions and what that could result in is, in doing the permits parallel with other agencies, the DEC most notably, with water supply and waste water, they would come back with a potential change, and they would say ok, you reviewed that and conditionally approved that, but now we have a change. We have our DEC or Dept. of Health permit, but now we want to change. So I see it as a streamlining effort for the Town, I agree that it is unique, it was not my thought to do what's common and what is most routine on projects. My objective was to do what was the best for the Town.

Randy Gracy – With his approach, the permit would be given for, let's say the water distribution system. I am going to have to dictate precisely where that right of way is and show where that main is and the sewer. Now if I'm working with the planning commission and we are trying to avoid steep slopes or rock out croppings, and I have tried to avoid them and they say to move the road or lots over a few feet more, well, now my permit from the DEC has to be revised. So now I have to go back and have my original permit modified. That is why I think it's imperative that we work with the planning commission on the main issues, as far as what am I going to do and where I am going to put it and that's when you do the detailed engineering, because now you know what the Town wants to see and where they want to see it. If I do it the other way, they I will have to turn around and redo everything. I believe they should be done parallel.

Dominic Cordisco – With a project of this magnitude, we really need work both of these at the same time, so that if the DEC doesn't like this wetland crossing, we can notify the Planning Board and then make the necessary changes at the same time rather than one after the other.

Supervisor Galligan stated we will have to discuss this further.

Mr. Gracy added it is very similar to doing the FEIS, the Town Board gave their comments and we responded, the other agencies gave their comments and we responded and we had to address all of them .

Mr. Munsey added that the other thing that needs to be taken into consideration, is that a lot of design has already been done for the facility and presented in the DEIS and the FEIS, the Planning Board hasn't formally commented on that, but there are lot of changes that have already been made on the project. A higher level of design was done and presented for phase I, so theoretically the nuts and bolts of the site plan application is already embedded in the SEQRA documents. Unless changes to those documents are being contemplated already, those documents set forth the project. The initial application to the Planning Board is already defined, quite well, by a conceptual engineering basis, within the DEIS documents. We did have comments on storm water management and some of our comments were getting to specific on where the basins would be and we yielded on that issue. It's more appropriate to do those design details later on in the project. I would say doing them parallel is good, but there is some level of uncertainty with agencies issuing permits for the project. We are hearing comments tonight for the first time as well and maybe there are alternative approaches that might still meet the objective of that change in the findings statement, and not have the permits in play before the application is deemed complete.

Councilman Galligan stated that he felt there is some compromise that we can reach. Mr. Munsey added that in his opinion we are looking at extreme conditions. Councilman Galligan further stated that if the DEC and everyone else that had to issue permits didn't like it, we would have to come back and start all over again. Mr. Munsey stated that in the yet to be offered PDD legislation, he feels this can be addressed.

Supervisor Galligan stated that not that you folks are going to sell it, I assume you added that part, that if it were sold, the new owner would have to understand that they have to come back. Mr. Munsey stated that is probably the next significant addition that was made to the document. During the DEIS process, the proposed action was designed in such a way that the proposed element would be similar to Double Diamond's other facilities. So that if it's not Double Diamond that is moving forward to do the development associated with this project, and there is no reason to believe that it is not the case, but if it's not the entity of Double Diamond, then that changes the content of the DEIS. The Board and Mr. Munsey agreed that many decisions were based upon the reputation of Double Diamond and the visit to their Eagle Rock facility. Many references were made that this project will be similar to Eagle Rock. Mr. Munsey continued that if another developer came in, you wouldn't have that level of assurance. Attorney Bavoso stated that whoever takes over the project would not have to start at square one, but would have to follow the FEIS. Councilman Galligan stated he believed that the attorney could write eight pages of legalese on this paragraph and probably should. It is so general that everyone could interpret it differently. What control do we have if any entity goes in there? Who are we to say they can't sell it to them. Dominic Cordisco stated that you can't do that, but you can direct them that all of the conditions and requirements that are part of your approval do apply. Randy Gracy stated, trust me, we have no plans to do anything with this property, but still I think that if someone were to come in and take my plan and submitted back to you, you would still have a lot of control over various things within it, but I think that language needs to be tweaked a little bit.

Mr. Munsey continued that he added that all of the benefits described in DEIS were determined by the lead agency to warrant density bonuses. Just to make that factually correct. It was determined by the Town Board that this is compatible with surrounding uses in the community and that the project conforms to the Town's most recent comp plan.

Supervisor Galligan questioned ownership, it's mentioned that Lost Lake take ownership. Is that the homeowners association? Mr. Munsey stated that was taken from the DEIS. Mr. Cordisco added that the references to Double Diamond, Inc. will be to Lost Lake, Inc. as a subsidiary of Double Diamond. Mr. Gracy corrected Mr. Munsey that the roads within Lost Lake will become the property of the homeowners association. The hospitality amenities, which are the hotel, restaurant and golf course, the developer will retain ownership of them. Mr. Munsey stated that the POA (Property Owners Association) will own the road ways. Councilman Galligan asked what else will the POA own? Mr. Gracy stated that their responsibilities will include maintenance, operation at the entrance, maintaining the gates and security guards, any parks that are basically free access to the property owners, all of the big ticket items we will retain ownership of.

Mr. Munsey added that the big thing is that the roads are not Town roads and you won't have to maintain them. Highway Superintendent Hogue asked if the homeowners association would also own the water and sewer. Mr. Cordisco responded that those are under separate ownership because under New York State Law they have to form two transportation corporations to oversee the water and sewer. Supervisor Galligan added that water and sewer districts will also be created at that time, in the event, and we hope it never happens, that the Town would have to take over the water and sewer. Supervisor Galligan then asked that in the event that the Town had to take the whole thing over, which, again, we hope never happens, that we can set up a road district, like those for the water and sewer. Superintendent Hogue replied that he didn't know about the roads themselves, but he does know we can create curbing districts and drainage districts and even sidewalks. However, if they become public roads, then they are just that, public roads. There is no more "gated community". Mr. Cordisco stated that they could create a district for that now to avoid any potential headaches later. The forming of the district just creates the mechanism, it doesn't change the ownership now, it would just provide the means for you to take over at a later time. Attorney Bavoso added that going back to what we just discussed, go back to page 7 and there is a very good explanation in the third paragraph of who's going to own the amenities, and what facilities and who will contribute to the cost of operation and maintenance and even the design and theme of buildings to be constructed. It tells you what the POA is going to do and what the Lost Lake, Inc. entity is going to do.

Mr. Munsey stated moving on there is a mention of open space. Supervisor Galligan stated this is where they also mention the golf course, which is going to be open to the public. Does that mean they can never close it? Let's say they sold every single lot and everyone wanted to play golf. I am sure they can limit tee times but could they close the golf course? Attorney Bavoso stated that there is membership, which is gained by lot ownership, but there would have to be public hours and that is pretty well described later on in the findings statement also. Councilman Galligan asked if they got so busy, could they restrict the hours of operation? Attorney Bavoso stated that we will have to discuss this with them and see what their intentions are. Mr. Gracy stated that it is there full intent to let the public have access to it, and I keep going back to Eagle Rock, we have over 8,500 property owners and just recently we added the nine hole executive course. To this day, thirteen or fourteen years after we've been there, it continues to be open to the public, even with that kind of property owner base. At Lost Lake the property owner base will be a lot less and I can't ever imagine that happening. Attorney Cordisco suggested that when the Board gets ready to adopt the PDD approval, that the final version of this document (the findings statement) be included as part of the PDD approval, so that all of the statements and everything else that is outlined in here is part of your PDD approval.

Mr. Munsey stated that he tried to put as much reference to the DEIS and the FEIS in this document to try to strengthen the findings statement. I also wanted to emphasize that the main access/entrance is on Cold Spring Road and that the only access on St. Joseph Road is for emergency access.

Drainage & erosion control – DEC standards are always changing, there is a relatively new design manual that is out there, so I just wanted a reference to the most recent DEC standards. This applicant will have to conform to the most recent design standard which is for green infrastructure. For example, porous pavement, it's not a requirement, but they are pushing it heavily. In reference to water supply, I wanted to reference the applicable regulations, prior to making application to the Planning Board, the applicant is required to obtain permits from these three agencies. These are probably the most important permits to have or to show substantive progress towards obtaining those permits. As we saw in the DEC correspondence, we saw their reluctance to issue water supply permits for this project. I tried to capture some of their comments, especially with regard to water supply investigations. We also reiterated the conclusions in the DEIS relative to due diligence on the part of the applicant to demonstrate a water supply that is sufficient for the whole project. With the largest well out of service, they have not demonstrated they have enough capacity for the project. However, from a SEQRA standpoint, that is not really a requirement of SEQRA – it is a permit requirement. Dominic Cordisco added that even with that one well out of service, we still have a great deal of water out there. What we don't have with that one well out of service is under current standards we don't have enough for the full amount of the build out. That is the issue we still have to address. Mr. Munsey reiterated that it is a permitting issue, not a SEQRA issue for the project. However, they will only be asking for the permit for phase I – it is on a phase by phase basis – they need to obtain permits for each consecutive phase. And if phase one and two aren't totally built out, they are only going to assess what could potentially be built out. One of the things I am trying to capture in this findings statement is the assertion by Double Diamond that probably every lot isn't going to be built out, so how do you try to build that into the document, but it has to be done on a phase by phase basis. An owner may buy three lots for privacy and only build one home and there is no way to build that into the document. There is no way to demonstrate that the project will probably never be fully built out. Supervisor

Galligan stated hypothetically, every phase from one through six is sold out and they are looking to start phase 7, but every owner owns two or more lots, the DEC will look at that in the permitting process? Mr. Munsey replied probably not, they would not want to dedicate those lots to green space versus just holding them as individual lots. It is more along the lines of, lots might be lost because of storm water, so the number of lots can only go down, it can't go up due to logistical constraints of development. There is a requirement at the end of that section that the Town Board will have to enter into an agreement with Lost Lake over the water and sewer transportation corporations. This is a post-SEQRA activity that you, the Board will have to do. It is a standard Town Board requirement when transportation corporations are set up.

Golf Course, landscape and lighting plans, we had no significant comments there. Required permits and approvals, pretty long list there of permits that are required. One of the permits, just for example and discussion, one of the permits, Sullivan County Department of Public Works, highway work permit will be required for the at grade crossing as well as the emergency access. Now there is an area where it would be beneficial to the Town and the Planning Board to know what the County's expectations are on that road crossing. That is really a County lead item, from a safety standpoint, now there are going to be vehicles crossing that County Road even though it's not heavily trafficked, but with this development, there is going to be increased traffic. That is a potential hazard item that can be addressed through project design, but I would assume that the County would take a lead on that.

Section 6.0 summary of impacts and mitigation measures, there were no significant comments on the topography, geology, soils, cut fill estimates. The most important thing is that this will be a balanced project with the cut and fill, there will be no exportation of material off site. I added the paragraph that wetlands require the necessary permits from both the DEC and the Army Corps. Of Engineers. I wanted to lean on them for the environmental protection that is going to afford, because they are not going to issue permits unless they have come to the determination that the wetland impacts have been minimalized to the maximum extent possible. And those impacts that are unavoidable have been mitigated. Wetland creation is a requirement of the project. The impacts to wetlands are very small, but it is possible they may not like the crossing locations. Based upon our review of the selected crossing locations, it's unlikely they are going to change significantly. Vegetation, again as part of the DEC and Corps. Permitting process, they have consultation with the US Dept. of Fish and wildlife and DEC usually coordinates with their division of habitats, so I wanted to bolster that by adding it to the discussion. There are no substantive comments on wildlife ecology. On the listing of species where Osprey is the last one, I added this sentence "it is anticipated that these findings will be verified during the permitting process with the DEC and Corps. Or mitigation will otherwise be required, again leaning on the review that is going to be done by the DEC and the Army Corps. Of Engineers during their permit process. Section 6.5 – water resources, again I just wanted to reiterate wherever there is a permitting entity I just wanted to make the statement that the project will require wastewater discharge permits from both the DEC and the DRBC (Delaware River Basin Commission). Post development storm water, again we will be leaning on the DEC to issue their approval. Councilman Raponi stated that something came to his mind, on the waste water, in the event of power outage, especially during an ice storm where people could be out for two weeks, will there be a backup generator system for the sewer treatment plant and other public facilities? Mr. Munsey replied that he believed that is a requirement and the same for water supply. The power may go out for the individuals, but the sewer plant would still function and there would still be water pressure. Water supply wells and pump test data again that was just extracted from the existing document. Supervisor Galligan asked if any of the water taken from any of the wells has been tested. Mr. Munsey replied it has all been tested and it meets potable standards. Given the water supply results, the water supply should require no treatment other than disinfection, which is a minimum requirement, but again, that is subject to the agencies review and approval. There is additional testing that is required as well, though. Off site impacts, once the wells become operational if adjacent land owners give permission to test the wells, the applicant will do that, and I just put that the results of such off site monitoring will be given to the Planning Board from the second through the seventh phase of plan approvals because otherwise there is no mechanism for providing that information to the Town, if indeed it is generated. Irrigation, again it is subject to DEC and DRBC concurrent. Then the applicant will be doing some monitoring of surface water quality, but there is no reporting requirement to the Town, so I added that the reports will be sent to the Planning Board during the second through seventh phases of site plan approvals.

Geo-thermal system – I put in there a closed loop geo-thermal system is not expected to have any impact to local aquifers or drinking water supplies. Mitigation measures I refer back to the DEIS in this section.

Water supply – We specifically state in there that the projected well capacity does not meet the DOH requirement of maximum daily demand with the best well out of service. That is embedded in this document. However, there is a requirement for them to get a permit from the Department of Health on a phase by phase basis progressing.

Historical Preservation – Mr. Munsey asked if anyone has received any comment from OPRHP (Office of Parks, Recreation and Historic Preservation). Fred Wells replied that no comment has been received from them, they told him “this week”. Mr. Munsey continued that perhaps we did not capture in this document to make a report to the Planning Board or to the Town Board if the PDD legislation is written that way. What was the comment from OPRHP agree with the project archeologist conclusion that that site is not NRE (National Register Eligible); it is not a significant site. Even if it is a significant site, it doesn’t matter for this findings statement because it’s an either or scenario. Either OPRHP is going to agree, in which case it’s a closed item, if they don’t agree and they find that the site is potentially National Register Eligible, then they still have to get OPRHP concurrent on either avoiding that site, and that is in the phase one area, or it has to be mitigated, by essentially removing the resource and cataloging it. Supervisor Galligan stated then there will be no choice; you have to do what OPRHP tells you. Mr. Cordisco concurred and stated that by law the DEC or anyone else can not issue their permits without having a sign off from OPRHP. Mr. Munsey added that even if it is eligible, they can probably fix that by moving a roadway, for the purposes of this findings statement, we’ve given flexibility to that. It is not an issue that needs to be closed for the purpose of adopting the findings statement.

Transportation – At the very end, I added in the notion approval of the at grade crossing at St. Josephs Road, emergency access and main entrance require review and approval of the County Highway Department. I really feel that the Planning Board will benefit by knowing what the County wants.

Special Events – It does say that no major spectator events are anticipated at Lost Lake Resort, but what it doesn’t say, is that it doesn’t prescribe a policy or protocol that would be followed if a major event were planned there. There are other permits that would be triggered by such an event, such as mass gathering permits with the Department of Health would be triggered. So I don’t think it’s necessary that we do that, but I just wanted to point that out. Supervisor Galligan stated that the size of the hotel/conference center is only eighty people. Mr. Gracy added that our accommodations are limited. The amount of people that our facility is going to accommodate is not even going to be an issue. If you are foreseeing anything larger, I can’t imagine what that would be. Even a golf tournament, our accommodations are to handle the maximum number of golfers you would have on the course in any one day and I don’t envision very many spectators. I suppose it could happen, where you have two or three thousand spectators, but I can’t imagine anything larger than that.

Mr. Munsey continued, the transportation sections, there were minor edits made to that section. Traffic mitigation – that section was substantively re-written, to some extent with the new information we had from DOT. We made major modifications to this section to spell out more clearly the potential need for more turning lanes within the main entrance. Then I took the approach of making a requirement that the coordination be done with the County and DOT and that something be given to the Town Board to document that coordination, in terms of correspondence from those agencies associated with the construction of phase four. The funding requirement will be done by the applicant for transportation improvements subject to County approval that is again at the main entrance. It also applies to St. Josephs Road. Then I tried to be more specific with regard to incidental grading that may or may not take place on St. Josephs Road to make it more of a requirement that the one hundred foot buffer be retained as much as possible, except at the area where they are doing the at grade crossing. There is also a requirement in there that the applicant will coordinate with the County with the objective to establish a reduced speed limit, its possible the County might not. Discussion was held who oversees speed zones, even on a County road is it the State that overrides. Superintendent Hogue stated the applicant would petition to the County, which then gets submitted to DOT, and then DOT does a study, usually, 99 out of 100 the State will deny the request unless it is in a heavily populated area. We also added DOT to the County Highway Superintendent for suggested truck routing, which was already established in the FEIS. I then tried to strengthen who would make the determination that the roads are still in good repair after construction occurs. The way I wrote it, it will be the Town and County Highway Superintendents. The idea is that pre-construction they will do a road inspection and then again when construction is complete.

Fiscal and Employment Analysis – again a lot of the fiscal and employment is predicated upon the project being built out as presented in the DEIS. For the taxing benefits, I tried to add the partial build out scenario in addition to the full build out scenario, only because the full build out may never be achieved.

Fire Protection – That was agreed upon by the applicant and the fire department and district.

The applicant will pay to the Town the appropriate per lot recreational fee at the time of seeking site plan approval, which is currently two hundred dollars per lot. Mr. Gracy stated that based upon the size of the development, and I understand the fee that is in place now, the fact that we are basing so much in recreational facilities that are going to be open to the public, we would like the Town to reconsider that fee to something that would maybe be more appropriate for the Lost Lake project within the PDD that is established. Dominic Cordisco added that in order for the Town to even charge the fee, you have to make a finding that the project doesn't provide enough recreational opportunities for the residents. I think it would be a stretch to make that finding, but it is something you have to consider. It is a requirement that you have to evaluate what is being provided as far as recreational amenities and then make a decision as to well there is or isn't enough recreational amenities and then you get to the fee. Supervisor Galligan stated this is something we need to discuss, and I read it differently, there are a lot of things available, the way I read it was there is a lot available to the residents who can afford it, and there is a little open space if you want to have a picnic, but for the person who doesn't have a lot of money and wants to go fishing there isn't much, so we will have to discuss it. Mr. Cordisco replied that we provide recreational amenities for the new residents, if not then we can charge a fee for the Town so the other residents can use the amenities.

Mr. Munsey continued that on the waste water treatment, I just emphasized the permitting entities. With solid waste removal, everything will be carted off site that is more an internal management issue. As for noise and construction noise, other than the construction noise the only other item is the "pre-blast" notification requirements that are built into the FEIS. Operational noise these are just reiteration. Although on operational noise, the applicant will monitor noise at noise location five at the completion of phase three to determine the actual ambient noise levels and those levels will be evaluated as noise impacts on the neighbors. Visual Impacts – Along St. Josephs Road is really the only place you are going to see anything potentially. Site Traffic – it's again a reiteration and the changes that were made to that are the DOT being involved and the coordination effort at Phase Four construction.

The conclusion section, this is what has to be said, what SEQRA says you have to say. This is a draft, you can't act on it. This is your findings statement that basically makes a decision to move the project forward. Supervisor Galligan stated that things we really need to focus on are the parallel permitting item, the \$200.00 park land fee. Councilman Galligan added we need something in here if they sell the property and Mr. Munsey added, also the road districting.

Mary Ann Toomey – What happens if the other agencies reduce the residences from 2,700 down to 1,700? Supervisor Galligan replied they would have to modify their plan. If the DEC won't give them a permit, they then have to modify their plan or scrap the project. Dominic Cordisco added that in a general sense it is correct, but bear in mind that we need very specific permits from the DEC in connection with water and waste water, and the DEC has standards that we have to meet. If we meet those standards, and we believe that we do, at the end of the day, the DEC has to issue those permits. They can't say "Well, you meet our standards, but we think you should have this, reduced that," – legally they cannot do that.

Ivan Orisek – I would like to comment on the FEIS, I would like to put on the record the comments that the Planning Board made before the FEIS was accepted. Supervisor Galligan responded that those comments have already been put on record. Mr. Orisek continued that he wanted to be sure because nothing has ever been done with those issues. I would also like to comment on the Draft Findings, since this was prepared by the applicant, in conclusion, it basically says that the applicant meets certain obligations in their proposal, and that all negative impacts associated with the project have been mitigated. Well, that is not entirely the case. A number of these things are in question, the question of the open space, the question of the golf course, questions on irrigation, waste water – I don't want to sound like a broken record, but I just want to remind everybody that these are (inaudible) draft findings, there is an additional problem which has not been discussed. A while ago the applicant stated they will not build the tunnel which was supposed to be built to access the southern portion of the property, because the original application, the traffic studies have been done based upon the assumption that there was only one central access from Cold Spring Road. Now there are two emergency accesses on St. Joseph Road for both the northern and

southern property and they are adamant that they are not available for public access. Now they have backed off from not building the tunnel at all, they are saying in the findings, that now the tunnel will be built in phase seven. That would be the last phase and what that means is that the applicant is proposing a project with the majority of the units on the southern portion of the property but for the first six phases of the project there will be no legal access to the southern portion of the property with the exception of those two emergency accesses. This is an issue that needs to be looked at. Maybe there will have to be a change. Originally when the applicant talked about not building the tunnel there were talks of new traffic studies and an amendment to their proposal, that was never done and now it's being handled this way in the findings.

Dan Hogue, Jr. – Since the meeting notice said any other business, there is just one thing. I would like to request permission from the Board to confer with the Town Engineer about the bridge on Mill Road. The Board stated that permission was not needed, just call him.

Supervisor Galligan stated that we all received a few e-mails from Planning Board members with regard to gas drilling. I think we should talk about that at our next meeting. I see the Town of Highland, and I think Lumberland passed resolutions against gas drillings.

ADJOURNMENT – MOTION by Councilman Sipos to adjourn at 7:45 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk