

"Minutes are not official until approved by their respective board."

## **TOWN OF FALLSBURG PLANNING BOARD MEETING**

**January 12, 2012**

Arthur Rosenshein, Chairman, Kalman Freidus, Irv Newmark, Maria Zeno and Bucky Louckes, Planning Board Members, Gary Tavormina and Jacquie Leventoff, Planning Board Member Alternates, Mollie Messenger, Code Enforcement Officer, Robert Geneslaw, Town Planner, and Will Illing, Town Engineer

- Arthur Rosenshein called the meeting to order at 7:03 pm.
- Arthur Rosenshein introduced the meeting and explained the order and procedure of the planning board meeting: old business, new business and public hearings.

### **NEW BUSINESS:**

1. **THE RESIDENCES AT LAUREL – SBL# 36-1-33.2** – Requests site plan approval for the development of 10 duplex units. Discussion Part 2. Zone: R-1. Acres: 3.1. Location: Laurel Ave., South Fallsburg
  - Jay Zeiger, the attorney, Kalter, Kaplan, Zeiger and Forman and Steve Lopez, the planning consultant, Tim Miller Associates, Director of Design and Development represented the applicant.
  - Steve Lopez: Since we were last here, our clients went before the ZBA and they did get a variance for the separation of the front building wall(?) as proposed on the plan. As far as the variance is concerned, we're all set. Site plan.... We had hoped to get into the Part II EAF this evening. We received indication from the planning consultant... *(There was significant disturbance of rattling papers while Mr. Lopez spoke making it extremely difficult to transcribe his comments. Comments in italics are paraphrased/summarized.)*. He mentioned that Mr. Geneslaw has some concerns. I think his concerns related to several items that I thought we might be able to work around... He then continued to mention that they would see if they could see where they could compromise because not all of the items are directly related to the Part II EAF and therefore see what progress they could make tonight.
  - Robert Geneslaw: I did not send out the Part II yet to the Board because as he indicated there are a couple of open items. Particularly at the October meeting or was it the November meeting it was indicated they were preparing a SWPPP. I don't know if it's completed or not but we haven't received it. *The Board is reluctant to go further with the Part II when we haven't received this report.* So for that reason and when I was originally preparing it number 20 regarding is there likely to be public controversy related to potential adverse environmental impacts. Prior to the public hearing ... unless there is a lot of written communication...
  - Steve Lopez: We brought some blank copies of the EAF for the Board.
  - Robert Geneslaw: On almost everything it was checked "No". On the last item I held until the public hearing was held.... There was some public controversy and there were items brought up in that regard. The only item that is open in my mind is number 5, which is...*(He then made a comment that was inaudible.)*
  - Arthur Rosenshein (responded to Mr. Geneslaw's comment): Yes, let's do that and then we can complete the process by just doing whatever is left open.
  - Robert Geneslaw: Okay. On the first page, item 1, the proposed action will result in physical change to the project area. I checked no there based on the examples and the nature of the project. Number 2, ... for example geological formations. None have been reported. I checked no on that one. Impact on

water. The answer is no. Number 4, checked no. Number 5, ... examples there include that the proposed action will require ... and since Glenn had indicated that he has prepared the SWPP (*correction Randy Wasson prepared the SWPPP*)...

- Discussion.
- Robert Geneslaw: In the November minutes there is a reference to Glenn the engineer.
- Discussion: Apparently in the minutes there might have been an error in naming the engineer. Mr. Rosenshein said if so an amendment can be made.
- Robert Geneslaw continued: They said a SWPPP was being prepared. I haven't seen it yet.
- Steve Lopez: Yes.
- Robert Geneslaw: So, number 5, the proposed action affects surface or ground water quality or quantity, yes with a potential large impact. If on the SWPPP they've shown they can resolve it that can be taken care of.
- Arthur Rosenshein: Why did you pick up on a large impact? Is there something on the site? Or is that you saying it because we do not have any knowledge at all?
- Robert Geneslaw: Yes, the latter. The instructions for the form say maybe then it should be counted as a yes. We don't know.
- Arthur Rosenshein: There is nothing about the site that you know. It's simply an emptiness...(?). Okay.
- Robert Geneslaw: Number 6, regarding run off the answer is no. Impact to air, the answer is no. Impact on plants and animals, affect endangered species, we marked no. Proposed action will substantially affect non-threatened or non-endangered species, answered yes. The example is the proposed action will substantially interfere with any resident or migratory fish or shellfish... the answer is small to moderate. *He commented that any construction would affect this.*
- Arthur Rosenshein: If you do anything.
- Robert Geneslaw: That's right.
- Arthur Rosenshein: We have not been doing it that way, in the past.
- Robert Geneslaw: I usually do.
- Discussion.
- Arthur Rosenshein: My memory of it is we don't normally put that down.
- Robert Geneslaw: I can go back and look at some of the others.
- Arthur Rosenshein: Just as a piece of information, I don't recall you picking up on that at all. Just to check it. Because I think the word substantially, how many acres are we dealing with?
- Response: Three maybe two.
- Arthur Rosenshein: I think that's why probably not but. It's not important because it doesn't matter in this case. But it might in the future on a small one.
- Robert Geneslaw: On a large property most of them I check yes. And if number 8 were checked yes there would have to be an evaluation on the site. As Steve's office has done that on projects...
- Steve Lopez: We had them on this site too because of the wetlands. The same folks who do the wetlands...
- Arthur Rosenshein: Just a thought.
- Robert Geneslaw: Number 10, will the proposed action affect agricultural land resources, said no. Number 11, will the proposed action affect site(?) resources, said no. Number 12, will the proposed action impact site or structure historic..., said no. Number 13, will the proposed action affect the quantity or quality of existing or future open space or recreational opportunities, checked no. Number 14, will the proposed action affect any exceptional or unique characteristics of the environmental area established under DEC regulations, I don't think the town has any, so we checked no. Number 15, will this affect existing transportation systems, no not for that number of lots. Number 16, will the proposed action affect the community resources.. or any of its supplies(?), no. Number 17, noise..., checked no. Number 18, affect public health and safety, no. And, 19, affect the character of the existing community, here we checked two examples yes. One was the proposed action will cause a change in the density of land use, small to moderate. And the next one, the development will create demand for additional community

services, such as schools, police, fire, we checked small to moderate for that as well. Both of those examples, it is advised that it needs to be analyzed.

- Arthur Rosenshein: Has this form been revised?
- Robert Geneslaw: It's the same form. I always check those two and occasionally others.
- Arthur Rosenshein: ...I would have picked up on certain language. For instance, it says on 12, and I'm not saying about this site, something about any impact to an archeological site or fossil bed located within the project site, I could swear I have never, I would have picked it up. I cannot remember ever having read that. It then triggers a question, is this a revised form.
- Robert Geneslaw: No, that has been on the form I would say a few years. Fifteen at least. I can check.
- Discussion.
- Robert Geneslaw: Within a larger project, the applicant's typical first level of survey without being told and that's typically worded as such.... They would check to see what they would find and if that suggests something...
- Arthur Rosenshein: I understand that.
- Discussion.
- Robert Geneslaw continued to comment on this but was not audible. He remarked that the request for an archeological survey has always been on the form. Mr. Rosenshein accepted this. Mr. Geneslaw commented that occasionally that there have been finds. Mr. Rosenshein reiterated that he was not arguing but that if somehow he missed this.
- Robert Geneslaw: The only open item in my mind is the SWPPP.
- Steve Lopez: And number 20.
- Discussion.
- Steve Lopez: So 19 was going to be checked as a yes.
- Robert Geneslaw: Yes as small to moderate with further evaluation if necessary.
- Steve Lopez: So we're really just down to the SWPPP and with whatever potential impact.... Should we next time also draft a resolution at the same time? We often do neg decs and resolutions in the same evening. It looks like things are going in that direction. There aren't any outstanding controversial issues. And per your memo, it sounded mostly like housekeeping stuff to clean up on my end. But if we could get a sense...
- Robert Geneslaw: There may be some zoning issues. I'm assuming this was sent to Keystone.
- Steve Lopez: Yes.
- Robert Geneslaw: And I haven't seen any responses from them. Normally, when they communicate with the engineers, the developers and engineers, they routinely send me copies of the correspondence.
- Steve Lopez: We haven't gotten anything from them.
- Robert Geneslaw: So I'm assuming they haven't responded yet.
- Steve Lopez: Randy hasn't gotten anything from them. I spoke to him today.
- Robert Geneslaw: So there may be something in there that would need to be resolved before the Board acts. But I think we're close.
- Steve Lopez: There are a couple of other items in your memo that I did want to talk about. We have as we discussed in the previous meeting, we have the 30 foot setback from the road all around the property as far as the rear building wall of the units. Actually I think the setback is 32 feet roughly. We have depths that are approaching into the open space buffer that is 25 feet. The site is relatively lightly wooded. A sense of how we would do this is we would shift the decks to one side or the other or build them around the existing trees if there are trees there because it is woodsy. That's how we would deal with any vegetated considerations. Most of the woods around there are so gnawed down by the deer, there is basically no understory just trees, not that different on this site. From that standpoint, we thought we could work around the issue of the vegetated buffer. And treat it really as a design issue. We'll have two solid tube footings and a post at the other end of the deck and other than that the deck won't be on the ground. There won't be any disturbance of the ground. And like I said, we can build around the trees or shift the deck to avoid any trees.

- Arthur Rosenshein: Doesn't that imply that you really can't enter the buffer for any purpose? That 25 feet, isn't that the implication of the undisturbed? Simply not sticking a deck there whether there is a tree there or not? Isn't that what's intended?
- Steve Lopez: I have dealt with this in other municipalities and the worst case scenario ... (*couldn't distinguish what he said*) so you don't have the solid tubes. But we've interpreted it to mean that it's open and vegetated, we won't go in and cut down a bunch of trees to put a deck in.
- Arthur Rosenshein: Not that we have interpreted in the past, undisturbed means you can't touch it.
- Discussion.
- Robert Geneslaw: The "S" word "shall" that is pretty strong. The next sentence, if necessary, the Planning Board may require plantings to provide a visual buffer between the duplex development and adjacent residential properties. And, Steve indicates that it is slightly wooded, on the plans it just shows the general pattern of wooded area, so it's not possible to tell looking at the plans where the woods and trees are, if there are any. The provision gives the Board the authority to require additional plantings. And what Steve is talking about would be eliminating them. At the very least, there were would be more shade over any plantings that are over the decks that extend out (?) twelve feet.
- Steve Lopez: Well, if the Board has the authority to encroach upon the undisturbed vegetative buffer by putting things in there, how does that comport with there being no disturbance by the applicant? Are you suggesting, and I think the language of the code says it quite clearly that in this undisturbed vegetative buffer the Board could direct disturbance in the form of putting in plantings or whatever. That seems rather contradictory in the language of the code itself. So I'm only suggesting we use some...
- Discussion.
- Robert Geneslaw: Let me try to respond to that. The way I read this, if the vegetative buffer of 25 feet isn't sufficient, the Board can require an additional area of planting to provide the screening.
- Irv Newmark: Wouldn't it also mean if it was open ground like grass and it wasn't dense enough that trees could be put there instead of ...
- Discussion.
- Jay Zeiger: Steve is not suggesting that you disturb any of the trees. And the decks he is suggesting is not going to disturb anything that is there. I don't disagree with Bob that the Board says what's already is there is not adequate, we can ask you to put more in. I haven't evaluated the site but Steve and Bob and you say what's already there is sufficient and if the decks are not disturbing what's already there then why not.
- Kalman Freidus: It sounds to me like the idea of a vegetative buffer is that there shouldn't be construction in there. I don't know but putting a deck in there in between the trees, I think is questionable. Also, I think you are going to have difficulty to map out all the trees that are there now so we'll if you took them out or not.
- Steve Lopez: Do you want us to do that?
- Kalman Freidus: No, I think there should be put decks in there.
- Arthur Rosenshein: Why are you assuming that vegetative only means trees?
- Discussion – It includes shrubs, brush, etc.
- Kalman Freidus reiterated the point that decks should not be built within the vegetative buffer.
- Steve Lopez: As I was saying before, I've been through this in other communities where we can actually weave into buffers and it wasn't an issue.
- Arthur Rosenshein: We haven't done that. That has not been our interpretation.
- Discussion.
- Arthur Rosenshein: What is on the surrounding property?
- Steve Lopez: There is a residence to the north.
- Arthur Rosenshein: North is at the top?
- Steve Lopez confirmed and pointed out on the map. Then continued speaking: Then over here there is another development, I don't recall what it is.
- Response: Laurel Estates.

- Discussion.
- Kalman Freidus: On the north, though, the house is on the road, he is thinking of developing also. He has a similar lot. So the buffer is relevant if he ever wants to build a few houses in the back.
- Arthur Rosenshein: The clear(?), technical law is to provide a buffer between this property and the next. And, building, putting anything in the buffer is not going to aid that. The question I think is more relevant is do we require any more plantings or anything else in there to add to it. I don't see we have such a conflict if we say we want more plantings on the undisturbed buffer.
- Discussion.
- Gary Tavormina: Forget about all this other stuff, there is 25 feet of undisturbed area, period.
- Arthur Rosenshein: Right, that's how we're interpreting it.
- Gary Tavormina: So nothing is supposed to go in there, period, end of conversation.
- Arthur Rosenshein: I think at this point you may have lost your argument. Is there anybody on the Board who would like to put forth a discussion on the opposite side? Or are we all pretty much on the same wave length that undisturbed in fact means that? That nothing goes in there? So the consensus of the Board is you cannot put the decks in.
- Steve Lopez: Okay, we can work around it.
- Arthur Rosenshein: That was easy.
- Kalman Freidus: The buffer is 25 feet, right?
- Steve Lopez: Twenty-five.
- Kalman Freidus: You have 32 anyway, so you can put a 7 foot deck.
- Steve Lopez: Right.
- Kalman Freidus: You can make them go around the corner a little if you want to make a bigger deck.
- Arthur Rosenshein: Because the applicant is stipulating that there isn't much in the vegetative buffer, so now the next question is, do we in fact want more planting in there?
- Kalman Freidus: I think we have to look at it.
- Steve Lopez: My only concern with planting in the woods is that you always have the situation where you have a lot of competition from existing tree roots. And you have shade. So you put a 6 foot pine, which is probably the best that would survive in the woods in this area, and it's going to get scrawny and become brown fast. It's going to be competing with all these deciduous trees. And the problem is the root competition as much as the light.
- Arthur Rosenshein: I don't know the site.
- Discussion.
- Arthur Rosenshein: I thought you just said there weren't a lot of trees there.
- Steve Lopez: There is not a lot of density of trees.
- Arthur Rosenshein: What size trees are there? Are they fairly mature? Six inch, eight inch, a foot?
- Steve Lopez: It's fairly immature. That's about it. Maybe up to a foot. I'm going by memory. It has been a little while since I've been out there. It's not a forest. The area was probably farmland not that long ago.
- Arthur Rosenshein: Bob, have you walked the site?
- Robert Geneslaw: No. I'm relying on Steve's memory.
- Steve Lopez: This old well house, it's not really a well house, it's a, it's shown on the survey just as an old foundation. It's kind of like a shallow well house. So it likely had agricultural use, probably dairy.
- Arthur Rosenshein: Was there a public hearing on this?
- Steve Lopez: Yes.
- Arthur Rosenshein: And nobody came?
- Response: No.
- Steve Lopez: So my guess is it has been probably the last 50 to 75 years that it was still opened and being farmed and then eventually abandoned. So the woods aren't going to be very substantial. But, they are probably still fairly close. There are not twenty feet between trees as used find in a mature woods. They are probably 10 to 15 feet, maybe 20.

- Arthur Rosenshein: If it's younger.
- Steve Lopez: Not a lot of saplings, sort of intermediate growth.
- Robert Geneslaw: I can go out and look at it.
- Arthur Rosenshein: No, we can take his word for it.
- Discussion.
- Robert Geneslaw: The next item on my memo was 1b at the bottom of the first page. And that I don't think is going to be a problem. But the Board has been asking the number of bedrooms be shown on the plan... *(not all of his comment was audible due to a lot of rattling of papers)*... and also we can confirm that the requirement for the bulk table are met. Again, I don't think it's going to be a problem....
- Steve Lopez: As I recall, we calculated out 4 bedroom units....
- Robert Geneslaw: On page 2, at the top, section C, "Every duplex development shall provide for common open space and recreational amenities for project residents...(i). The minimum lot area for common recreational facility shall be 20,000 square feet." The area where the two pools are without counting the storm water basin comes to around 11,500. That's a little over half of the required minimum. So I'm asking that the plan be modified to show where the 20,000 square feet of recreation area would be. I don't think it necessarily needs to be all 20,000 in one place.
- Arthur Rosenshein: No, they have the front yard area that's empty.
- Robert Geneslaw: As long as there is acceptable recreational space for the Board. I don't the intent of the duplex development law ... of the setbacks. The intention was to provide the screened perimeter so that the next property comes or the next property that's already developed so that there is some level of screening. That was the reason for the 175 foot setback in the front, which is met. But I think it's also the case for the side and rear setbacks. The plan would have to be modified to show where the balance of the recreation space would be. And the location has to be acceptable to the Board.
- Discussion.
- Steve Lopez: We had this discussion in previous meetings about whether we would use some of that space in the front, or could or should some of it for recreational, even though it is setback. I look at it as passive recreational space. It's certainly not going to have a chain link fence around it so you can't walk in it. The owners of the units in the condominium association are going to have free use of the open space throughout the development. And I'm sure they'll take advantage to walk in the woods and enjoy them. So from our vantage point to me that is recreational space as much or more than a set of swing sets somewhere or pools. We had planned from the beginning that the front of the property would be used however informally or formally, not formally, in the sense of putting structures in there because it is a setback area. But certainly informally as a recreational area.
- Will Illing: But without recreational amenities.
- Steve Lopez: Right. Kids will run out into the woods and do what they do, climb the trees.
- Will Illing: But the required open space and recreational amenities...
- Discussion.
- Robert Geneslaw: It was discussed, I think, a year or so ago with respect to a different project, and the applicant... the issue revolved around could they include recreational amenities in that 175 foot setback, like picnic tables, play equipment, that sort of thing, and the Board agreed that should not be provided. It's not the intention to bring the activity at the street or near it. So, if the Board accepts the request that you include some of that open space in the front as common recreation and they could show to the Board that they can keep it from becoming occupied with recreational equipment in the future then I think that's a.....
- Steve Lopez: I think if we make it a condition that it would be part of the common area regulation for the home owners association, they would need that anyway for the 25 foot buffer and for the front that there would be no disturbance of that area. There would be no way to control people from using the open space. I can't imagine that they wouldn't. If you buy a house or a seasonal home in an area like this where you are not in Brooklyn, you are out in the woods, you are definitely going to take advantage of being able to walk out into the woods. And I don't think that the first thought in anybody's mind would

be to pave a large area in the woods and knock down a bunch of trees and put up some ... but I think that sort of tendency or thought could be controlled by having a restriction put in...

- Jay Zeiger: The restriction already exists for the 175.
- Steve Lopez: It does in the code but to be more specific about putting in a restriction into the association regulations, so folks would have opportunity to use it...
- Robert Geneslaw: If the Board is inclined to take that approach, I think in addition to having something in the condominium association documents, there are ought to be a clear note on the site plan so that if it is put in there the town then has a way of addressing a violation because they're not conforming to the site plan. But, I will also say, that one of the provisions of the code is that the proposed condominium association rules, particularly those that affect design and other elements approved by the Planning Board, are reviewed by the Planning Board, I can't remember the last time we reviewed one. It has to have been quite a few years.
- Jay Zeiger: I disagree: I sent them my draft condominium ... plans to the town all the time.
- Robert Geneslaw: Not to the Planning Board.
- Jay Zeiger: I send it to the town, I send it to who reviews it...
- Robert Geneslaw: I can understand for example, the town planner or the town attorney reviewing it for legal sufficiency. But does anybody review it to make sure it conforms to the conditions of approval.
- Jay Zeiger: I would hope that's what the attorneys are doing. But I can tell you I have never gotten one comment from this Board or the Town Board's attorneys.
- Robert Geneslaw: Who looks at them? Will says he's never seen them. I've never seen them. I shouldn't say never, probably ten years or so.
- Steve Lopez: Why don't we change that discussion around to this particular one.
- Discussion.
- Arthur Rosenshein: If part of our agreement is that it be in there then we should see it, yes.
- Robert Geneslaw: you should see it before the Board grants its approval to make sure it's there and that... it raises a timing issue from the applicant's...
- Discussion.
- Steve Lopez: Why wouldn't we or couldn't we submit to you a paragraph that our attorney would confirm that is going to be in the document and you look at that paragraph and decide on whether the language in it is appropriate.
- Will Illing: Isn't there a draft version of it that we can see of the whole document before it goes out?
- Jay Zeiger: On this project? No, we won't even start a condominium book on this project until after it is approved. But if you are saying to me what disclosure would you put in the condominium book on a particular issue, I can draft that paragraph and send it to you.
- Discussion.
- Robert Geneslaw: Whatever the items are that are in the Planning Board's jurisdiction, they should see before the plans receive approval. As far as I'm concerned, the rest you can do in whatever time frame you want.
- Jay Zeiger: In this discussion, for example, unless you tell me what it is you want to see, from what I heard, I would do nothing differently than I would do on any condominium declaration.
- Arthur Rosenshein: I think the Planning Board would like to get involved in this conversation.
- Robert Geneslaw: I think you should.
- Jacquie Leventoff: Before we do anything, you said that a year or so ago we discussed this very topic about setbacks and recreational and that it was the feeling of the Board at that time that the code's intent was to have it undisturbed and not included, correct?
- Robert Geneslaw: Yes. I think the Board didn't want things like playground equipment, picnic tables and probably a few other examples, but I think we all recognize that the people who live there are likely to walk around in that area. So the question is, was it intended to allow permanent equipment in what is supposed to be an area that is separating the road from their community. I think the answer is...
- Jay Zeiger: We are not proposing anything.

- Jacquie Leventoff: I fully understand that. I just want to make sure, because whatever decision is made now, precedence is going to be set.... So if we are going to have that discussion, as a Board, we need to discuss it as a board and figure out what we want to do because it's not going to be the first and it won't be the last. So let's have a discussion and talk about it because you can say people from Brooklyn would like to go walk in the woods...
- Gary Tavormina: That's not true and I will tell you why I say that. We had a development with a couple of houses and the people wanted the woods cut because they didn't like the deer coming in the back yard. And that was just recently. The theory that they would walk in the woods, you can forget that.
- Discussion.
- Arthur Rosenshein: Let's not argue who is going to walk in the woods. Can we go back just a step.
- Irv Newmark: What is going to be there for recreation other than the pools? There aren't going to be any children there? Do we want to have some swings or something?
- Jacquie Leventoff: They area four bedroom houses, of course there will be kids there.
- Steve Lopez: There is some room on the side of the pool between the pool and the first house that we could put some equipment there...
- Irv Newmark: I figured if there are going to be children there, there has to be something for the children.
- Steve Lopez: The turnaround is twice as large as shown on here. I don't know if you have spent any time in cul-de-sac neighborhoods, I have some relatives who live in one, it's not my cup of tea, but that whole center they take it over for soccer games, badminton and volleyball...
- Discussion.
- Arthur Rosenshein: I think Jacquie has touched on something that I was also a little concerned about. This is ten units and in the scheme of things, if somebody from of the units walks in this and if we designate it that okay we'll accept it, what do we do when somebody comes in with a hundred units and wants to use the buffer as part of it. And you would remember, and remind me if we did, well when we did this one you allowed it, now why aren't you allowing it, and we're stuck with that. For the purposes of the law, it says you must have 20,000 square foot of common recreation facility. The discussion started with them saying all right we have a mandatory 175 foot setback, does the Planning Board in fact say that's part of the recreational area or not. And, we've always taken the position, I believe we've taken the position, that it is not part of the computation. And I don't know if we want to go down the road of saying from this time on you can use it and if we get a hundred unit development and that becomes part of the 20,000 square feet.
- Kalman Freidus: Well, if we have a hundred unit development and we say okay you can use that setback to walk in as part of the 20,000 square feet...
- Arthur Rosenshein: As part of the common recreational facility. Facility implies something besides trees. It's only ten units which makes the discussion a little bit different.
- Kalman Freidus: I'm saying if we would allow this to count as part of their recreational facility and specified as not putting in equipment that they're just going to walk there and someone comes here with a hundred units that doesn't preclude us from saying you need a playground.
- Gary Tavormina: Kalman, I disagree, and I will tell you why. Once you open the door, you cannot lock it.
- Arthur Rosenshein: That's what I'm afraid of.
- Kalman Freidus: I understand that.
- Gary Tavormina: You cannot deprive someone from walking on their property. What I'm saying is you do not have to give them permission to use it.
- Discussion.
- Arthur Rosenshein: Remember, Gary, we're talking about the purposes of the 20,000 square foot recreational area. Not whether somebody can walk in a buffer. Nobody cares. But the law contemplates that a certain amount of area will be set aside for recreation. Recreation generally implies it could be anything from a tennis court, a ball court, anything like that, and I believe that's what the law intended. What we're doing is we're saying we're going to change the intent that any land you've got, so why not also use the 25 foot undisturbed buffer. It's probably a path we do not want to go down because it takes

us into a whole new territory. And it says 20,000 feet of recreational facility common area. I'm not inclined to identify mandatory buffers as recreational area.

- Jay Zeiger: Arthur, it also says you have the right to waive one or more of the requirements. And, since this is a small project, would there be something...?
- Arthur Rosenshein: I would prefer to do it in that, if we were going to do it, I would very much prefer that language, which it could say, "Based on the fact that there are only ten units, that the planning board will waive the 20,000 square feet and designate 10,000 as being sufficient, given the small size." And that way we haven't set a precedent.
- Jacquie Leventoff: Because where's the slippery slope. Okay, this is ten then there's twelve and there's twenty, so when does it become a small development versus...
- Arthur Rosenshein: That we can decide on a case by case basis.
- Discussion – about the amenities being planned and what may be desired in the future. Jacquie Leventoff expressed doubts in waiving the required 20,000 square feet. Kalman Freidus reiterated that the language could be very specific for this project because of the small number of units. Arthur Rosenshein expressed that they would insert language as to why they are doing it, waiving the 20,000 square foot recreational area required to preclude doing it in another one.
- Jacquie Leventoff responded: It's not being firm, fair and consistent. Honestly, if you want to change the law that anything up to ten units, this is what we'll accept.
- Discussion.
- Arthur Rosenshein: Assuming Jay is quoted correctly, and I have no reason to think not, then the reason why they would give us that discretion is for a case exactly like this. And we would perfectly well have discretion not to do it on another one that has a different layout or a different number. I think from the sound of the design it is just for this purpose.
- Jacquie Leventoff: If you are going to put the playground equipment in, how much would that take it to? If you were going to put a playground in between the first house on the south side....?
- Steve Lopez: In here (referring to the map)?
- Jacquie Leventoff affirmed.
- Steve Lopez: Probably a couple hundred feet additional.
- Robert Geneslaw: Steve, roughly, what's the available area from the pool to the house?
- Steve Lopez: Probably about 30 feet out to here. If you pulled up to ten feet off the driveway, we could probably get 50 feet and from here down I'd say about 80 feet, I think.
- Robert Geneslaw: That area plus the pool from the property line to the south side...
- Steve Lopez: I didn't run the calc that you ran. The pool and the decks?
- Robert Geneslaw: No, the pool and the area to the right of the pool up to about ten feet from the driveway, I think it came to something around 11,500 square feet.
- Steve Lopez: Down to the setback?
- Robert Geneslaw: No, down to the property line. You know, I think I measured down to the property line, in that case I put in too much. It shouldn't be in the setback. But what I'm saying is I did include more than just the pools and the...
- Jacquie Leventoff: You went to the property line as well.
- Robert Geneslaw: But I shouldn't have. I should have gone to the setback.
- Jacquie Leventoff: Right.
- Kalman Freidus: The pool area does not count toward the 20,000...
- Discussion – Yes it does.
- Steve Lopez: I don't have a scale, but I believe this is 80 or 85 feet from the road down to the setback.
- Discussion.
- Steve Lopez: I think it's more like 16,000 square feet.
- Irv Newmark: You have room to put a couple of pieces of playground equipment. There are only ten units.
- Steve Lopez: This is supposed to be a family compound or two families who are doing this together. I

could believe that in that situation they would get together and say what do you want to put up. Do you want to put up a sandbox, a swing set...

- Gary Tavormina: The problem we have here, let's be honest about it, you want too much for this small piece of property.
- Steve Lopez: I don't think so.
- Discussion.
- Gary Tavormina: Eliminate a duplex and then you have the space that you need. You are trying to put too much into a small piece of property. If you didn't have that duplex, you'd have 20,000 square feet.
- Steve Lopez: Eliminate \$800,000 worth of retail residential development for what a swing set?
- Discussion.
- Arthur Rosenshein: Robert, do you believe that 15,000 square feet is there for the sake of that?
- Robert Geneslaw: .... What I would suggest to Steve or Randy is see what they can come up with. They might want to include the internal part of the cul-de-sac...
- Discussion.
- Arthur Rosenshein: Can I get a consensus? How many board members at this point, depending on how it works out, are willing to waive the 20,000 feet and lower it on this particular project based on the size of it?
- Gary Tavormina: I am not.
- Bucky Louckes: I'm in favor as long as they put the playground equipment in when they're doing it.
- Arthur Rosenshein: We have established that the Board is willing to go along with such a waiver. And I'd like the minutes to reflect that although I don't know if it's a point of a formal vote at this time because I don't have the square footage, I think that going along with what was said, we want to see what equipment will be put in where and the area outlining clearly on the maps so that we know exactly how much we are dealing with.
- Steve Lopez: How much specificity do you want on the equipment? The reason I ask is...
- Arthur Rosenshein: We don't want Sears best.
- Steve Lopez: You all have been through having kids. And you know when they're toddlers there is a difference in equipment interest than when they are teenagers. The reason I'm bringing it up because I'm a little reluctant to show specific playground equipment types on the plan because then as a site plan then my clients are to have a swing set in that location. What I'd like to do is show an area where a playground will be and maybe a list of several things that might be included and then let the condominium association members and or the developer who is part of the family is going to make that final decision.
- Arthur Rosenshein: Let me ask you this. How, ten years from now, will they know, in fact, where that area is?
- Steve Lopez: It will be indicated on the plan.
- Discussion.
- Robert Geneslaw: I would start off saying; I think it should be shown on the plan... and in the future.
- Discussion.
- Robert Geneslaw *continued with his comment but was partially drowned out by others talking.* He mentioned that he ceded on the type of the equipment to be installed because needs will change and it doesn't make sense for them to have to come back to the planning board every time they would want to remove a swing set and put in something else. I would focus more on having the space set aside.
- Arthur Rosenshein: Right, but is there any way to show on the ground where the delineation is between at least the house and the pool.
- Steve Lopez: Yes.
- Arthur Rosenshein: A hedge, something that clearly separates it so that it doesn't get lost over time.
- Steve Lopez: Sure, that's a good idea.
- Discussion.
- Jacque Leventoff made a comment while other were talking and Jay Zeiger responded: What I think

- Arthur is suggesting is we designate an area, a playground area, equipment to be installed in this area.
- Jacquie Leventoff commented that can be designated recreation area but no in the middle of the cul-de-sac.
  - Arthur Rosenshein: Perhaps we can start off with something. And then that will have established that it is there. ... *(He commented about a big expense then continued.)* But then you have the mental set up that yes this is the area for everybody's recreation. One the one hand we don't want Sears' best but on the other hand we are not looking for...
  - Steve Lopez: As an example, my kids do not use the swings anymore. They are teenagers and older...
  - Arthur Rosenshein: I understand that. What I am saying is that when the people first move in it is going to set the habit and if they later want to change it to something else.... In the context of such a development, we are not looking at; we're not asking for anything very expensive but something to make the point.
  - Steve Lopez: I will ask my client what he would suggest and then we'll figure something out.
  - Discussion.
  - Gary Tavormina: I have a question for you. The two swimming pools, can they be moved closer to the cul-de-sac?
  - Steve Lopez: Well, we have the storm facilities here. They were closer initially but the storm facilities ended up being here for grading reasons. Now, let me ask you a question. If we stocked the storm basins with frogs and minerals, would that count for recreation? *(In jest. Laughter.)*
  - Discussion.
  - Robert Geneslaw: ...There are times when everyone agrees on what should be done, the CO will get issued and somehow the developer never puts in the playground. He didn't seed it, he didn't put in the recreation equipment, whatever, and it didn't get done. So, before they get to final approval, we should think about what mechanism would make sure to make sure that gets done as part of the overall development. Could we before the last CO, for example, but there ought to be some event that ties it in...
  - Arthur Rosenshein: Good idea. Remember to mention that when the time comes?
  - Robert Geneslaw: I will make a note.
  - Arthur Rosenshein: Thank you. Anything else on this one.
  - Discussion about lot coverage.
  - Mr. Zeiger brought to the Board's attention that lot coverage is one of Mr. Geneslaw's comments.
  - Robert Geneslaw: Art, ... there are a few more items.
  - Arthur Rosenshein: Go ahead, we're having fun.
  - Robert Geneslaw: The next one has to do with conversations at the staff meeting in November. And there was a discussion about how much exposed foundation there would be on each of the buildings. Whether there will be egress issues, whether if some of the ... basement space might be used for habitation, and whether there is water and sewage capacity for all the unit space with the bedroom counts. I haven't seen anything on the plans that would respond to that. So I wanted to bring it to the Board's attention because in the last couple of years, those items have been important to the Board. Now, Randy may be working on that, I don't know.
  - Steve Lopez: I believe Randy's drawings have first floor elevations on them.
  - Discussion about the elevations and slopes.
  - Steve Lopez commented: It's a cross slope of ... it's fairly slight from front to back.
  - Arthur Rosenshein: So, I'm stopping you right there. We've always had the engineers saying, "Because of the slope, the buildings have to stand much further out of the ground." And that has been the fig leaf for building windows and doors. We all know they are going to be apartments. So, since you have already said that the slope isn't so extreme, there is no reason for these to have any more than the narrow typical basement windows that we would expect.
  - Steve Lopez: As I recall from our prior discussion on this, two things: 1) there will likely be a split in the front elevation so that the foundation's exposure will be maybe 4 or 5 feet at the highest. And telescoping say from 3 to 5 across the front of the unit and dropping down 3 to 5 on the duplex. So that

the units ride with the grade stepping down towards the back. I don't even think it's more than a foot from one end of the foundation to the other across one unit. It's fairly slight. *And the idea was they would be far above the ground if there would light and air in the downstairs (this was not very distinguishable)* but not so that the entire foundation was sitting out of the ground.

- Arthur Rosenshein: Can we have on the plan we want to know exactly how much you think is necessary so they should have light and air. So we are not surprised as we often are...
- Discussion.
- Steve Lopez: Kalman, I'm not sure we are required to have an exterior door in the basement.
- Arthur Rosenshein and the Board: We don't want one.
- Steve Lopez: Is that up to code?
- Board responded affirmatively.
- Steve Lopez commented: I'm not sure that it is.
- Kalman Freidus: If it's not inhabited and we don't want it inhabited
- Discussion about ingress and egress not necessary because no one is going to live down there.
- Robert Geneslaw: I would suggest the Board ask Steve that either he or the engineer to show the sections with elevations to show how the grading will work around the building... *(Rest of comment not audible)*.
- Arthur Rosenshein added: And added to the plan there are no basement doors.
- Discussion about the elevation. Steve Lopez commented that it can't be that steep because the road is no more than eight percent. The discussion continued with comments about another project and the same issue.
- *One more item to discuss on this.*
- Robert Geneslaw: At the December meeting, Will requested calculations confirming the lot coverage to be shown on the plan. But looking at it visually, the question still is how was it done? The information was requested in December and we are waiting to see that. My last thing is they should update a tracking document with each submission including... *(The rest of the comment was inaudible due to other noise disturbance.)*
- *Mollie Messenger commented but it was not audible.*
- Steve Lopez responded: I gave you a copy at the last meeting.
- Robert Geneslaw: Yes, we have it from the last meeting.
- Kalman Freidus: We should have it at every meeting.
- Steve Lopez commented further and Kalman Freidus responded: We like to see it here for every project.
- Steve Lopez: We have a very detailed one on this. Does Mollie distribute to you if she has it?
- Kalman Freidus: We get a packet.
- Mollie Messenger commented on this and said that they didn't receive an updated tracking document.
- Kalman Freidus: It should be part of your submission.
- Discussion.
- Robert Geneslaw commented on the minutes from the December 8<sup>th</sup> meeting that on page 12, the discussion of the Residences at Laurel starts off Mr. Glenn Smith. I think that belongs to another item on the agenda.
- Discussion.
- Steve Lopez made a comment that he had made a comment with this reference *(was not completely audible)*.
- *Robert Geneslaw commented further but it was not audible because others were talking. The conversation continued between Mr. Geneslaw and Mr. Lopez with Mr. Lopez explaining what the reference was.*
- Arthur Rosenshein: Bob, is there any change needed in the minutes.
- Robert Geneslaw: Yes, I think the only change needed is to take out Glenn Smith and put in Randy Wasson.
- Steve Lopez reiterated his comment about clarification.
- Robert Geneslaw: I understand that. My concern was not with what you were just describing but that it

identified Glenn Smith and it should say Randy Wasson.

- Arthur Rosenshein: Right, because later on it says Randy isn't here. All right, before we forget a motion to revise the minutes of the 12/8/11 meeting of item number 2, Residences at Laurel, where it says Glenn Smith to change it to Randy Wasson. And, does anybody have any revision?
  - MOTION:
  - Motion to accept the minutes with revision.
  - Gary Tavormina made the motion. Irv Newmark seconded it. All in favor.

2. RALEIGH & HEIDEN PROPERTIES – SBL# 60-1-56/50-62/62.1/62.4/63/64/65/66 & 15-1-28- FEIS Discussion. Zone: REC-1. Acres: 196.9. Location: 5674 Heiden Rd., South Fallsburg

- Steve Lopez: There were two items we wanted to get a sense from the Board that we are on the right track. One was something that Bob had brought up at the last meeting regarding the use of; it originally came from the community addressing this, the use of facilities by religious communities within the town that might impact the taxes that are committed to the town. I had a girl in our office that did the community facility study contact several of the appropriate folks in town: Police, Fire, Parks and Recreations and Schools, most importantly, because of the comments made about the schools. We handled, well, with regard to the schools; they were the only local agency who could definitively say there are zero religious community uses of school district facilities, of classrooms, busing, any kind of special ed, zero. It's very difficult to ask these questions, obviously, and this is because how you characterize who is who without infringing on people's rights, quite honestly. But that was just an informal assessment from one of the school officials contacted. And as delicately as we could, we phrased that question. With regard to the other services in town, we were able to get a sense of what the seasonal population is. The seasonal population is about three times the town population. The population is around 12,000 and change. Seasonal is around 24 or 25,000. So in the summer time you are roughly two to one seasonal folks. We looked at out how to calculate what the seasonal cost is per seasonal resident. And the best way to do that is to say you are providing services: Fire, Police, and so forth year round. So the base salaries for year round are going to be here whether you have summer residents or not. And then the additional costs for summer residents were fairly forthcoming from the various agencies. Police do not put on extra police; they budget overtime. Parks department has summer programs and so on and so forth. And emergency services, I was able to estimate the number of additional calls they have. But then in the summer time there is another emergency services group that she talks about in here that supplements the town's regular emergency services group. But that group is free to the town and your local emergency services folks are called as charged(?). I found out fairly comfortably what it's like to get a \$500 bill when you get picked by ambulance from another town. They don't have that in my town. But at any rate, the long and short of it is, the best we could do here, because we really couldn't determine from emergency services or parks and recreation what percentage of the summer program is used by any one group of persons or another. So aside from the school impact that we were able to figure that any summer program is probably shared, the best we could say, is shared equally amongst everyone who is here in the summer. So, little league, how many summer residents are participating in little league? Probably not that many but there may be other programs. So rather trying to parse through all of that, we just said, you know what, if in the summer there is \$100,000 in seasonal programs above what is year round basis, let's just split that amongst everybody who is here in the summer and can come up with a figure with what that works out to. So the bottom line is and I think it is weighted conservatively, because I don't think the religious community folks are using a lot of the services that are available. But what we came up with is that the total municipal expense just for tax dollars collected and expended, and this is in the third paragraph on the last page is estimated at \$28,458. We didn't put the cents in there but I guess we can round out the cents. And the anticipated taxes are \$654,237. So the order of magnitude between, actually somewhat conservative potential expense for summer time budget and what's being collected is pretty enormous. And this is fleshed out a little bit in the last two paragraphs and is not taking into consideration any of the spending in the community for groceries or whatever from summer folks, the number of jobs that are created, the multiplier effect from that because you need garbage, repair

people, you need all kinds of folks that end up becoming employees. Because you know you have an economy that is largely based on, and I grew up in a resort community, I know what that means...

- Arthur Rosenshein: There is \$658,000 when you say municipal, does that include both school and towns?
- Steve Lopez: Yes, that's both. We don't think that there is any question. I think you all know intuitively but going through the numbers we were able to put a real face on it. The question was raised and a lot made out of it. But when you really sit down and look at the numbers as I think you all probably realized that these communities bring a lot of economic development into the town.
- Jacquie Leventoff: I appreciate you taking the analysis and the time. I just have a couple of .... First, you say it is a seasonal community and there will be no impact on the schools. Legally, we cannot say to these people you will never, ever, ever, ever, ever have this as a residence. But if a plane happens to fly into a building down in Williamsburg, I mean in Brooklyn, and you have to go somewhere with your family, and you decide to make this your permanent residence, you will never, ever, ever, ever, ever put them in the ... in the Monticello school district, it is illegal, we can't do that.
- Steve Lopez: But they won't because it's a religious community. They will go to a religious school and the most the school district will ever have to pay for them would be transport and special ed.
- Jacquie Leventoff: Yes.
- Steve Lopez: That's why the worst case scenario we did was leaning more toward a different skew. We said the worst case scenario we said is if this were being privately developed. You can't say can't happen either. That's why we took that approach but I think that confused a lot of people. A lot of folks were looking at this particularly from the community and saying wait a minute, you are going to have all these impacts, we must not have made that clear.
- Arthur Rosenshein: They were also fishing for anything.
- Steve Lopez: Yes. So, but I think for the purposes of what we're showing here, paint the picture of what is really going to happen. And this is what would really happen, somewhere between here and there. But I think the long and short of it is that this...
- Arthur Rosenshein: I think it is a fascinating document. There are some very interesting numbers. I just never saw them before.
- Kalman Freidus commented that we expect this all the time and it's nice to see.
- Steve Lopez: Thank you. What would be interesting is to look at your community and look at the number of dollars and what the multiplier is within the community of all the dollars that are spent and think about those dollars. You could put an economic development figure on each and every household in your community and what it means in terms of jobs, in terms of sales, in terms of all the...
- Jacquie Leventoff: And those numbers exist?
- Steve Lopez: No, they would have to be developed. Yes, there are general...
- Jacquie Leventoff: But there are general numbers that do exist. I did economic development for almost 20 years, trust me, they do exist. Maybe not for our community and maybe not... but the multiplier effects...
- Steve Lopez: The multiplier effects, you are correct. They would have to be qualified for a resort community generally. The way they would have to be qualified would have to be for this population in this area and what that means.
- Arthur Rosenshein: But exclusive...
- Steve Lopez: Something somewhere...
- Arthur Rosenshein: But if you exclude the multiplier, the numbers are still quite large. Would you mind if this document becomes more open to others?
- Robert Geneslaw: He's submitting it as part of the record.
- Arthur Rosenshein: Right but I thought it would be polite, don't you think, I thought it would be polite.
- Robert Geneslaw: Well, it would be.
- Discussion.
- Gary Tavormina: I have one question where did you get the answer from for example no social services provided.

- Steve Lopez: I believe, it would be easier if I had the gal with me tonight who did these figures, she does this for all these different projects.
- Discussion.
- Steve Lopez: I believe she called the county. I think the county is the social service provider here at town level.
- Gary Tavormina: Is hospital services considered?
- Steve Lopez: I don't know the full spectrum of what...
- Gary Tavormina: I'm looking at the global picture.
- Steve Lopez: I can get that for you but I don't have it.
- Arthur Rosenshein: That is still a benefit because they're paid for and it helps maintain the hospital year round. It's a tough one to figure.
- Gary Tavormina: I understand that it's being paid for. But somebody has to pay for it. Does the county pay for it? Etc.... *(The rest of his comment was not audible due to others talking.)*
- Steve Lopez: Let's look at it this way. There are some social services you know are not being utilized here. Section 8.
- Gary Tavormina: I understand that. The question is....
- Steve Lopez: I'm not saying the majority of Section 8 is....
- Discussion.
- Arthur Rosenshein: You had a second item.
- Steve Lopez: The second item had to do with the wells. We had some discussion and Will had pointed out that the scale be adjusted. I had my guy fix it and he put a graphic scale. I hope it's the right one this time. Using his graphic scale, I take it from the Uhl well down to the wells on the property, it's about 3,000 feet. We had, interestingly, the way this had evolved...
- Arthur Rosenshein: This is the discussion about the draw down on the wells during the test?
- Steve Lopez: Right.
- Arthur Rosenshein: For people who weren't here that they understand. So, 3,000 feet away it went down 7 feet.
- Steve Lopez: Right. So we had some discussion about this. Let me go back. Initially, we had been given a map, actually our hydro geologist had been given a map by someone who we only know as "The Caretaker". I don't even know if they have a caretaker. And this was the map that I got. These are the two well locations. I figured well okay that is a kind of sort of... and then I went online to look up the addresses and Uhl ended up here, and Bismuth was up here. Well, I figured, somebody drew a map who wasn't paying too much attention to what the actual locations of these things are. I had my staff change the locations. We came in here and the person of the association had a **conniption** and he insisted that the Uhl residence, I think he said was 8 blocks and the eighth house in. Obviously, was very confused about what was what. And looking at the ... couldn't see all the houses and couldn't really understand what the layout was. Fortunately, one of Mollie's staff took me on a little private tour and I found out some interesting things. This developer has a beautiful area in there, it really is, and it's very restricted with gates, you are not welcome. The general public welcome, I'll put it like that. On the west side of the lake, on the Uhl side, on the left on the map here, there are 39 lots. We came in, I think it was up here, there are a couple of gated accesses, I think two on the east side, drove down along the east side... and on the dam there is a sign "Lots 1 through 39". Lot one is all the way out to the end here and there is a little dirt kind of turn around here, area. Mr. Uhl is number 26, I think, yes 26. He's actually the 13<sup>th</sup> lot down and it is still very difficult to figure out where these things are. So we used air photos. We went to Google earth and downloaded and it is still very difficult to see off season counting the houses. But I knew where number one was and I knew where number 39 was and he's, the circle is big enough that it encompasses one or two maybe three houses and that's about as close as we got. But that's where the Uhl well is and that's where the Bismuth well is based on the data we got from the field and the numbering system. And the Uhl is pretty close to 3,000 feet from these wells. Now that we've got the locations nailed down, I wanted to talk to you, and I've talked to Glenn a little bit about it and some of the staff in the office, how

to deal with the concern of the boating club, the fishing and boating club, about well impacts and how to deal with them. And we've actually done this in some other communities, set up some fairly **archaic** language, mostly language, and the procedure is pretty simple from my mind, and I spoke to my client earlier today about, *(he's not here because was very sick)* and Bob and I had discussed before but I didn't want to put it on the table before I had the opportunity to talk to him *(client)*. The thought was we would put money in escrow, say ten, fifteen or twenty thousand dollars, something like that, and that would be used to pay a hydro geologist to look at any problems that came up during the course of these wells, already drilled, coming on line. I prefer to have some restrictions on that. I prefer that all the wells around the lake come in and offer up the information on who did their wells, how deep, all the info they have on them, so that we're not dealing with a well that is really substandard to begin with and ready to cave in. But at the minimum to set up an escrow that would be replenished over time as the development continued. We don't think...

- Arthur Rosenshein: For the purpose of repairing? Deepening the well?
- Steve Lopez: If necessary. First of all, to have a town hydro geologist to go out and inspect and be reimbursed as any of your consultants would. We don't see that it would be a major event for that to occur. And then to report back to Code Enforcement, I think is where it would be handled, or maybe to Will's office (Illing, town engineer). We got something out here, we've really got a problem. They don't have sufficient water, it has dropped so far that the near wells are pumping, they've got an issue. And in that situation, we would go to step number two, which would be to drill a new well. We have to have some sort of parameters on how this works. Otherwise, the concern is we're going to end up paying for new wells for potentially in some situations where .... *(end of comment trailed off and was not audible)*.
- Kalman Freidus: Do we know how deep the new well is?
- Steve Lopez: Yes, it is 310 feet, I believe. And I believe the static level is 30 feet below the surface. So it is a 210 foot water column. I'm sorry, 280 foot.
- Discussion.
- Kalman Freidus: It went down seven feet, which could have been from anything, anywhere.
- Will Illing: When was that done, Steve? Those measurements?
- Steve Lopez: I promised it but I did not get that for you.
- Irv Newmark: How deep are the wells, the drilled wells in the development?
- Glenn Smith: They are all in the 3 to 400 foot range
- Irv Newmark: The elevation from those houses down to where those wells are, what's the elevation, the drop?
- Glenn Smith: From behind the Raleigh back in that general area...
- Steve Lopez: These are twenties.
- Response: Forty feet it looks like. Discussion.
- Arthur Rosenshein: It seems that we have no knowledge in this area. Three thousand feet away and a seven foot drop seems like a lot.
- Discussion.
- Arthur Rosenshein: I would not have expected the ... of depression to go that far.
- Discussion.
- Kalman Freidus: You don't even know if the seven feet is from that well.
- Steve Lopez: We talked about that and there are a couple of other parameters.
- Discussion – the well can vary at any time.
- Will Illing commented that's why he asked what time of the year it was. They don't know what the conditions were for all the neighbors.
- Steve Lopez: The pump test started on Friday and on Sunday it was down seven feet and it was during the summer, I would say they were probably running dishwashers.
- Will Illing: That very well could be.
- Steve Lopez: I have to take a look at that.
- Glenn Smith: It's roughly 1,200 foot elevation where the Raleigh wells area and about 1,220 along the

west side of the lake.

- Discussion.
- Arthur Rosenshein: Bob, have you ran into this?
- Robert Geneslaw: No, but I wanted to ask Steve a couple things. I think there is some value in considering his suggestion that they put money in escrow. And I understand why they want to get inventory information, so that they're sure that if someone has a substandard well now, they're not paying for...
- Arthur Rosenshein: But if you're not inspecting, what good is the information. No one is going to admit.
- Robert Geneslaw: Apart from that, I don't how many home owners really possess that kind of information. Some of the properties have been sold one or more times since the wells were put in.
- Steve Lopez: Let me just add something to that. As it turns out, there are about three well drillers who've probably ... done fifty percent or more of the wells. So those well drill guys probably do have the records for all of these wells although the owners may not. So if we can identify even who it was who drilled their well, it's possible we can get the information from them. Interestingly, I had originally thought, we had a similar situation for a project in Putnam County, and there the, I'm trying to think was it the county or the town. It was the county, had well information on every single well in town. And you don't here, had not historically been collected. I know in the office they have been transferring some of the data from the building cards over to ... but looking at it with Tod, I don't think we saw any well data. Well, certainly not the older homes on the west side of the lake. There may be some on the new homes that are on the east side of the lake. So that data unfortunately is not on your building department cards. We would have to try and determine who some of the drillers were and then from the residents themselves if they have the information.
- Arthur Rosenshein: Bob, if you could find perhaps comparable situations with what they've done. I think just to give us some idea what is done under these circumstances. So that information might be out there. We can use that as part of the comparison between your language and what we want. I think just do a little research on it. I think you're right, we don't have enough data right now to even predict it. One sample over that distance or two. How much did Bismuth well go down?
- Steve Lopez: Zero, no impact.
- Arthur Rosenshein: So, it could easily have been no effect at all. It's a pity there weren't more data points.
- Steve Lopez: We did try.
- Arthur Rosenshein: I understand. We've been in the position of not knowing either.
- Steve Lopez: Yes, but when you think about it, unless you, in my mind, unless you tested each and every well, which would get very expensive. The ... are expensive, the professionals, checking on the data, it gets hugely expensive to do that. More expensive than it would probably cost to replace half a dozen wells. That would be the only other alternative.
- Arthur Rosenshein: Right, he's already done the well test. I presume it would be prohibitive to do it again.
- Discussion.
- Will Illing: I haven't seen a report yet on these data monitors. The draw down was seven feet, a lot of times during the test, the data log will show one way when he does his laundry. But at the end of the test he is not doing his laundry. So there is only a seven foot difference. We want to see the data.
- Discussion.
- Will Illing: That way we could give you some direction on how to go.
- Robert Geneslaw *asked a question about something the hydro geologist did but it was not audible.*
- Steve Lopez responded: Actually, the mapping is not far off as I found out when I went out in the field. Our subsequent attempt to get more accurate information is what resulted in the map that was less accurate. But this map showing these points, which was used by the hydro geologist, is actually fairly accurate with the exception of the Bismuth well on this map showed to be maybe here and it's up shore by about a couple hundred feet. It's actually not too bad.
- Robert Geneslaw: I think in the FEIS you ought to provide an explanation.

- Steve Lopez: The map that the error was on is not in the FEIS. It was only used in illustration at our last meeting.
- Robert Geneslaw: So it's not part of the record?
- Steve Lopez: Which isn't?
- Robert Geneslaw: Anything that you presented is part of the record.... An explanation of how the error was made and indicate that it did not affect the reports of the hydro geologist and correct them.
- Steve Lopez showed a map of the houses to try to indicate the correct locations and where the error occurred. ... But this is pretty close to the locations that we had shown on the little sketch map.
- Robert Geneslaw: We're trying to resolve these questions so they can work on the FEIS.
- Steve Lopez: Well, these were just the two items that I thought were kind of contentious and being kicked around. So, yes, I wanted to get a sense of corralling them, a response that everybody felt comfortable.
- Robert Geneslaw: There were several items that I wanted to bring up. One of them was that, well, in reviewing the plan set in detail, I noticed a couple of differences between the roadway out of the property on the large plan set and the plan showed in the DEIS. There were at least two differences. And I am assuming that the plan changed at some point and one of them is not correct. There was an original connection between ... cluster two and cluster three towards the easterly end that seems to have disappeared. And the configuration near the connection between two and three that goes by ... has changed somewhat. So you should address that in the FEIS. The second one affects the circulation pattern.
- Glenn Smith: There was a connection that was deleted, I think quite a while ago, the one between two and three closer to Sheldrake stream.
- Robert Geneslaw: I think that was still on the illustration in the DEIS. The other one really affects the circulation pattern more. And I didn't know which one was supposed to be the more current version. So if you would take a look at that, it would be appreciated.
- Glenn Smith: Are you saying the second one was also deleted in your mind between...?
- Robert Geneslaw: Changed between two and three near what I think is the pool area or community building is different between the full size plan set and the reduction in the binder. The Fishing and Boating Club letter raised an awful lot issues. I think the Board members should really take a look at them. Steve, when you are preparing the FEIS, it has to reflect the Board's point of view how you should respond to his comments. A lot of them may be clear but some of them may not be so clear. Steve will do the draft. We'll review it and let you know whether we think he's on the mark. And then we'll have to take a look at it and see if his responses are what the Board wants. Given the number of comments we have particularly from the Fishing and Boating Club, it may take a while to go through that.
- Discussion.
- Arthur Rosenshein: Would the responses be Steve's side of it take the pertinent sentence or two, if possible, and then have a response, put them together so that they are not repetitious. In other words, the same thing is said a number of times. So you'd say, respondent said that the road traffic is terrible. The next one said it's awful. The next one said it's miserable. Have that down followed by your response. That way we can do a question and answer. I think that would be easier.
- Robert Geneslaw: I assume that's the way Steve is going to do it.
- Steve Lopez: Generally, in a couple of places, one of the ways is lumping everything together. What we tend to do is set every comment with a separate numbering notation with the chapter that it's in and once it's been answered once and fully as we go down through the comments, we come to it again, refer back to it. Because sometimes there's a little extra twist to it. The traffic is awful especially at that one intersection, see comment number one, and with regard to that intersection....
- Arthur Rosenshein: So it's going to be done on that basis.
- Steve Lopez: yes.
- Arthur Rosenshein: Okay. I'm just checking because it would be a lot easier to read than trying to go through all these.
- Robert Geneslaw: One of the questions we discussed at the last meeting is what the worst case scenario

would be in terms of fiscal impact. One of them we talked about was looking at it as if was not a religious-based community but if it were developed into a non-religious community year round residences and what the fiscal impact would be of that. The likelihood is pretty slim. I suggested in the memo that I wrote to you that I thought it was slim enough that it wasn't necessary to do it. Since then there have been a few articles in the paper about the potential for casinos happening, again. And if they do, typically in most communities the biggest problem is housing and other facilities for the big influx of workers that are brought in from other places because they have specialized knowledge of how casinos operate. So there is theoretically the possibility.

- Arthur Rosenshein: Robert.
- Robert Geneslaw: Yes.
- Arthur Rosenshein: Even if you had that information, it would change absolutely nothing. Suppose you have that information, we made them do all that based on the possibility that casinos will eventually dribble down to us...
- Robert Geneslaw: Not necessarily eventually...
- Arthur Rosenshein: Be that what it may...
- Robert Geneslaw: Okay.
- Arthur Rosenshein: Even if we had that nothing would change.
- Robert Geneslaw: If it were to happen...
- Arthur Rosenshein: If it were to happen, yes. But in our own consideration how we approve or disapprove this, we would not, I do not believe, we would say, well because there is a potential after 60 years of proposing a casino that this is going to happen, therefore we are going to say to this project developer, you need to do X and Y. That's not going to happen. So to the limited point you are making, that's nice and interesting to speculate, what difference does it make to what we actually do?
- Robert Geneslaw: Well, because we're probably closer to it happening than we've ever been.
- Arthur Rosenshein: And then what would we do even if we're closer?
- Robert Geneslaw: ...Your environmental review is going to be based on the impacts that are presented to you. And I'm not objecting to what Steve presented tonight and what his staff people did. But if that's the basis for making the decision on the fiscal impacts and the use of water and sewer and roads and other things, the finding statement is based on that. Then if the applicant were to decide to build a non-religious community for some reason, the market went bad and there was another opportunity, he sold a section, whatever it might be, I think it would give the Board an opportunity to at least reopen the environmental review because the impacts would be different. Mechanically how that would happen, I'm not sure. And that is also obviously theoretical but if you come to a conclusion at some point that because it's going to be a religious-based community, there are no impacts that are significant or you figure out a way to mitigate them and then it becomes something totally different...
- Arthur Rosenshein: With the exception of the schools, I thought the development was built to standard that if it had to be all year round in the calculation to begin with. The roads are built that way, the water is built that way, the sewer is built that way. The only thing that would change, and sadly but it would, is the impact on the school.
- Robert Geneslaw: Right.
- Arthur Rosenshein: So, that's already been, I thought we had discussed that. I still say yes we can throw in that number if you would like to. But it still is not going to make any difference in what we do. I'm being practical here.
- Robert Geneslaw: It's not going to make a difference in what we do now. But there are some potential future impacts and they are hypothetical. They are potentially out there somewhere.
- Arthur Rosenshein: So is gas drilling and that would be more of an impact. Having opened that can of worms, I take it back. What do you want to do? What are you proposing?
- Robert Geneslaw: I'm not proposing anything in particular. I just want the Board to be aware that there is a possibility that those things will happen, which you know. I think there may be a potential to reopen the SEQR review, if it does happen. So we want to structure, I would think, things like the finding

statement in such a way that it's clear that your evaluation of impacts is based on what's in the document now and not something that might change the nature of the development.

- Kalman Freidus: Isn't that obvious? Aren't our decisions based on what's presented to us now?
- Robert Geneslaw: Yes.
- Irv Newmark: I didn't understand where you are going but now I...
- Discussion.
- Mr. Rosenshein commented on the language that maybe should be used. Maybe we've been burned so many times with potential casino.
- Robert Geneslaw (*the beginning of his comment was not audible. He quoted someone saying:*)... I've been saying for 30 years that they are coming next year...
- Arthur Rosenshein: Everybody up there will tell you the same thing.
- Bucky Louckes: I used to believe if I saw a shovel in the ground, I would see a casino.
- Discussion.
- Steve Lopez: Okay, that's what was really important. Thank you for your time.

Meeting adjourned at 8:51 pm.