



and asks Dawn if she has an extra copy for the Applicants. Dawn states she doesn't. Cynthia states it will be e-mailed to them. Cynthia states she will read the important parts. Cynthia states this is a Notice to the Involved and Interested Agencies regarding a Substantive Change in the Proposed Action, Confirmation of Lead Agency Status, Notice of a Positive Declaration, and Circulation of a Draft Scoping Document for the Commons at Purdys, a Coordinated Type I Action. Cynthia states the Draft lists the action and the Site location. Cynthia states we will circulate it to all of the Involved Agencies we did our first circulation to and all of the Interested Agencies, and give them until October 2<sup>nd</sup> to give us their comments on the Draft Scoping Document. Cynthia states, at our Meeting on October 2<sup>nd</sup>, we will try to wrap up the Draft Scoping Document. Cynthia asks if there are any questions on the Draft Resolution/Notice. Will takes a look at the Draft and states he has no questions.

**Chairwoman motions that the Planning Board Approve the Draft Resolution and Notification to the Involved and Interested Agencies, Advising of the Substantive Change in the Proposed Action, Confirmation of Lead Agency Status, Notice of a Positive Declaration, and Circulation of a Draft Scoping Document for the Commons at Purdys, a Coordinated Type I Action. Robert Tompkins seconds. All in favor. No opposed.**

After the motion, Cynthia states the Board will do two more actions based on this tonight. Cynthia states that the last time we circulated, we had to ask for CD's because there were four or five Plan Sheets, and asks Mr. Contelmo, since only a Conceptual Plan Sheet will be circulated this time, whether it is possible to have it in electronic form, so it wouldn't be necessary to deal with the CD's. Mr. Contelmo states they would be able to e-mail it as a PDF; the question would be whether the recipient would be able to plot it out. Mr. Contelmo states it may be easier to run the plots and deliver the copies to the Planning Board. Cynthia states the circulation is electronic to a long list of people. Mr. Contelmo states the answer is yes then. Cynthia asks Mr. Contelmo to have someone from his office call Dawn tomorrow, and she will go over the whole list of electronic and hard copies she will need. Cynthia states the Draft Scoping document is simple enough to attach to an e-mail, and her one page Notice is as well. Cynthia states it would be a lot easier to not have to Federal Express packages out to about 50 people. Mr. Contelmo states they have the documents as PDF's already, so it will not be a problem. Cynthia confirms Dawn will receive an electronic copy via e-mail of the Draft Scoping Document last revision date September 4, 2013, as well as a revised Concept Plan. Cynthia asks Will if anything else has to be circulated. Will states no, just the Plan, Notice, and Draft Scoping Document. Cynthia asks Mr. Contelmo to coordinate the circulation with Dawn.

Cynthia states the second item that we have to do is in regards to calling in extra consultants who would work with us on large projects such as this. Cynthia states that Frank Annunziata of Hahn Engineering is our Town Engineer, and he will work on the engineering aspect for this Project. Cynthia states we also may need a Traffic Consultant and a Hydrogeologist. Cynthia states the Board is recommending using the same Consultants, Maser Consulting, PA, and Russell Urban-Mead from Chazen Company. Cynthia asks if there are any questions. There are none.

**Chairwoman motions the Planning Board Approve the Hiring of the Traffic and Water Consultants. Bernard seconds. All in favor. No opposed.**

After the motion Cynthia states she will be going away for a couple of weeks and will have limited e-mail. Cynthia states there has been a little disconnect with projects in the past where we were not quite sure who was doing what part, and to what depth. Cynthia states this time she would like to have a good coordination early on with the four consultants to make sure each understands which aspect they are looking at and to what extent, so we do not have overlapping, or gaps. Cynthia states to accomplish this, she thought it would be best for the Board to authorize Will Agresta of MDRA to coordinate with our three other Consultants to obtain

their input on the Draft Scoping Document and an overall scope of what their roll will be in assisting the Planning Board through the EIS process. Cynthia asks the Board if they agree. Bernard asks why they can't do it themselves. Cynthia asks who Bernard is referring to. Bernard states the Consultants. Cynthia confirms these are our Consultants, and normally she would try to do it, but she is limited when getting into the engineering and hydrology. Cynthia states it would be so much more efficient for Will to conduct the conversations with our Engineer, Hydrogeologist, and Traffic Consultants to make sure they all understand what parts they are doing. Bernard agrees.

**Chairwoman motions that the Planning Board Grant Authorization for Will Agresta of MDRA to coordinate and have direct contact with the Consultants on the Scope and the review of the EIS. Bernard seconds. All in favor. No opposed.**

After the motion, Cynthia states this way, on October 2<sup>nd</sup>, we should have a very complete coordinated report back from everybody. Cynthia states she will send out an e-mail to the three Consultants to let them know that Will is going to get in touch with them. Cynthia asks Will to send a quick note to Dawn so we have a record of the time he is spending with the Consultants, to utilize when the bills start to come in. Will states he will include Dawn on any e-mails he sends out.

Cynthia asks Dawn if the requested escrow has come in. Dawn states not yet. Cynthia asks Mr. Kearney if he knows that Dawn has been communicating with Insite Engineering about this. Mr. Kearney states he will call Dawn tomorrow.

## **2. Next Meetings:**

- Regular Meeting – October 2, 2013
- Work Session – October 16, 2013

Cynthia states the Board will discuss the Zoning Amendments again at the October 16<sup>th</sup> Meeting. Cynthia states there are a few items to discuss on October 2<sup>nd</sup>, such as the Bridleside Changes, the Old Salem Farm Changes, and the Commons at Purdys. Cynthia states we will also have a few new Applications come in, such as NYSEG. Cynthia asks Dawn whether there are any other Applications coming in. Dawn states that Sprint Spectrum may be on the Agenda if the additional information comes in. Cynthia states we also have a new Wetland Referral which came in today for Matt Edmonds. Cynthia refers to the Zoning Amendments and states the Town Board is considering doing a Moratorium which is good in a way, because our Board is doing another set of Amendments, but were not doing the full components of all the Conditional and Special Use Permit Standards. Cynthia states now that the Town Board is considering doing a moratorium, the Planning Board may go back through and do the few remaining items that are hanging out there such as the schools and the institutions. Cynthia states she would like the Board to get started on October 16<sup>th</sup> and states initially she had prepared a running list of all the Special Uses and which zones they appear in. Cynthia states she will go back and update that list. Cynthia states the Board is going to start rethinking the more intense Uses in the R4 Zone especially, and the Standards that they need. Cynthia asks the Board if they have any questions and whether they are geared up to do this through the holidays. Charlotte asks whether Dawn will send the list around before the Meeting. Cynthia states she will probably bring it with her to the October 2<sup>nd</sup> Meeting. Cynthia states the Board will have plenty of time before the October 16<sup>th</sup> Meeting.

## **3. Comments from the Chair:**

Cynthia states when the Town Board gets here, we are going to work together on the Consultants Reports to them in regards to the Highgate/Woodlands Project, but we also have to add to our October 2<sup>nd</sup> Agenda, our

Report to the Town Board. Cynthia states Will had talked to her earlier about some of the aspects our Board should think about concentrating on. Cynthia asks Will to take a moment and brief the Board. Will states the Board had been looking at their longer Draft, and now they have seen his comment Memo, in addition to comment Memos from Hahn, Chazen, and Maser. Will states that the Board may consider pulling back on some of the comments in their Report as they do not necessarily have to repeat the same comments, but may consider acknowledging them. Will talks to the Board about focusing on the primary permit issues that they deal with, which is the Wetland Permit, Subdivision, and Site Plan for the Zoning. Will states the whole focus of the EIS is that it has to have in it what this Board needs to evaluate the Project and issue a Findings Statement for or against the Project, and that dictates the Permits. Will states the Board has to have the information necessary to do that. Will talks about wetlands in terms of looking at a Site having wetlands, and a proposed development, in regards to how much wetland impact is deductible. Will states when the Site is big, even though there may be wetlands, they should be able to avoid the wetlands even more. Will states this Board may echo that comment, or say something different. Will states that type of a comment would come from an agency, such as this Board, who issues the Permit, and is in charge of protecting and avoiding wetland impacts. Will states there are issues with the roads and a lot of issues regarding the roads have to do with the Standards. Will states there are waivers, emergency access, lack of access, as well as the issue with the intersection of Reed Road and Hardscrabble Road. Will states the Board has to be comfortable knowing they have the information needed to evaluate whether the waivers are appropriate or not. Cynthia states she talked to Will about the cumulative aspects and states it is one thing to isolate and decide whether to allow the grade to be a little bit more, or the length of a road to be a little bit more, but we have to step back and look at what the cumulative impacts are. Cynthia states these are the types of exercises the Board has to go through. Will states from an overall planning perspective the Board might look at the global aspect of the overall Site Plan in terms of making a Comprehensive Plan connection in order to tie in some of those comments. Cynthia states that the Stormwater is one of our Permits too, and it is pretty much covered by the Engineer and a couple of the Agencies. Will states yes, the technical part of it, but again, part of the Stormwater could be the relationship to the wetlands. Will suggests the Board hit the permitting aspects and states his comments are more technical, and the Board's comments are more towards policies and states this will give a framework of where the Board is coming from in terms of what is acceptable and what isn't acceptable in terms of mitigation. Cynthia states she will prepare a bullet list to help the Board with structure.

Cynthia states the Town Board will be arriving soon and they will be opening their own Meeting. Cynthia states she believes the Town Board has one Resolution to do. The Planning Board moves down to the lower table so the Town Board may sit up top.

There is a brief break prior to the beginning of the Joint Work Session.

## **WORK SESSION JOINT MEETING DISCUSSION WITH TOWN BOARD:**

### **Supervisor Warren Lucas calls the September 11, 2013 Joint Work Session to Order and Starts the Meeting with the Pledge of Allegiance.**

4. **Highgate/Woodlands:** Michael Plottel/Jon Dahlgren (owner – JoFlo of North Salem)  
**Rezoning/Site Dev. Plan/Subdiv./SDEIS** (location – Reed Road)
  - Discussion of Draft Substantive Comments with the Planning Consultant and Town Engineer

Warren states the Highgate/Woodlands Project, which has had a couple of names, started many years ago, and the Town Board was designated as Lead Agency. Warren states the real reason we are here tonight is because the Town Board needs to start getting involved and up to speed on items related to the SEQR process and

documents. Warren states he mentioned this to Cynthia a few weeks ago, and she thought it would be appropriate. Warren states he assumes this is the Planning Board's standard Work Session. Cynthia states it would have been next week, but we moved it up a week.

Warren states he doesn't know the exact format, but we will get back to that in a second. Warren states he has two quick Resolutions. The first is to authorize the revised cost estimate for Hahn Engineering, and the second has to do with the Fox Den Lane Drainage Improvement Project which Frank Annunziata gave him a letter about last week.

Michael Plottel states he just received the Hahn Engineering estimate this afternoon and would like to have a chance to take a look at it in order to understand what is in it and what has been expended since ultimately all of this will be funded from the Applicant. Mr. Plottel requests this item be tabled. Warren states he is more than happy to do that. Cynthia states the order of procedure is for the Town Board to accept it, and then send it to the Applicant. Cynthia states this is not final, it is being done in order to get it to the Applicant to look at, such as the other proposals. Steve states we are not binding the Applicant. Mr. Plottel states a concern about seeing people burning hours. Warren states that all we are doing is sending it to the Applicant. Warren asks Mr. Plottel if he already has it. Mr. Plottel states he has something and believes that is it.

**Supervisor motions that the Town Board of the Town of North Salem hereby authorizes the revised estimate for Hahn Engineering dated September 9, 2013 to complete its substantive review of the DSEIS for the Highgate Project. Steve Bobolia seconds. All in favor. No opposed.**

**Supervisor motions that the Town Board of the Town of North Salem hereby approves the payment of \$63,023 to Abbot & Price, Inc. for the work accomplished to date on the Fox Den Lane Drainage Improvement Project, as per a Hahn Engineering letter dated August 30, 2013. The \$63,023 is to be paid out of the money borrowed for the Project which is in the Capital Fund. Amy Rosmarin seconds. All in favor. No opposed.**

Warren turns the floor over to Cynthia and states the Town Board has gone through a number of the documents and comments. Warren states maybe we could explain the overall project a bit and then get into some questions, whatever Cynthia thinks is appropriate. Cynthia states since the Public Hearing, where we heard members of the public speak, some of the interested and involved agencies have been writing their comments, and the Town Board should have a whole collection of those. Cynthia states the comments were circulated to our Planning Consultant Will Agresta and he and Frank Annunziata met with the Planning Board and a punch list of Planning Board concerns had been generated. Cynthia states most of the work done by Hahn Engineering has been on a very technical level, looking at the Stormwater and Site Plan aspects. Cynthia states we have a Traffic Consultant who is looking at all the major intersections and the traffic information presented by the Applicant. Cynthia states we have a Hydrogeologist who followed all the Pump Down Tests as they were happening who provided an overview of those and also pulled in some of the concerns that were heard at the Public Hearing, and put together his suggested comments for the Town Board to consider. Cynthia states the bulk and overall look at this Plan and Project was put together by Will Agresta at MDRA. Cynthia states the best way to proceed, is as she does at Planning Board Meetings, is to ask Will to walk the Town Board through the highlights of what they should be looking at and elicit from them any aspects of this Project that came to their attention or that they thought about as they were going through it to make sure that all of those are covered somewhere by the appropriate Consultant. Cynthia states that ultimately, the Town Board's goal here is to except the Reports of our four Consultants so they may be referred to the Applicant. Warren asks if that is something they would do this evening. Cynthia states it may be too rushed to do it this evening, but we will see how it goes. Cynthia states there is an awful lot of material and a lot of it is technical and what the Planning Board deals with. Cynthia states Will is going to go over with the Town Board, what as

Lead Agency, they should be considering as they go through this process. Warren states that most of the items they have been interested in, and haven't had much time to speak of, are the overall impact of the Project on the Site from a stormwater point of view. Warren refers to all of the catch basins and detention basins and states Will has gone through the geology and has caught a lot of the items. Warren refers to the roadway and the impacts on the land for this particular property at the Site. Warren states he doesn't know exactly how to start and asks Will if he wants to go through his Report, or talk about items at a high level.

Will states he will discuss where we go as far as short term, and what the big next step is. Will states the Public Hearing was held and closed, and the Public Comment Period is closed. Will states that a series of comments have come in from the Involved and Interested Agencies, as well as the public, both verbal and written. Will states now there are four draft Memos from the Consultants. Will states these comments, once released to the Applicant, will more or less be the comments of the Town Board, as Lead Agency. Will states the next step, as we go through these, and the Town Board is comfortable and feel that the issues have been addressed for the purposes of commenting on the substantive issues of the Project, would be to accept all those comments and send them to the Applicant to be addressed in the next document, the Final Environmental Impact Statement (FEIS). Will states the FEIS will be the Applicant's response document to the commentary. Amy states that will be their response to the comments. Will states that the Applicant will draft it. Will states the Town Board may do it themselves, but usually the Applicant would do it. Will states the difference between the Draft Environmental Impact Statement (DEIS) and the FEIS is that the Draft brings out the information and is a public document as opposed to anybody's document, and the FEIS is the Lead Agency's document, and whatever it says, is something you want it to say, and if you don't want it to say something, it doesn't say that. Will states it is sort of a resolution. Will states the Town Board wants the responses to reflect what they, as Lead Agency, are saying are the responses to the comments, and they have to concur with the comments. Will states the way to do that is to review the Applicant's Draft and in the end go through a Completeness Review just as was done with the Draft and in the end, except it as complete when you are satisfied it says what you want. Will states that could be a mixture of a response the Applicant puts in that the Town Board didn't agree with, but also list the Lead Agency's response. Will states if there is a disagreement and it can't be resolved, it will be resolved later when the Findings are done. Amy asks if Will helps the Town Board with that. Will states that all of the Consultants will review the FEIS and help with the Completeness Review and adequacy of it, and provide their opinions as far as whether the bulk of the comments, our comments, are being answered in a way we think they should be answered. Will states that ultimately the Town Board will have to decide, and if there is an impasse, both pieces should be listed. Will states that after the Findings are done the Town Board will decide which the most appropriate response is. Will states later he will talk about the FEIS process. Will states he knows there wasn't a lot of time to look at the Draft Memos. Will states there are Draft Memos from MDRA, Hahn Engineering, Chazen, and Maser Consulting (formerly John Collins). Will states his Memo covers multiple areas, including planning issues, zoning issues, and the overall concept of the Project in relation to the Master Plan, as well as a host of fiscal items which are more human issues, than physical land issues, as well as natural resources and wetlands. Will states his firm wears multiple hats in their review. Will states the organization of their review focused on the various Chapters. Will refers to B on Page 1 of his draft memo under Geology, Soils and Topography and states that is a Chapter in the SDEIS. Will states they try to organize their comments relative to the SDEIS and the Town Board will find that the FEIS will be organized the same way, following the Chapters, so they follow through from one document to the next. Will states there are engineering comments and planning comments and his firm tried to focus on the planning aspects. Will states that Frank Annunziata will focus on the technical engineering end of it. Will states there will be slight overlapping. Will states he doesn't know how much detail the Town Board would like to have during this discussion.

Warren refers to the Draft from Will and states will has listed comments, some of which are statements, and others are pointed more towards what can and cannot be done. Warren states that most of them are self-

explanatory and he started to underline items from his point of view which make sense, and items he thought were more important. Warren refers to Page 2, No. 6 under Soils where it talks about rock crushing not being a permitted land use activity under the Town's Zoning principal and accessory uses, and states he doesn't understand that particular comment. Warren states he doesn't know what the Town Board Members would like, and asks Will if he could just cover the more important points on each of them.

Will refers to the Page 1, Item B under Geology, Soils and Topography and states when a cut and fill analysis is done on a project it makes sense, but when there is a project which will be done in phases over multiple years, it isn't quite that simple because it is being done in pieces. Will states there may be a lot more cut in the first phase than what will be used in the multiple phase. Will states the phases have to be planned in terms of how the development is being staged as far as how much cut there will be on Site and will it be sitting on the Site, as well as whether there a location for it to sit on the Site, because there will be a lot of material, and a lot of cut and fill. Will states it is not just a five acre Site when it all will be done in in 1 ½ years. This Project will extend over approximately eight, nine or ten years. Warren states hopefully not ten years. Will states with regards to the cut and fill, one of the items being proposed is to do rock crushing onsite. Will states the reason for that is so they may use the material onsite which is a good idea because it reduces traffic to and from the Site, but the inconsistency we have is that rock crushing in the Town is not permitted. Warren asks Will if it is not permitted under construction. Will states no its not. Cynthia states to some extent, if it is temporary, it may be tolerable, but we are talking about a Project which could be four or five years in the making. Cynthia states there will be a rock crushing operation set up on the Site. Mr. Plottel asks if rock crushing currently is not permitted in the Town's Ordinance. Will states there is no permission for rock crushing processing. Mr. Plottel confirms there is nothing in the Town's Ordinance that says they can do it. Will states that is correct. Warren asks if we have had people do rock crushing. Cynthia states not that she is aware of. Warren refers to a resident on Fox Den Lane who had been crushing rock on weekends. Cynthia states that person may have had a Permit to excavate rock, but not process it. Steve refers to Clearwater Excavating and states they could not do rock crushing. Cynthia states that was specially arranged on the Site with the Settlement, but instead of blasting, they were chipping. Cynthia states moving earth, digging up piles of rocks and leaving them there in order to come back and make Item 4, is a processing operation. Will states there is also the distinction that could be made that doing it based on the site development isn't considered mining, but the Town doesn't have provisions for it either way. Warren talks about whether saying no to certain items will make the resulting impact worse. Peter states he agrees, and refers to the material being used on the Site. Amy states she believes we do not allow rock crushing because of the noise and dust. Will states mining isn't allowed either. Will states if the Town were to entertain this in their regulations at some point, distinctions may be made between doing the processing of rock crushing on a temporary basis related to a project as opposed to an ongoing basis. Warren states he understands the impact issues and he is not trying to minimize the impacts at all, and states at some point, the impact of not doing it the right way, or doing it the inefficient way may cause more serious issues. Cynthia states that a lot of developers minimize the amount of earth movement by working more with the contours of the land, and we haven't had many instances as this. Will states the one question he didn't make in his comments has to do with the cut and fill analysis. Will states he doesn't know how much of the anticipation of the rock crushing and processing went into the analysis.

Warren refers to the Site in terms of having the road go up, with the houses on the top, and below that, having the sub-surface area for the Sewage Treatment Plant and states a concern with the bedrock levels as far as putting a road in, and how much of the hill will be disturbed. Warren asks Will whether this has been covered. Warren states he sees comments in regards to the bedrock not being depicted in some of the areas. Will states that is an ongoing issue the Planning Board has had with this Project, which also came up during the Completeness Review. Will states from the observations of the Site, it appears there is more bedrock. Will states it has been acknowledged in the EIS that it is possible there may not be as much grading on the hillside

because they may hit rock. Warren asks Will if there will be less grading. Will states yes. Will states finding more rock could mean less grading, but may also mean more blasting, and noise.

Warren refers to Soils listed on Page 2 in terms of the different types of soils and erosion detention in terms of how this would be controlled and confirms with Will this is something the Applicant would have to answer. Warren states some of the comments are more like statements and not necessarily questions. Warren asks how the Applicant goes about answering some of these items. Will states that they are statements, but they also are questions because they would have to identify how the Project design makes a point true or not, or how they will mitigate the underlying issue. Will states when talking about grading and drainage, the Applicant should highlight how they will deal with that issue so it is not a significant number. Warren refers to No. 4 on Page 2 in regards to the soil types, and re-vegetation and asks Will if this is something the Applicant will have to go back and flush out and talk about why they believe it may not be a concern. Will states yes, because it isn't recognized in the EIS that if rock is hit, and the soil is not suitable for plantings, how will plants be put back in order to restore the ground. Will refers to an area along the road where the Applicant is proposing to plant trees and states they may not survive there.

Warren asks if there is a definite road structure in terms of having two lanes or one lane. Cynthia states that will be part of the Applicant's response, as we have raised a lot of issues about that, and we have to see what their response will be. Cynthia states this is their proposal. Steve states that Will made several comments about this. Will states there were comments about moving the road the other way to reduce the impacts of the grading, as well as going into the wetland buffer areas. Will states they all relate to the road alignment as well. Will refers to his Memo and states the Town Board will see comments in various sections about this because they do have an inter-relationship. Will states that suggested alternatives have been listed particularly having to do with the roads. Will states the Applicant has asked for waivers in regards to some of the road standards. Warren asks if the waivers have to do with the length and the pitch. Will states they also have to do with the grade and some of the curves. Will states if the grade is steeper, there potentially could be less grading on the side which would reduce those impacts. Will states that is also based on the alignment, and if the alignment is moved, a grade may be obtained, but that might mean other parts of the development may have to be moved or shifted. Will refers to the Plan where the red line is highlighted in terms of the road grade, and states this is where waivers are being requested. Will states he has suggested moving the road out and then come back in, maybe the Applicant can get to the 10% grade and not need a waiver. Will states in the locations where waivers have been requested; that is the type of comment he has made. Warren states he would like to go back through the process in order to understand it, and confirms that we do not design it, and do not suggest what will work for us, we basically lay out the issues and the Applicant has to design it. Will states the Applicant will go back and look at the comments to see if they make sense to them. Will states he is not an engineer, so he doesn't know whether it will work either, and when the Applicant goes back and looks at it, the impact may be neutral and nothing will be gained. Cynthia states some of the commentary can be suggested alternatives or a request as to whether the alternatives have been looked at. Will states he agrees, but the Applicant can actually provide an alternative, as well as an analysis for it, versus what they already proposed. Will states that information will help the Town Board judge whether one alternative is significant over the other. Warren states the issues in regards to safety are important. Warren states he has been looking at this more and more in terms of the people who are his constituents, and thinking about what they would want, as opposed to whether he likes the Project or not because sooner or later things will stand on their own ability to move forward. Cynthia refers to a constituent who spoke at the Town Board Meeting last night who stated that this is a 1960's development and he has incredibly poor sight distance coming out of his driveway. Warren states that is a problem. Will states with this Project, having private roads is positive from a fiscal point of view, but all of the people there need to be able to support those roads, and maintain them, because if it gets too difficult, they will come to the Town and ask the Town to take them over to do the maintenance. Warren asks if the roads will be built to the widths of the Town Standards. Will states it is a private road, and the Town has private

road standards. Warren states there have been instances when people have asked the Town to take over their roads and we have agreed, as long as they bring them up to the standards. Steve states the Applicant does not have the right of way standards, these are private roads with private right of way widths, which are smaller. Warren states he understands. Cynthia states they are building them to the standards for a private road, but not a public road. Steve states that is right, so it could be taken over as a Town road. Will states the right of way is not at the private road standards, as the private road standard could be 30 feet and these have 50 foot right of ways. Will talks about building to Town road standards and states that would be a whole different entity with a lot more impacts. Peter refers to Apple Mill Road off Hardscrabble and confirms that is a private road. Peter states the beginning of that road is like a highway. Cynthia states once the Planning Board approves it, she isn't sure what happens at the Building Department level. Cynthia states that is a private road with a 30 foot right of way. Peter asks if it was built to private road standards. Cynthia states it was supposed to be. Will states he can't speak for Maser Consulting, the Town's Traffic Consultant, but he believes they did make one point when they stated there are two things pulling each other. Will states there is the physical impact on the land because of the way the road is laid out, and obviously keeping a smaller footprint can help reduce that. Will states that Maser has recognized the topography and grading, and actually called for wider roads because of those issues. Will states there is the need for a reduced impact from a physical point of view, but there are issues from a safety standpoint in regards to the configuration. Warren states at some point in time, and he talked with Mr. Plottel about this, in looking ten years down the road, the fire department trucks and ambulances need to be able to get in and out, so the road needs to be designed to be able to handle that even if it is a one way. Cynthia states she and Frank have worked directly with the Fire Commissioners and have been to several Meetings to walk them through the Plans and get their input. Cynthia states it is very important to make sure that they are onboard with everything. Cynthia states she is sure there will be a lot more Meetings with them. Will states there are two issues in regards to the roads which he believes are big issues. Will states that number one is the Hardscrabble Road/Reed Road intersection. Will states that in the EIS, it is recognized that there is limited sight distance going towards the bridge. Will states that is the beginning of the access way, because there is no other way onto Reed Road. Will states in a sense, this whole development is one giant multi-spurred cul-de-sac and it all starts at the Hardscrabble Road/Reed Road intersection. Will states the sight line isn't good and there really isn't a fix. Warren talks about Reed Road being moved into the hill more. Will states it would have to be coordinated with other agencies to figure that out. Will states that number two is the whole issue of the giant cul-de-sac and to offset that the Applicant is proposing to have the emergency off of Sun Valley Drive. Will states that in itself is a good response, as it is another way in, except the issue is that those emergency access roads don't meet road standards either. Warren refers to Sun Valley Drive and states there have been problems with water washing downhill. Will states a concern with the 14% grade. Will states the Town road standard for roads is 10%, and 12% is what the Code allows the Planning Board to waive under certain situations for short, straight runs. Will states whether or not we could even give a 14% grade has to be reconciled. Will states it all depends on the emergency access. Will refers to the emergency access up at the top and states it is in a lot of the wetland buffer. Will states having emergency access is important but there may be other ways to do it without impacting the buffer, such as moving lots. Warren asks what the issue is with having a long road. Will states when you have a long road, there will be a number of houses on it, which becomes an issue of length and population. Will states that a lot of towns have anywhere from 1,000 to 1,800 feet as the length of a cul-de-sac and some of them go from having 6 to 12 lots maximum. Will states the length minimizes potential damage. Warren asks what the implication of Will's comment is and asks whether the Applicant is supposed to change it, look at it, or understand it. Will states it is highly dependent upon something that doesn't meet standards, exceeds even waivable standards, and is very long. Will states if there is an accident down near the first major intersection where the adult family zoning is, all the other people will be cut off to access. Cynthia states from a Planning Board perspective, they are looking at cumulative impacts; steep grades, long roads, and a lot of houses. Cynthia states it is not just one factor, it is everything compounded.

Bruce states he didn't see air quality mentioned in Will's Memo and asks whether it was looked at. Cynthia states generally, it would be picked up under rock blasting, noise and dust, and they will take a look to see where it is covered. Bruce states the dirt and dust were horrible during the construction of Heritage Hills; it was a nightmare. Will states there is a Chapter in the EIS on Air Quality, and an Air Analysis was done. Will states that a lot of the air analysis factors down to automobiles. Will states this will not generate stationary pollution. Will states it boils down to the rock crushing and the dust, and there are ways to control that. Will talks about wetting it down and states that becomes more of a Site management issue and enforcement. Will states beyond that, is the noise from the blasting and part of that is the unknown about how much blasting there will be, in addition to the rock crushing. Cynthia states that construction has been going on recently and it is not just the intense nose of rock crushing, it is the general construction nose from all of the trucks constantly day and night, six days a week. Cynthia asks at what point should they talk about that impact to the neighbors. Warren states we have had some issues with Bridleside in terms of the work being done from dawn to dusk. Steve states this will be for five years plus. Warren states we may have to do something about that, as he is getting calls all the time because the work is being pushed into 8:30 or 9:00 at night on the Bridleside property. Warren states people have talked to him about having the back-up beepers taken out of the trucks. Warren states he has told them the beeper is an OSHA requirement. Warren states he is also getting calls from people in Southeast. Will states that will come down to enforcement. Warren states yes, unless we have nothing in place stating it can't be done. Will talks about setting it up with certain hours. Warren talks about stopping the work on the weekends. Cynthia states only at sundown. There is discussion about no work being done on Sundays.

Warren states to a great extent, he understands the geology part, and Will is asking all the right questions. Warren refers to not allowing rock crushing in terms of alternatives and states he doesn't think anyone wants to see rock crushing going on for five years. Warren also talks about trucks constantly beeping and backing up. Warren asks whether there will be blasting. Will states they are proposing to blast on the Site. Will states the Applicant does have a blasting protocol and the Town has a Blasting Ordinance. Warren states there are pros and cons with that as far as whether it is done right or not, and the outcome. Steve states blasting will not only be done for the roads, but also for the basements, as a couple of the lots have basements. Will states this will be more ironed out when the lot development is discussed, as house locations may change.

Warren refers to Page 3, No. 13 in regards to development limits of construction and asks Will what he means by that. Will states the Town Board is doing the SEQR on this development, and they are supposed to be looking at the whole action. Will refers to the blue line on the Plan and states that is the Applicant's limit of disturbance, that they have shown on the Plan, based on the preliminary grading plan. Will states that is what the analysis is based on, so the items outside the blue line, the Applicant claims to be undisturbed. Will states the reality is that this is a very tight footprint, and if we look at the lines, they are very close to other houses. Will states those aren't necessarily the houses that are going to be built. Warren asks Will what he means. Will states this could be sold to multiple developers. Warren asks Will if his concern is protecting the areas down the road in the future once the houses go in. Will states yes. Will states the Applicant claims a certain amount of avoidance to make it non-significant, but the reality is if everyone comes in and does more clearing, it will be totally different as far as trees and erosion. Cynthia talks about the Applicant showing a broader envelope of construction which is more realistic and assess all the impacts, as well as having conservation easements. Warren refers to Peach Lake and states the beach is removed. Cynthia states the land is part of a conservation easement, not the beach. Cynthia states the point is, we have to assess now what the total disturbance will be and it has to be practical and realistic.

Warren asks the Town Board if they have any other specific questions. Warren refers to the geology and states he understands that. Warren refers to No. 1 on Page 1 in regards to groundwater contamination and states he knows this is covered in more detail on a later page. Warren asks Will if there is anything else in terms of the

geology he would like to talk about. Will states the only other issue which needs attention is No. 19 on Page 3 which has to do with the septic fields. Will states there are limitations with the grade, but the fields are necessary to support the development. Warren asks Will if he is referring to septic or sub-surface water, or are they considered the same because he highlighted that. Will states these are the septic fields. Will asks Frank whether the fields may be on a slope 25% or greater as the Applicant has shown. Frank states no, they can't even attempt to put the fields in if the natural ground is greater than 15%. Warren talks about running horizontal to the grade. Will states the slope cannot be used. Warren inquires about them exceeding 25%. Will states they can't build on it or use it. The grade can't be manipulated and created. Steve states the Applicant is not allowed to bring in dirt or fill. Cynthia states the City does not allow fill beyond 15%. Steve states one of the other agencies had a comment about it not being legal to have a Sewage Treatment Plant with sub-surface treatment. Cynthia states that was a misunderstanding with Riverkeeper. Frank states that Riverkeeper quoted what they felt NYCDEP's Regulations were, but NYCDEP didn't see it that way. Will states he believes NYCDEP felt like there could not be direct discharge to a watercourse. Will states that the old way was to build a plant that would clean the water and discharge into a stream. Now that can't be done.

Steve states the other question he had has to do with the interplay between the Planning Board and the Town Board since the Town Board is the Lead Agency under SEQR. Steve states the Town Board is not granting the waivers, the Planning Board would do that, so he isn't sure how this works. Steve states the Plan may possibly work if the Planning Board were to grant waivers, or maybe the Town Board will not be happy with the Plan because of the waivers, but the Planning Board is happy with it because of the waivers. Steve states that usually the Lead Agency is the Planning Board so they are going to be the Board granting the waivers. Will states that is a difficult thing under SEQR, but the Town Board, as Lead Agency has the responsibility to make sure the information is sufficient to deal with all of those issues so that all the agencies have what they need in order to understand the Project. Will states that each agency is required to do a Findings Statement, which is their own conclusion, but their conclusion is based on the record the Town Board is creating with the FEIS. Will states that is why the agencies are supposed to participate and write letters, memos, and comments on their issues so they are covered. Will states when we get to the response part of the FEIS, the Town Board, as Lead Agency, may meet with the Planning Board to talk about the issues and get their input as to whether the responses are adequate.

Warren refers to Wildlife under D1 on Page 4 and states he doesn't want to know who the company was who had inexperienced personnel going back more than 18 years ago. Warren states when looking at this, going back 18 years, obviously the property hasn't changed much and asks Will whether he expects the biology to change. Will states it is not that it changed much, but we are starting with something that is the basis of the Report and it was inadequate to begin with, and we don't know what was there. Will states that has been echoed with public comments stating the same thing. Will states there are issues with the identification of Flora and Fauna. Will talks about the rare species. Warren states he has no idea what a coontail is and asks Will if that is a bug. Will states it is a plant. Cynthia states there has been a lot of disturbance on the Site and the categories have been changed by the State. Cynthia states there are important areas which the Applicant is now proposing to disturb. Will refers to the cat-tail sedge plant and states when most of this was written, that was a threatened species, and it is now on the endangered list. Will states that is a significant change to the status of the species. Will states there is a population of cat-tail sedge on this property. Will states the Applicant may not be proposing to directly impact the wetlands where it occurs but the reason there are buffer requirements is because the wetland is depended upon what is going on around it. Will states the Applicant needs to have specific mitigation to protect this species. Warren asks if there are any spots on the Site to the right where there is water. Will states yes, there are wetlands. Warren asks if anyone has other questions on the wetland aspects. Amy asks if there is disturbance in the wetland buffer zone. Will states there are approximately five or six acres of wetland disturbance in the buffers. Cynthia states a lot of the stormwater practices are in the buffers. Amy talks about the Applicant getting out of the buffers. Cynthia states it is a

permitting process. Will states the wetlands in the buffer is a regulatory area and for the most part it is a permitting process, but the mantra is to avoid, and if not, to minimize and mitigate. Will states the charge is first to avoid. Will states this Site is big, and talks about whether the Applicant has to go into the buffers for everything they are proposing. Will states sometimes there may be reasons why it may be necessary. Will states NYCDEP's regulations are very strict about streams and wetlands. Will states that even in their regulations, they recognize that if there are streams or wetlands in the front of a property, access has to be made somehow. Will refers to the highlighted green on the Plan and states that is the edge of the buffer. Steve states a bunch of those houses will have no back yards. Warren refers to wetland buffers and asks if that would be considered lawn. Will states the buffer ideally should be in its natural state. It shouldn't be lawn, that isn't good for the purposes of a buffer, as it doesn't do much. Will states the purpose of the buffer is to have a separation, as well as water drainage. Mr. Plottel refers to the wetland buffer being 100 feet off the edge of the delineated wetland, having vegetation within the 100 feet and states most of the time it isn't wet. Will states the buffer is dry. Mr. Plottel talks about children using that area for swing sets and playing and states it would be a great place. Will states that it is not a good place. Will states the purpose of the buffer is an extension of the wetlands. Amy talks about keeping the buffer zone clean and states it cleans the water. Steve states he understands the Applicant wants to get in 42 single family homes and 76 senior homes, but everything is tight, including the roads. Amy refers to the edge of the buffer zone being so tight up against the houses and asks in reality, could we say that it is unrealistic. Amy states there isn't space for someone to have a porch. Cynthia states yes, it is extremely tight. Cynthia states if the road went with the contour of the land, and there was a design so that there would be reasonable backyards, then the limited disturbance lines would make sense, but right now they don't. Will states there are a multitude of ways to go about approaching it in order to avoid certain areas. Cynthia states, from a Planning Board permitting process, we need to decide whether this works, makes sense, and follows our regulations. Peter asks what the map scale is. Cynthia confirms an inch is 50 feet. Warren states the Applicant is being asked to go and do more work in regards to the Flora and Fauna.

Warren states because of the Croton Falls Water District and the Sunset Water District he is paranoid about water districts in this area because of uranium, and he actually went back in March and reviewed all of their prior statistics. Warren states there is only one well, he believes it is 3A, which has a problem with uranium, as it has half the NCL which is allowed. Warren states we have found, when pumping a lot, the radium and uranium keep going up. Warren states from a sodium point of view the wells are fantastic. There is no sodium in the wells, which is phenomenal. Warren states he is not concerned with pump down tests, he is concerned with all the infiltration up on the hill going into sub-surface. Warren refers to uranium and states any of the radiological issues concern him because of problems that happened in other areas when a lot of water started to be pumped. Cynthia states that is something the actual Water District might have to anticipate dealing with in the future as far as mitigation. Warren asks when the wells were put in. Cynthia states back in the early 1980's. Mr. Plottel states they tested in the late 80's or early 90's, and then retested in 2005 or 2006. Warren states when we retested the levels were through the roof and the levels on this property were not through the roof. Cynthia states there has been no drawing, they are just sitting there. Mr. Plottel states their wells were vandalized and they had to re-drill. Jon Dahlgren states that they had to re-drill two wells in 2007. Bruce asks if the wells are secure now. Mr. Dahlgren states yes, they are welded shut. Warren states Well 3A had uranium levels to be concerned about. Warren states the levels at Ed Kelly's property were through the roof, as well as in Croton Falls. Warren states there have been 10 different wells in Sunset Ridge. Warren states there is a uranium problem in Croton Falls which naturally occurs in the ground. Warren states he has a personal focus on the water, and we need to make sure whatever system we put in, that the uranium/radiation levels are low. Warren asks if this will be a public or private system. Cynthia states private. Will states he believes there will be a private transportation corporation, with an overlay district. Warren states the filters on Sunset Drive are \$300,000 and then we pay \$15,000 a year to get rid of the uranium down in Carolina. Cynthia states an issue that was raised in comments from both the Chazen Report, and the City is the

infiltration and potential impact. Warren states this gets back to maintaining the roads. Cynthia states it also has to do with the type of practice for stormwater. Warren states in Croton Falls we just had to do \$300,000 worth of drainage work just to keep the sodium out of the wells. Warren states that one year someone cleaned a parking lot, and dumped the snow near the wells. The sodium levels went from 28 up to 82. Cynthia states this is where we have to start weighing the issues, if the Applicant wants steep roads they are going to want to salt them. Warren talks about the salt getting into the water if the snow is dumped up towards the top. Warren states that however it is designed; he would like to make sure we minimize sodium in the well water. Cynthia refers to Bridleside and states we made it a condition that they could not salt the roads. Cynthia states in that instance it was a lot easier because we were not dealing with a lot of steep slopes. Cynthia states in the past no one thought about the salt getting into the well water, and now we know it happens and has to be controlled. Warren refers to a detention basin on the Plan and states there is a well right below it which services 14 homes. Warren states if all the runoff goes into that basin, the sodium levels will go through the roof. Cynthia states the comments from the City were even stronger, as they stated there was the potential for contamination of the well. Will talks about requiring the Applicant to do the right practices. Warren states he doesn't know enough about it. Frank states there are a whole array of practices that may be used and the developer has to select a certain practice based on the Site conditions. The Applicant has determined that infiltration practices are the best. Warren asks if that means the materials are pushed back into the ground. Frank states yes. Warren refers to the Sewage Treatment Plant for the Peach Lake Sewer District in terms of the materials that go back in the ground and asks if it is a requirement with MS4 regulations. Frank states no. The regulations provide a list of possible practices which could be used depending upon the Site conditions, topography, ground water levels, and slopes. Frank states he doesn't know what went into the Applicant's final selection to make them choose this type of practice. Frank states several of the reviewers questioned the impact. Frank states it is an infiltration; it is upgraded and very close to an existing wetlands. Warren asks if it is in the wetlands, and does overflow, will it go into the ground. Cynthia states not in that area because there are all springs. There is a lot of erosion and surface runoff from the springs; the whole area is a mess. Warren states wetlands are at times. Warren states the water and the roads are most important to him because they are impossible to deal with once they are messed up. Frank states he has made several comments in his Memo. Warren states hopefully there are ways of minimizing the impacts.

Warren refers to Page 10, Nos. 7 and 8 and states he didn't understand why we are putting cul-de-sacs on Reed Road and asks if that will be all the way down at the end. Warren states we don't have the property to put cul-de-sacs down there. Cynthia states it is a Town Road, on State property. Warren states he didn't think it was wide enough. Will confirms that beyond the project driveway, and the driveway that is immediately after that, there is only one abandoned house. Will states the cul-de-sac is unconventional, but given the weird road, could be right where the entrance is. Warren refers to No. 8 on Page 10 in regards to the Applicant stating there would be no roadway improvements beyond the driveway and widening of Reed Road and signal installed at the Hardscrabble Road intersection would be necessary. Will states he didn't understand that because he didn't see anything proposed for the widening of Reed Road, or a signal installation.

Amy asks how it came about that the Town would own the beginning part of the road. Warren states they need an area for the buses to go in and turn around in order to pick up, and we didn't want the kids to be standing down on Reed Road. Steve states he doesn't believe this came from us, he believes it came from the Applicant. Mr. Plottel states he remembers his father-in-law talking about the school buses. Amy asks how come it is our road and not the Applicant's road. Mr. Plottel states the issue is that school buses won't go on private roads. Steve states they could turn around on Reed Road. Warren states there would have to be a big cul-de-sac. Robert states that was the basis for consideration having it on Reed Road as opposed to going in if the Town could obtain the necessary width to do it. Cynthia states that right now the bus stops at the end of Reed Road since there is no place to turn around. Cynthia states there are only four homes. Cynthia states in her neighborhood all the children have to go down to Route 22. Will states he isn't sure that buses will want

to go down Reed Road and then come out to the intersection. Will states he doesn't know if there has to be a cul-de-sac and states where he lives, there is a dead end road, with a turn that is supposed to continue, but it doesn't because of rail road tracks. Will states another cul-de-sac comes off of that road, and the buses do not go to the cul-de-sac, they go to a turn which is a hammerhead. Warren states to Mr. Plottel he remembers having conversations with his father-in-law in regards to buses being able to get to a point where they could easily turn around. Warren states it is not as if we want the road, but the buses won't go down a private road. Steve states buses will still have trouble turning onto Hardscrabble, so that problem still exists. Robert states because of the geometry of the bridge and the way the road intersects with Hardscrabble, drivers have to be all the way over to the west side in order to look back and catch 200 feet. Robert states that is based on the idea people are driving 30 miles an hour, which not many people are doing. Robert states it is a dangerous spot and something has to be done. Steve asks whether a mirror would help. Warren talks about having a stop light. Robert states the bridge has a protective cover/screen which further exacerbates the issue. Cynthia states the Applicant has to have a conversation with the Department of Transportation (DOT). Warren states the Applicant should also speak with the school so everyone will understand if the bus is going to go in to turn around, it makes no sense to configure an entire road to handle it. Amy talks about having a little indentation. Cynthia states Will suggested a hammerhead so that the buses will be able to make a three-point turn. Robert asks if the Town owns each side of the road. Cynthia states the whole area is DOT right-of-way. Cynthia states we have pieces of those maps from the original taking during the I-684 process. Cynthia states the DOT owns the frontage to this whole property and there is already an agreement for the Applicant to cross.

Warren refers to maintenance of MS4 basins and asks if that has to be outlined. Cynthia states yes there has to be easements and agreements with the Town, which are critical.

Warren states he doesn't think he has any other questions about road construction other than asking whether Roads B, C, and D are separate. Cynthia refers to the Plan and states that Road A is the one with the red highlighted line. Cynthia states there is a chart showing the lengths for each of the roads. Warren asks whether Roads C or D would come off another road. Will states they spur off of Road A, but they are individual roads based on the length of the dead end because you can't get there from anywhere other than Road A. Cynthia states the waivers are significant. Warren asks the length of Salem Chase. Cynthia states that Salem Chase is a mile long, but there are loops which go around making it very safe. Cynthia states that Little Mountain and Salem Chase are the last two public length roads going in and Salem Chase has all private loops because it was a Planning Board requirement to do a cluster.

Warren refers to the Land Use and Zoning section on Page 13 and asks Will to explain the impacts of an Open Development Area. Will states that because there are private roads they need an Open Development Area. Will states this has been done before. Will states there is a mechanism in New York State Town Law which allows the Town Board to designate an area as an Open Development Area to have more flexibility in regards to the way the access to the property is achieved. Will states that would be through a private road, or a right-of-way. Warren asks Will which Section in the Code this is talked about. Will states it is 280-A. Warren states that 280-A is standard. Will states it is a concept the Town Board would have to accept. Will states the idea also gives the flexibility due to the uniqueness of the property and the topography in terms of the Towns road standards not working so well.

Warren refers to the Sewage Treatment Plant Section on Page 18 and asks if it is a requirement to clear everything on top of the sub-surface areas. Will states they are big fields which will take up a lot of areas. Will states he is not suggesting that the Applicant not have those areas, but they are so contiguous and one big swath will be left open. Will states he has suggested there may be a way to do them so they are more segmented. Warren confirms Will is talking about having smaller areas. Will talks about the areas looking more natural such as having an agricultural feature. Will talks about dividing the planned field areas with tree-

rows to break them up.

Warren refers to the Dino and Arties Site and states there have been very short discussions with Mr. Plottel. Warren confirms with Mr. Plottel that this was set up in 2005. Warren states at the time, we were talking about having affordable housing on this Site. Warren states he is not suggesting not to do it, but states this may not be an optimal spot, as it is the only land left in Croton Falls. Warren states at some point we may want to have a discussion as to whether there is some place else this may be done. Warren states that people have asked to have this Site kept open. Warren refers to the MTA and states they would like to put a parking lot there. Warren states he understands it is set up this way, and there is an agreement to have affordable housing there, but he doesn't know whether that is the best spot for it. Warren states that is a discussion we may have in the future. Warren states he is bringing this up in order to make everyone aware. Warren states they are not looking to make things more difficult for the Applicant, but there is not much green area left in Croton Falls; this is it. Warren refers to what can be there and what can't be there and states there can be community gardens, but not a garden belonging to one person. Will asks Warren if residential has been restricted. Warren states not for multi-family if there is a sub-surface system. Mr. Plottel states they will think about it.

Warren refers to Page 21, No. 16 under Utilities in regards to high speed internet access being available. Will states that was listed to make sure the development will have it. Warren states there is natural gas on Fields Lane. We are trying to work on an agreement in regards to a natural gas franchise in North Salem and gives the Bridleside Development on June Road and also the High School/Middle School as examples and states the school would save about \$100,000 a year. Warren talks about getting natural gas into the nursing homes as well.

Will states there is another issue in regards to the Stipulation requiring a five acre recreation parcel and there have also been some conservation parcel proposals for this Project. Will states he has a couple of issues with this. Will states there may be a conservation parcel, and have development in a conservation parcel or conservation easement, if that is how it is written, but it is counterintuitive to the whole purpose if improvements need to be done. Will refers to conservation easements, and states someone has to take them, and he doesn't know whether the Town wants them. If not, that would leave them with a conservation organization and sometimes they are reluctant to take them depending on the size of the parcel. Warren states he remembers walking the Site and right off the lower western side towards Route 22 there was an amphitheater there. He believes there are five or nine acres there. Warren states that was a suggestion in terms of recreation use. Steve asks if it could be donated to the HOA to be added to its list of responsibilities. Warren asks if there has been any recreation proposed on this property. Will states according to the Stipulation they are supposed to provide a community building and a pool for the multi-family and single-family homes. Cynthia states they are not showing the five acres to be dedicated to the Town. Warren states there was a problem with the acreage that was suggested, it was flat, but after climbing a hill, there was a cliff. Cynthia states that the land was steep and the Town Board rejected it every time it was offered. Warren states he thought the recreation fees were agreed on years ago. Cynthia states yes they were, but the five acres still need to be identified. Warren asks if the five acres are supposed to be on this Site or another Site. Cynthia states this Site. Mr. Plottel states he thought that was settled. Cynthia states it is not showing on the Plans. Warren states what had been proposed didn't add value for any active recreation, as there is no way to get to it with a road. Cynthia states this is supposed to be suitable recreation land, not just an open conservation area. Warren states the seniors are going to want bocce courts, and pools, but the younger kids will want fields.

Steve refers to the Alternatives Section listed on Page 23 in terms of the statement that the alternatives proposed are no longer relevant. Will states when the alternatives were written, they were based on a much different Project. Will states the alternatives he has suggested are more geared towards the type of Project this

is, which is a housing project. Will states he listed alternatives that could be considered for the whole plan, or pieces of the plan. Steve states the alternatives such as the location of the lots and the wetlands had been discussed before. Will states that one of the alternatives has to do with looking at a cluster lot development, as well as the type of housing. Will states this might help to deal with the physical impact issues, but then from a community perspective, may not be the type of housing the Town wants. Warren asks what the no-build alternative means. Will states the no-build is a requirement under SEQR. Will states in a private development it is a waste of time to do because it doesn't have any relevance. Will states in a situation when a municipality is doing a project, the no-build is a comparison as to whether the money is spent or not. Will states in a private development, no one would make that decision. Will states it has to do with the impacts to the property if the Project isn't built.

Warren asks Frank if there was anything on the engineering side that he would like to bring up. Frank states a lot of the issues he has mentioned overlap with issues Will has already brought up. Frank states he will go over his Memo and highlight a few items. Frank refers to the road layout in terms of the first boulevard section and states he asked for justification as to why it is proposed to be so wide and why the same width is shown through the rest of the development. Frank refers to the first part of the Project in terms of the proposed re-grading and states he is not sure why retaining walls are used so extensively throughout the project, but on the steepest part, there is no retaining wall proposed, just grading. Frank states he doesn't understand why no retaining walls or other ways to minimize disturbance were not suggested. Frank refers to the Town right-of-way at the bottom of the road that mechanisms should be set up so the HOA would have to maintain the retaining walls, and not the Town. Frank states he had questions in regards to the phasing and states there is a limit in the stormwater permits that only a maximum of five acres may be disturbed at one time, or special approval has to be granted. Frank states the Applicant is showing some phases to be rather large, such as 38 acres. Frank states he asked for Plans to be developed to show sub-phases within the phases to see how the Applicant could maintain the five acre maximum. Cynthia states this will also come into play when talking about cut and fill disturbance in terms of working in one area and storing materials somewhere else. Cynthia states the Board ran across the five acre limitation at Bridleside. Warren asks if this may be waived. Cynthia states this is major with the NYCDEP in terms of waving. Frank states there is a process that would have to be gone through, it is not automatic. Frank refers to Bridleside and states it wasn't automatic.

Warren refers to No. 19 on Page 5 and asks what exactly Water Quality Volume is, and asks if that is how much water that can be accepted over a period of time. Warren states he sees cubic feet listed. Frank refers to the treatment of stormwater and states the pipe has to be big enough to allow the water to go through. Frank states it has evolved from detaining or slowing the water down in order to meter out the peak flows of water to doing all of those items, but also having to clean up a certain amount of runoff. Frank states there is a calculation in order to determine the volume. Frank talks about what the basins need to handle as far as peak flows and volumes. Warren refers to the comment about not using hydrodynamic separators if near a sewer system and states we have them in Croton Falls. Warren asks if that impacts the drainage, or do other practices need to be provided. Frank states that most of these items indicate a modification to the practice, and some question the appropriateness of the practice at all in those locations. Frank states in regards to the hydrodynamic separators, there are special requirements with the East of Hudson Watershed. Frank talks about utilizing a filter in a box and states that is similar to what was done at the entrance to the Bridleside Development.

Frank states he mentioned the 10% and 12% issue in terms of road grade, and gave his interpretation of that, as well as a concern about Sun Valley Drive. Warren states every time it rains, he receives calls because the water is not handled properly. Warren states he doesn't know whose problem that is. Frank states it has been proposed in this Application that the water be treated on the way down. Warren states he doesn't know whether it is the Applicant's responsibility to fix, or whose. Frank states the Applicant has stated the water

will be treated on the way down, but their proposal states they are not increasing the peak flow, but they are increasing the volume of flow, so there will be more water coming down. Frank states he has suggested this be looked into. Warren states some of the homes have sandbags near the garages to keep the water out. Frank states a possible solution may be to extend the existing drainage system at the Sun Valley Heights intersection. Warren states as long as the dirt isn't picked up. Frank states there are practices. Warren states there is a drain as you go up that road, and over to the left, behind the homes, there is a stream that used to take all the water. Warren states that now the water comes down Sun Valley. Warren states it has been a real problem and was better when there wasn't a road there. Warren states he hasn't been able to get the fire department to fix it.

Frank states he has suggested a geo-technical analysis be done to evaluate some of the proposed disturbance on the steep slopes. Frank states there are intense uses being proposed, such as high retaining walls, and stormwater practices on steep slopes. Frank states the Applicant has to provide some additional stability analysis and information to show that it is feasible. Warren refers to the phosphorus and MS4 asks what the requirement is and what the Applicant needs to provide. Warren asks what the requirement is and mentions having no phosphorus on the Site. Frank states that is an interesting issue, and he has made several comments about it. Frank states his comments are more directed towards their compliance with the New York State Stormwater Management Design Manual which has enhanced phosphorus requirements in it. Frank states he has shown the areas where it complies and it doesn't. Frank states the NYCDEP, and the Watershed Inspector General have also requested, in the context of SEQR, the Applicant provide a separate analysis, which is not required by standard compliance with the Manual. The NYCDEP and the Watershed Inspector General want to see a pre and post development study of the contaminants particularly phosphorus to see how it measures up. Cynthia states the Town Board, as Lead Agency under SEQR, has to know what these conditions are in terms of the pre and post construction, and what the changes are. Cynthia states the construction may be following a set of regulations, but first the changes have to be made known. Frank refers to the regulations and states the idea was a new practice that is acceptable to the development has to treat at least 80% of the solids and 40% of the phosphorus, so in doing the math, depending on how much impervious area is listed, the numbers may play out so as the Applicant is complying with the Manual, but are also increasing the amount of phosphorus coming off the Site. Frank states under a hard look at SEQR, a lot of agencies want to see this complied with. Warren talks about looking at the reports from the various agencies such as NYCDEP and asks if there are contradictory findings, who decides which one is incorporated into the final. Cynthia states in the Town Board's findings, they have to reach their satisfactory answer. Cynthia states the Planning Board and the NYCDEP are permitting agencies, along with the NYSDEC, and they will make their own findings. Cynthia states the Town Board doesn't want to have a disjoint. Frank states he is curious and asks when the document comes back for completeness of the FEIS whether the agencies will have an opportunity to determine whether their comments have been addressed. Will states there isn't a formal process for that, but the Lead Agency can seek out assistance by the other involved agencies in relation to doing what they need to do. Will states that each agency has to render findings on their own for the Project. Will states when there is an issue with a conflict, and the Applicant and Lead Agency both have different opinions, they may both go in the FEIS. Warren states an example given before where someone had something different they wanted done with phosphorus and the requirements are different and asks who ends up controlling what actually has to be done. Warren asks if the Applicant has to do both, or the most restrictive. Cynthia states Warren is talking about two different things; construction requirements for how the Project is designed versus what you are looking at under SEQR to minimize the potential impacts. Frank states in regards to the phosphorus, the Town Board may want to see the studies which other agencies have asked for. Frank states his comment is for it to be designed to comply with the Manual. Frank states Warren raised a good question. Warren asks whether the Applicant has to answer questions from every agency. Cynthia states yes, and then the Town Board has to decide whether they are going to accept the answer becomes their product. Cynthia states the Town Board may have cause for a different answer to be generated, as Will mentioned in the beginning, the agencies may have their comments, and yet the Town Board may have their own comments. Will states the Applicant has to

comply with the watershed regulations just as much as they have to comply with stormwater.

Warren asks whether there is anything else anyone would like to go through. Cynthia states she believes the Town Consultants have been very thorough.

Steve refers to other Projects Frank has been involved in and asks how it works in regards to stormwater on other people's property, and whether an easement is needed to access the property to get to the stormwater basins. Will states from his perspective, as a planner, he doesn't believe the individual property owners should be burdened with those practices on their lots. Will states that maybe an HOA would be responsible, but it is still on the property owner's lot and impacts what they can build. Will states when a brand new development is planned, it should be done in such a way so there are no burdens. Cynthia states if the HOA doesn't do the maintenance, whose responsibility is it? Is it the lot owner because it happens to be on his/her lot, or the HOA? Steve asks if the Town will be the fall back.

Warren talks about getting back to the questions in regards to what the Town Board wants to be changed and asks whether they need to confirm that now. Cynthia states no. Warren asks who they tell; are they telling their Consultants? Cynthia states the question is whether the Town Board thinks they need another session with the Consultants. Warren states that some of the items in the Memos are questions, and some are more like statements. Warren states one of the items he has a problem with has to do with the rock crushing. Warren states he doesn't want to see rock crushing go on for five years. Warren states that to not allow blasting would cause more onerous practices and potentially worse for everyone living near there. Cynthia states that is something the Applicant may answer in such a way as stating they will work with the Town to amend the Code to allow something temporary. Warren refers to the request for a full analysis to be provided and asks whether that is what we want. Cynthia states the Town Board will not know what they want until they start to see the answers come in. Cynthia states the Applicant has a major organizational project in front of them to realign all of these questions and group them so we have a cohesive next step, and then they are going to start bringing in all their answers. Cynthia states she thinks that will be where more of the input from the Town Board will come from. Cynthia states the FEIS will be the most important document. Steve asks when they will see the responses. Will states the next immediate step is to officially refer the comments they have received to the Applicant, and that includes the Public Hearing Transcript. Will states the Applicant would write a Draft FEIS, which will include all of the comments, and a response to those comments. Will suggests, given the complexity of this Project and the multitude of the comments is that when the Applicant gets the comments they first create an outline of the FEIS and the organization of those comments and how they are going to incorporate them into the FEIS without the responses. Will states the Applicant may be working on their responses while they are doing this. Will suggests the Applicant bring that outline to the Town Board as Lead Agency so they get a clear understanding that it is organized the way it should be based on the comments they have received, and confirm all the comments are there. Will states that then is a task that doesn't have to be done later when the substantive responses come in. Will states the way to proceed would be to refer the comments to the Applicant, and have the Applicant submit an outline with the comments built into it, as far as where the comments will fall. The Town Board then has to confirm the outline and organization make sense and the comments are all there. Will states then the Applicant would submit a Draft of all the responses.

Cynthia states the next immediate step is for the Town Board to wait for a Report from the Planning Board. Cynthia states the Planning Board will wrap up their Report at their October 16<sup>th</sup> Work Session. At that point, the Town Board will then have everything, and may make their referral assuming they accept the Reports, with or without modification. Cynthia states that could take place at the Town Board Meeting after October 16<sup>th</sup>. Amy confirms Cynthia is referring to the Reports from the four Town Consultants when she talks about accepting them with or without modification. Cynthia states the Town Board has a little more time to read

them and confirm whether everything they wanted covered was touched in either question or comment form. Cynthia states that is the Town Board's primary task, to see whether anything was left out of the Reports. Will states the Town Board could write a collective letter on their own if they want to. Warren states the biggest issue he has is the water. Cynthia suggests to get to a comfort level, Warren may want to call Russell Urban-Mead as that is what she did and he explained the radiological data to her and whether what is happening with one well could affect another well. Warren asks where Well 3A is on the property. Robert points out Well 3 on the Map behind him and states 3A is to the north of it.

Warren asks if anyone else as any other questions and states this is a Joint Meeting.

Brad Schwartz states in terms of timing issues, will they be receiving the Consultants Memos soon, or after the Planning Board's comments have been submitted. Warren states he doesn't know what the normal process would be. Mr. Plottel suggests talking with Roland. Warren states that he and Mr. Plottel will be talking with Roland tomorrow. Warren states we can talk about it tomorrow. Warren states he doesn't have a problem with giving them to the Applicant now. Warren refers to the comments from the other agencies and confirms the Applicant already has them. Warren asks if the Applicant has the Town Consultants Memos at all. Mr. Plottel states no. There is discussion about the Memos all being in Draft form. Cynthia states that Roland has all of them and he could forward them. Cynthia suggests Warren talk to Roland. Will states the word "Draft" should come off prior to circulating them. Peter asks why formalize it. If they are a Draft, they are a Draft. The comments are not set in stone. Peter states he would rather send them as Drafts. Mr. Plottel states he will take a copy tonight if the Town Board wants to give them to him. Mr. Plottel states having a Draft is the equivalent of having a staff level meeting. Warren apologizes and states he thought Mr. Plottel had copies otherwise he would have handed them to him. Mr. Schwartz refers to their beginning to work on the outline and states it would be helpful to have the Memos. Warren asks what the process is and asks when the Town Board has to accept them. Cynthia states anytime between now and after the Planning Board Report comes in. Warren confirms he will speak with Roland tomorrow. Warren states he has digital copies so he would be able to forward them to Mr. Plottel. Peter states if they have the Drafts they may start to formulate their replies.

Mr. Schwartz states he agrees with everything Will has laid out in terms of the process going forward. Mr. Schwartz states they may request consultant-level meetings in terms of providing their comments. Warren states that may be better than going off on your own, as some of the items are specific questions and others are statements.

Warren thanks everyone for coming tonight and adjourns the Meeting.