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STATE OF NEW YORK : COUNTY OF ULSTER Volume II
TOWN OF LLOYD PLANNING BOARD Pages 88-190

----- X
In the Matter of

MOUNTAINSIDE WOODS
Hilltop Lane & Vista Drive

----- X

CONTINUED PUBLIC HEARING
162 SINGLE-FAMILY RESIDENTIAL LOTS

Date: October 25, 2012
Time: 7:25 p.m.
Place: Town of Lloyd
Town Hall
12 Church Street
Highland, NY 12528

BOARD MEMBERS: SCOTT SASO, Chairman
CARL DILORENZO
LARRY HAMMOND
DAVE PLAVCHAK
TOM ROZZI
WILLIAM OGDEN
FRED PIZZUTO

ALSO PRESENT: TERRESA M. BAKNER, ESQ.
PATRICIA ROBER, Secretary
ANDREW LEARN, Morris Associates
LIZ AXELSON, Morris Associates
MICHAEL GUERRIERO, Town Board Liaison

APPLICANT'S REPRESENTATIVES: ROSS WINGLOVITZ &
JAYNE DALY

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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CHAIRMAN SASO: We're now going to move to the Mountainside Woods Subdivision extended public hearing. We had a number of copies of the responses and comments in the back. Hopefully you were all able to either get it online, it's been online for the better part of -- mostly the week, and then we also had some hard copies in the back for those who may or may not have had a chance to get it off of the internet.

Before we go to the public comments and concerns, would the applicant like to discuss any of the changes or anything that's been done, or should we go through the public comments? Was there anything you'd like to do procedurally?

MS. DALY: Just go to the public comments

CHAIRMAN SASO: Just go to the public comments. Okay.

At this point you've all hopefully had a chance to read through the comments. We're going to open the floor to the public once again. The same rules. What we're hoping is that because

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we've had a number of comments that were already read into the record, we have written comments and responses to a lot of them, that if we're going to have comments, that they're hopefully new comments so that we can comment on them. Or if you have a question about one of the responses, we can certainly entertain that as well.

So at that point I welcome anybody's comments, questions.

John.

MR. INDELICATO: I'm John Indelicato, 51 New Paltz Road. I border this project on four sides.

Mountainview Woods is really a contradiction. The developers are being allowed to clearcut all the property. There's no woods left. In fact, there's no buffer. And standing here tonight I find it ironic that the Board is willing to consider a logging program and allow a buffer in woods which will regenerate, eventually there will be a buffer. Even at this point you're allowing a buffer, which you should. In this project you're not allowing any buffer. If you

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don't allow it now, there will never ever be a buffer between this proposed development and the existing homes, and that's not really fair to the people who are living here already. Now, I say all the woods are being cut and it's being replaced with impervious ground, and impervious ground causes excessive runoff. So how much ground are we making impervious? Last month we were told there's 162 homes on quarter-acre lots, 29 acres. It takes four of those quarter-acre lots to equal 1 acre. If you divide 4 quarter-acre lots into 162 homes, it doesn't come out to 29 acres, it comes out to 40 and-a-half acres. That's just the residences. That's where the homes are going. The homes with the asphalt or fiberglass roofs, shingles with gutters and leaders, the blacktop driveway and maybe the concrete sidewalk, all impervious, okay. So in addition to the 40 and-a-half acres, you have to add the roads. How many acres of roads do you have? You look at that development, there's roads that are tandem to one another. They run from Brescia Boulevard all the way to almost Applewood South on New Paltz Road. I estimate

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2 it's fifty to sixty acres of impervious ground
3 with excessive stormwater runoff. Where is the
4 water going to go?

5 I want to read the response to that
6 question from the Planning Board. And just for
7 what it's worth, when I was here last month I
8 expressed concern over the stream that goes
9 through this development that eventually comes
10 into my property and how it's washed my driveway
11 out numerous times. I have photographs I'm going
12 to be leaving with the Board as evidence of what
13 this stream has done. And I had since done a lot
14 of work, and I feel at this point I've corrected
15 the amount of water that comes through there.
16 Okay.

17 One of the things that concerns me is
18 the Board's response to my concern. This is your
19 response.

20 CHAIRMAN SASO: We never responded to
21 anything.

22 MR. INDELICATO: Your response is,
23 "Currently the stormwater runoff from the
24 majority of the property, 139.13 acres, flows to
25 an on-site stream that exits the site to the

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north or to the wetland along the rail trail,
away from all existing residential development
below the site and away from Tillson Avenue.
Stormwater will continue to flow to the same
location and will have no potential impact on
residents of Hilltop Lane, Cambridge Court or
Sunnybrook." That's all true because it's exiting
that site and that residence. It goes on to say,
"The existing drainage area that flows to the
rear of the homes on Hilltop up by Brescia
Boulevard has also been significantly reduced.
This area is currently 1.64 acres in size, and
upon completion of the -- upon completion of the
development will be 0.4 acres in size for a net
reduction of 76 percent. The area of the site
that now flows to the homes on Hilltop Lane will
be redirected to a new stormwater pond and
eventually to the on-site stream that flows to
the north away from Hilltop. The proposed
drainage plan will reduce the flow of stormwater
to the existing development." This is the stream
that comes through my property that's already
damaging my roadway that I brought to your
attention, and my concern is your answer to me is

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you're going to give me more water. There's nothing that has been changed as far as the culvert that goes under the rail trail not being able to handle this water either. Now --

CHAIRMAN SASO: John, just so we get this clear, that was not a response from the Planning Board.

MR. INDELICATO: Okay. Whose response was that?

CHAIRMAN SASO: These responses -- the responses are from the applicant.

MR. INDELICATO: Okay.

CHAIRMAN SASO: As you read through these you will see that a lot of them -- we reviewed these last week. A lot of them will say the Planning Board has directed the engineering for the applicant to re-think and re-look at these responses because we didn't agree with all of them.

MR. INDELICATO: Okay. I appreciate you clarifying that.

CHAIRMAN SASO: These are not ours. I don't want this to be a finger pointing thing.

MR. INDELICATO: Thank you very much.

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2 I've got a lot to say. I want to go on and get it
3 in. I appreciate you helping me with that.

4 CHAIRMAN SASO: Yes. And we will --

5 MR. INDELICATO: I want to say for the
6 record --

7 MR. SASO: What I'm hoping is not -- I
8 don't want to cut you off. We'd like to discuss
9 what we have here as far as responses go or new
10 comments. I mean a lot of what you've said is in
11 the records and it's been read in. So if we'd
12 like to discuss these responses, we have
13 professionals that we can refer some of these
14 answers to as far as the drainage goes.

15 MR. INDELICATO: This is new, okay. I
16 also want to say before the meeting last month I
17 personally spoke with the developer and he,
18 knowing me, assured me everything is being
19 drained toward Sunnybrook, there's nothing coming
20 onto my property. This contradicts that comment,
21 okay. It's not true.

22 Now, just to paint the proper mental
23 picture, I'm being told the 139 acres where the
24 water comes onto my property is going to
25 continue, okay. Now I feel I've taken care of

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that problem. Now conditions are changing. All the land where the development is now going to be right now is pervious. There's trees, there's vegetation. It absorbs the rain. It absorbs the snow. What is going to be done, all of that is going to be taken out and a hard surface is going to be put there, and I'm being told that that water is going to be directed into that stream which is already damaging my property. Now, this is no different really than if the developer was allowed to dig a ditch from Hilltop throughout the entire development and stop it at my boundary line. This stream is an existing ditch that has water in it, and he should not be allowed to do this. He's creating this runoff problem by virtue of his development and he should be responsible to take care of the stormwater coming off of it.

R 44

I spoke to DEC again today, as early as this morning, and I was told that zero percent of that stormwater can go directly in that stream. All of that stormwater needs to be redirected to the stormwater management ponds that they have there, and if it's going into the stream, it's over a period of time. And what that means is

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all those homes that are backed up along that stream, none of that water coming off of those roofs and gutters and leaders can go into that stream.

R45

CHAIRMAN SASO: That's true.

MR. INDELICATO: That means -- I developed property forty-three years. That means your stream is here and your house is here. You can't grade away from those houses to the stream. You have to grade back to the house. The rainwater has got to go back to the house and into the house or you have to find a way to control it, to gather it and then to get it to this other area. It can not immediately go into the stream. They've got to redirect it. If it's going to go into the stream it's got to be metered so it doesn't cause any downstream problems. So that's one issue.

R45

Now just --

CHAIRMAN SASO: Can we address that or do you want to keep going?

MR. INDELICATO: You know what, let's deal with it like it's court. Take notes, write it down and later readdress the issues. Can we do

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that?

CHAIRMAN SASO: Sure.

MR. INDELICATO: Okay. The second issue, and this is also apparently in the applicant's response, and I want you to hear this, again when he's talking -- they're talking about where the water is going to go, okay. It says that it's going to go to the wetlands along the rail trail, away from all existing residential development below the site, away from Tillson Avenue. There is no development proposed for this drainage area. He's calling my property a drainage area. Do you see this? I have been declared by this Town an open development area. ^{R44} That gives me the right to build several houses on my property. I'm not a drainage area. I have approval to build on my property. So the fact finder regarding this is in error, and they're bringing forth false information to the Planning Board for the Planning Board to try to make a proper decision on whether this development is proper or it isn't. So draining the stormwater into the stream immediately is wrong. Calling me a wetlands and saying there's no proposed

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development when it's on record that there is proposed development, in fact the applicant knows me personally and knows that I have approval to build on that land. That's the first issue.

The second issue has to deal with the roads. I understand that the fire department, the chief -- fire chief and assistant have both taken issue with their vehicles not being able to maneuver on these roads. The highway department concerns about snow and removing snow. The road is so long, one way in and the same way out. You know, for a moment -- if you just envision -- first of all, for any additional parking, I believe there's one area that you can park thirty cars which means that every six houses gets one car to park because you're not allowed to park on the road. So just picture Christmastime in this development when people come to visit their family, okay. And, you know, people are going to do what they have to do. If they come someplace to visit their family and there's no place to park, they're going to park where they can. They're going to park on the road. So the point is Christmastime is certainly an ideal time for a

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fire. You're dealing with lights, Christmas trees and alcohol. Just think about a fire breaking out in any one of these homes, and now they're being built like match sticks, they're right next to each other, there's no room in between them, they're five feet off the boundary line. Just picture the fire truck trying to get over there in a proper amount of time to respond to a fire with vehicles on the road. And they're going to go there whether it's lawful or not. Human nature, they're going to be there. The road is too long and that deals with a safety issue as far as this development.

The other thing I want to share about the roads, I understand there's a new law, adopted by the Town, it's legal, that roads now need to be thirty feet in width. This development is not approved, it's still before the Board, and this applicant should be subject to the same rules and laws as the rest of us in Town. Anyone else who wants to develop is going to have to abide by this. There should be no special consideration. The applicant should have to abide by the thirty-foot width on the road.

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And, you know, as far as I'm concerned the whole goal here is to decrease the size of this development. Just for a moment, and I know this Board did not deal with the zoning change, but there was a zoning change. And for what it's worth, the Town Board blames the Planning Board for recommending the quarter-acre zoning change. Members on the Planning Board say the Town Board was the lead agency, they made the change, we only have so much control over this project. It's kind of been put in our laps and we can only do so much, we don't have authority. So whether that's true or it isn't true, it's the way things are.

As far as the zoning change, a major factor in zoning change, whatever you're doing has got to blend with the neighborhood. You have to consider the prevailing character of the neighborhood. This monster development does not blend in with the prevailing character of this neighborhood. There's no place in Town you can point to and say it's just like it. It doesn't blend in. It doesn't belong here. And if by chance the Town Board is considering the homes

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over on Hilltop and Carmela and Diana Ridge as being quarter acre, those homes are grandfathered in from thirty years ago, because you haven't heard about quarter-acre zoning in thirty years in this Town. If you're going to use that as a criteria to rezone, then these homes should abide by the same zoning laws as over there. What I mean by that, you build a home, you have to have fifteen feet to the boundary line on one side, you have to have thirty-five feet on the other side. A total of fifty feet. That will reduce homes legally, and that's what needs to be done. Reducing the homes, you're going to have more pervious ground, you're going to have less traffic, you're going to have less opportunity, for lack of a better word, for a fire and for those kinds of conditions. It's too much. It's like sardine estates is what it is.

And finally, the other thing I really wanted to mention is regarding the abutting property owners. I don't see a map up here but one of the maps that you do have shows the abutting property owners. Before this development is approved and that map is sent up to the

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County, you need to note that the abutting property owner of this project on the east or southeast side is shown as Sycamore Creek, Mr. Weinberg's property. He doesn't own that. I actually have documentation from Brooks & Brooks addressing that. And the reason this is important to me is my deeded right-of-way goes through the lands of Applewood South, and that's who owns that. Mr. Weinberg does not own that property. Documentation, I have the tax deed that Mr. Weinberg has and documentation from Brooks & Brooks that makes it -- addresses the issue and says that this property does not exist on the ground but it's actually described in the metes and bounds of Applewood South. It has always been there. So I'm going to submit that to you along with the tax deed and along with the survey map from 1975 from Roy Calden so that you can see how that mistake came about, so that you can correct your record so that what you have there is proper before the County. So I'm going to submit that to you with this other documentation and with the pictures of the damage of my property along with the comments from Mr. Weinberg because I want a

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public record made that I've talked to this Board publicly about the damage the stream is causing to my land and how I've been dealing with it and now have it under control, and what is being proposed as more water, hundreds of thousands of gallons of water being put back into that stream for me to deal with.

The final thing I want to say, I do appreciate each and every Member on the Board, and I mean that sincerely. What I appreciate about you is I recognize it's not a paid position and I recognize that you're generously giving your time, and you've done it, some of you, for a long period of time. Personal time you could spend by yourself or you could spend it with your family, but you're not doing that, you're here. You've worked with this project for a couple of years. So how many hours does -- have you really, really done that? And it's obvious to me that you have the interest of the Town, otherwise you wouldn't be here. But I've got to tell you as a Board collectively, I resent the fact that this Board came up with this development, that you really think this is good for this community and

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that this is the best design you can come up with for this property. This project is full of more flaws than I've ever seen in any project in my life. Every single issue is flawed. The stormwater, there should be storm sewers. There's no reason the applicant can't put storm sewers in. It costs more money, that's why we're not doing it, okay. The roads, one way in, one way out. There was opportunity to do something different. When I spoke to Mr. Weinberg I was willing to negotiate or to sell him fifty to sixty feet of width on my property from one end to the other. We never got as far as talking about price, you know.

If you read further down in the comments, and now I understand them a little more, finding out the source of them, okay. Comment response 28, "A second alternative involved building a larger road through Mr. Indelicato's property which would exit on New Paltz Road. Environmental constraints, unrealistic economic demands and costs made this alternative not viable." What are the environmental constraints? I'd like to know

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since it's my property. And unrealistic economic demands.

You know Board, you are handing Mr. Weinberg a \$50,000,000 lottery ticket. You figure it out yourself. 162 homes, \$300,000 a home. \$48,600,000 as gross.

CHAIRMAN SASO: I'm not -- that's really --

MR. INDELICATO: That's part of this program.

CHAIRMAN SASO: It's not part of our review and it's not a realistic number. You're kind of -- you're using this to -- you know that there's hard costs.

MR. INDELICATO: This is recorded numbers. This is recorded. I didn't make it up, okay. The price of these homes is documented.

CHAIRMAN SASO: Okay.

MR. INDELICATO: I didn't make it up. So because it's not to your liking should not mean that I don't have the right to mention it because it's a factor in this development, okay.

CHAIRMAN SASO: Okay.

MR. INDELICATO: There was no price

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ever discussed about a road, and I'd like to know, you know, what the environmental constraints are. As far as I'm concerned, \$50,000,000 is pretty deep pockets.

Now the truth is I'm not looking to develop my property, but that doesn't change the fact that I was willing to discuss it, and I was told it was either all my property or nothing at all. So that was Mr. Weinberg's decision not to pursue it. We never discussed price, and I want the public to know that.

You know, the last thing I want to say, I would really like to see this Board talk with Mr. Weinberg and try to cut down on the size of this. I believe it can legally be done. I believe it can legally be done because it doesn't fit the character of the neighborhood. And if it's going to, then there should be the same code enforcement as everyone else in this community has had to abide by as far as setbacks.

You know, another point. The traffic. You know, they're talking about this roundabout. Last week I heard Councilman Paladino talk about responsible development. Is this responsible

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development? You know, the roundabout, is that going to take care of our traffic problems? I don't know. And the truth is you don't know. Should the roundabout be put in first and try it for a little time, not a long time? Just is it going to work? Is it going to ease the traffic problem? If it does, go ahead and give Mr. Weinberg some kind of development, allow those 330 more cars twice a day on Toc Drive and Tillson Avenue if the roundabout can handle it. But if the roundabout can't handle the traffic we already have, how irresponsible of this Board to approve it and to put more cars on the road in that area. That's not being responsible.

I would encourage you to renegotiate with Mr. Weinberg for the roads, the width of the roads, storm sewers and all the things that a developer belongs doing, not just plopping a development in the Town and, you know, we're stuck with the problems. He belongs addressing these things and taking care of them properly. If he is not willing to do it, then I would encourage him to sue the Town. Let Mr. -- I'm not afraid of that word. Let Mr. Weinberg sue the

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Town. The Town has insurance for that. We're already paying taxes, okay. We don't want this. I mean the community at large doesn't want this. At least if you go to court, you have a fifty-percent chance of winning even if you're completely wrong because there's decisions made in court every day that you think you're going to win and you lose and you think you're going to lose and you win. You even have a second chance. You get the Appeals Court. Each one takes about a year to go through. And let it be Mr. Weinberg's decision to go to court if he's not willing to make the adjustments to cut down on the size and scope of this project and thus eliminating the problems.

Thank you for hearing me.

MR. RIZZO: I received a phone call from John and he invited me to walk his property where the creek is and he showed me how he repaired the creek several times, he showed me pictures, and it could be devastating. His property could be useless some day if that creek rages.

I'd like to make a recommendation to

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MOUNTAINSIDE WOODS 110
the Board, Members of the Board, if you haven't,
if John would permit, you guys take a walk up
there just to take a look at that. I mean John
has -- he has to be protected as a citizen in the
community.

MR. INDELICATO: Excuse me. I
apologize. I just want to get this over with.
This is all the documentation that proves the
property belongs to Applewood South Apartments
where my deeded right-of-way is through. This is
the destruction to my driveway along with the
documentation of the comments from the applicant
how more water is going to be put into that road.

CHAIRMAN SASO: Okay. Thank you.
Other comments?

MR. PUCCIO: I'm Jess Puccio, I live at
Reservoir Road, 23 Reservoir.

I have a question that probably should
have been asked. John eluded to it quickly. You
know, 129 acres -- what do I want to say? 30
acres divided by 129 homes, or is it 329 homes?

UNIDENTIFIED SPEAKER: 162.

MR. PUCCIO: 162 homes in 30 acres is
like not even -- it is nowhere near a quarter

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acre, just doing the simple math. It's like .18. If you deduct all the ancillary space, roads and circles and islands and what have you, you're down to -- what did somebody say, a nominal lot was 50 by 80. That's about a tenth of an acre. An acre is like 43,000 square feet. 50 by 80 is 4,000. A typical lot is like a tenth of an acre. Is that true? That's my question. I mean how is that even close to a quarter of an acre? It's not from my math. That's my comment. I don't know how it's calculated but certainly just the straight math, the area provided by the number of homes isn't even close.

CHAIRMAN SASO: That's actually comment number 1 and response number 1, Jess. I did the math and I don't know if it's -- I mean we can go through the math real quick if you'd like. Maybe this is a good time to discuss how we got to the 162 number. There's what's called -- when you do a subdivision, there's what was called a yield to density. So what they had to do is they had to prove how many lots they could get on the entire piece of property without the zone change, and that number, between the R-1 and the R-1/4, was

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153 acres. This is right in the DEIS. It's all printed right there. Then they have to deduct out all the wetlands and steep slopes, the existing easements, the 100-year flood plain and come up with a new number. That number came down to 69 acres. Okay. The net area, that broke down to 21 acres in R-1 and 57 in R-1/4. You add those two together, you've got 69 total acres or better that would be usable. Then you deduct out 15 percent for roads, which in R-1 was 3 acres, R-1/4 was 8, 8 1/2. So you deduct those out and you get a net number. You get 17.87 developable acres in R-1, which would give you 17.9 homes. You get -- in R-1/4 you get 48.45 acres. Divide that by 4 and you get 193 allowable use -- allowable building lots in the R-1/4 zone. You add the two together, it's 211. So without a zoning change, without anything being done, they could have been allowed to put 211 homes up there.

UNIDENTIFIED SPEAKER: Who calculated that number?

CHAIRMAN SASO: That's coming right from the yield calculations that we've had

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multiple --

MR. LaFIANDRA: Was it done independently?

MS. AXELSON: It was reviewed by the town planner at the time, and I checked it when I came on board.

CHAIRMAN SASO: We've had two different town planners, attorneys -- two different attorneys actually review it. It's been through a number of checks.

So that's -- so he came to us with a development that's less than the 211. He's at 162. He's allowed to get that on the property. So hopefully that can explain it.

Maybe Terresa -- I tried to do it in layman's terms. Maybe the lawyer can confuse you.

MS. BAKNER: I don't mean to confuse you. It is a conservation subdivision, and the conservation subdivision is not subject to the setback requirements that you find in the R-1/4 and R-1 zone. This was changed in the Town's zoning code in 2007 in accordance with the Town's comprehensive plan which was adopted probably

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in --

MS. AXELSON: 2005.

MS. BAKNER: -- 2005. Thank you. So the only small correction I would make I believe is if you look at the -- the best place to look is table 2 from the Draft Environmental Impact Statement. It has all the numbers all laid out there so you can take a look at it. I believe it's still on the Town website, so it's accessible to everyone who wants to look at the numbers.

CHAIRMAN SASO: Sir.

MR. SAMMARTANO: I'd like to make a comment. My name is Frank Sammartano and I live on 25 Hilltop Lane, which is, for anyone who wants to see, it's right here.

What's happening is in 2001, after the Towers went down, my wife and I wanted to build. We went with a realtor and he showed us this property, it was a corner lot, it was right along the Central Hudson power lines. We went to the architect and when we started our building we named our house the autumn view. It was in October, beautiful trees. So now we're going to get wiped out of all those trees which is if this

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plan goes through.

I spoke to Mr. Weinberg, he came up and took a walk on our property, and if it does go through we're going to be working out some things that we can try to work out.

There is one problem. Now if you look here, right here is the power lines. So now with that is a rule of fifty foot on both sides of the power lines which is an easement. No one can get a variance to build on that fifty feet. You can't build a fence, nothing. I couldn't even get a driveway put in because Central Hudson is very strict on that easement. So it really disturbs me that Scenic Hudson, out of all this green that's getting donated, they're forcing the builder to build right under the power lines a parking lot that's going to fit thirty houses -- thirty cars so they can walk the trails. So out of everything here, to walk the trails they're changing the autumn view to the auto view. That's what I'm going to be looking at is thirty cars every day right behind my house. I mean there's not even -- he said maybe we can work out a fence. To my knowledge Central Hudson won't let you build a

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fence. They won't let you plant trees. Every year, it's almost like Agent Orange, they dust that and everything dies. Everything dies. They come in with machines and clear out that 100 foot on each side. So I don't know who is on this Scenic Hudson thing that they can build right underneath a parking lot, underneath the metal tower. Dave and I were there the other day. How's it going to happen? Right behind my house I can't plant trees or cut them down. I can't build a driveway. Scenic Hudson has the right to -- out of every place, they couldn't find another place for these thirty cars so they can walk the trail? That's why my wife and I built there. We pay \$10,000 a year in taxes so we can enjoy that view. They're going to take it away from us to give to people to come up and watch what we want to watch, and that's getting taken away from us. I mean I don't know who's on this Scenic Hudson board, how to get on it. I heard they have deep pockets and they are strong arming everybody.

I want to get on record saying I want to fight this and I want to get this parking lot somewhere else. Thank you.

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CHAIRMAN SASO: Okay. Any other comments? Sir.

MR. LaFIANDRA: Good evening. My name is Joseph LaFiandra. If you haven't heard me speak before, I am an environmental civil engineer. I work for a public agency. My specialty is sanitary sewers, so I'm going to speak about some of the numbers that I read on the sanitary sewers and that I disagree with them. I have the numbers to back them up. I did e-mail them to Pat. I don't know if she had a chance to give them to you.

CHAIRMAN SASO: Yes.

MR. LaFIANDRA: You guys have my numbers?

CHAIRMAN SASO: Is this new information beyond that?

MR. LaFIANDRA: This is new. It hasn't been presented to the public.

CHAIRMAN SASO: It was presented via e-mail and via a letter.

UNIDENTIFIED SPEAKER: Not to the public. We'd like to hear it. This is a concern to us.

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MS. BAKNER: There's no problem.

CHAIRMAN SASO: There's no problem. I'm just saying we've seen the letter and we've actually reviewed it and had a response.

MR. LaFIANDRA: I'll summarize it. I want to crunch the numbers. I live on 80 Sunnybrook Circle. I'm going to point that out later on here because I have an issue with the detention pond. I'll get to that.

So for the number of 137 three-bedroom homes and 25 four-bedroom homes that are in the DEIS, I use design flow from what we call DEC 88, the New York State DEC recommended standards for wastewater treatment facilities, the design standards. I came up with a number of -- let's round it off -- 67,000 gallons per day average daily flow. The SEQRA Findings Statement, I don't know who wrote it but it predicted an average daily flow of about 37,000 gallons per day. There's a discrepancy of 30,000 gallons per day I used accepted standard engineering accepted methods that the engineers who submit plans to me, I review -- I spend half my day reviewing site plans and subdivisions. When the engineers

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MOUNTAINSIDE WOODS

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submit the plans to me they all use DEC 88. I don't know where these other numbers came from. Perhaps there's a justification for them. If someone submitted plans to me with those numbers, I would not accept them. So there's a discrepancy with the average daily flow. I do understand even my numbers, the plant, does have capacity for the average daily flow. However, what concerns me, and again from my own experience, is that you have to really consider the peak flow and the affect of the peak flow on the collection system. The sewer collection system is a network of gravity lines. I don't know if there are any pump stations in this Town. It seems to me everything is going to go downhill to the river. Gravity lines and maybe some pump stations and some little lift stations. This collection system has to be able to handle peak flow.

Now, what is peak flow? We don't use our drains all day. We use them in the morning, most of us take a shower in the morning, we come home, we wash dishes, you've got halftime on Super Bowl Sunday, and in the Orthodox Jewish religion communities, I have a lot of those in my

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jurisdiction, we have Friday night it's a lot of flow. You get the peak flow, you get hit, boom. So the system has to be designed for the peak. An average number for the peak flow is multiplying the average daily flow times four. So basically what that says is you're using the sewers for six hours of the day.

So I got a peak flow of roughly 265,000 gallons per day. On an hourly basis it's 11,000 gallons per hour. So now there may be weak links in our collection system that can't handle that peak. That's just the peak from this proposed development. What an engineer is supposed to do is take a look at what's called the drainage area or the sewer shed, the sanitary drainage area, and it's got -- they have to look at what the peak flow affect is on the pipe with the smallest diameter, the shallowest slope, and see if it causes that pipe to fill, causes the manholes to surcharge. Worst case, overflow. So it would be prudent for the Board to request what I would request from the engineers working for me, a capacity analysis just to see if there are any weak links in the collection system to see if

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we're going to have any surcharges or overflows based on peak flow.

Now, generally speaking, you know, I came up with different numbers than the EIS and the SEQRA Findings report, so I'm suspicious of the numbers. One of the numbers which I was suspicious of was the maximum build out. Apparently you've looked at that and addressed it, so I'm satisfied with your response regarding the maximum build out.

I know there were some numbers. There was another project that the applicant presented before New Paltz and the numbers were suspect and they rejected the application because of that. Well, among other things. I was just quickly reading through the articles in the paper and they had some problems -- the New Paltz Planning Board had some problems with their numbers for a different application.

I want to get to some of the responses to my comments at the last meeting. I made a comment about climate change and how the numbers for the flooding, the 10, 100-year flooding are no longer valid due to climate change and I got a

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generic response that the stormwater analysis was conducted in accordance with New York State DEC guidelines. Well, there is -- I don't know if you call it case law but another planning board, Town of Clarkstown Planning Board, was reviewing an application for a project in a similar topography as this. It was a development on a ridge, on a slope, and one of the neighbors was concerned about drainage. In the minutes from the planning board meeting it was stated, and I quote, "The town has required that they design for new rainfall figures that were released about one-and-a-half years ago out of the Northeast Regional Climate Center which are about 27 percent higher than the rainfall rates traditionally used by the town based on several prior studies over the years." So other jurisdictions are recognizing the effects of climate change, and I suggest that you do so, too.

Lastly, there is a proposal for a detention basin, and I made comments about the mosquitoes. The response was that properly designed ponds reduce the potential for mosquito

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breeding, blah, blah, blah. Let's see. The detention basin, it's on the side of the rail trail. I don't know if it's even shown here on this. It's not shown. Is it shown on this plan?

MS. DALY: Right here.

MR. LaFIANDRA: Okay. Thank you.

And this is my unit right here in Sunnybrook and here's the stormwater basin. Now, I can't sit out on my back deck sometimes in the summer because of the high water table back there. And so it's got a high water table, there are already mosquitoes. I guess it's not really that deep but it's already a swamp. I don't know what they're going to do to put a stormwater detention basin back there because of the high water table. That's also something that needs to be looked into.

Thank you very much.

CHAIRMAN SASO: Thank you.

Any other comments from the public?
Let's go with the one on the left there. My left.

MS. PHILLIPS: I'm Mary Phillips, I live at 88 Sunnybrook. I'm Joe's neighbor and I know what he's talking about. It's a vernal pool

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back there behind his house. It's something that we skate on in the wintertime. But it's very small and I can't imagine how much it could contain.

The other comment that I had heard this evening was that runoff was going to come down through Sunnybrook. Now, I guess it was fourteen years ago when we fought off another development back there. They realized that it would go through Sunnybrook, not only through Sunnybrook but into our playground where the brook goes, and that it would wipe it out. I'm more concerned about the playground than I am about my basement, but it would also wipe out our basement down there and crack the walls.

The other question that I had is -- is that true? That's the question, is that true, it would be coming through the middle of Sunnybrook?

CHAIRMAN SASO: No, that's not true.

MS. PHILLIPS: The second question is what about buffers between Sunnybrook and the houses in the project? Here's a picture of Sunnybrook from the air. I'm assuming now that all that green is going to go away. They're clear

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cutting all that green, leaving Sunnybrook sitting in the middle of Arizona. I'll pass this around if anybody would like to take a look at it. I mean are they leaving us trees to kind of hide the ugly development? Are they or are they not? Are they clear cutting it?

CHAIRMAN SASO: I guess we should address the drainage because there's been some statements that I don't think have been true with some of the comments that have happened. When we review a subdivision like this, obviously none of us are engineers, none of us are official, we don't have a lot of letters after our names so we have to defer to a lot of the experts. What we do know is we have to review -- one of the first things we were taught is that when you do either a one-acre subdivision or a large subdivision is that none of the water that's on that property is supposed to be drained onto someone else's property. So we've made sure that the calculations and our engineers -- our engineers have reviewed it and we've made the applicant go through extensive drainage studies that the water is not going to be going into the stream that's

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in the back. The water is not going to be going through Sunnybrook. The water has to be mitigated and contained while it's still on the applicant's property. So going through the middle of Sunnybrook, that's not going to happen. So that's -- and I will absolutely -- that's my understanding of it. I don't have any initials after my name so I don't know, I didn't go to school for it, but that's what we look at, and we defer to our -- Andy, can you back us up on that?

MR. LEARN: I can tell you that we reviewed the stormwater design calculations and everything I've seen is acceptable with the exception of some comments that are outstanding which are minor in nature. But in almost -- in every situation, every design point, the flow rates are being reduced from existing conditions. So, you know, it's designed in accordance with the current standards.

UNIDENTIFIED SPEAKER: What does that mean, flow rates are being reduced?

MR. LEARN: Flow rates. That means that the storm sewer system is -- the storm sewer system is collecting the runoff from the site and

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is directing it to the pond. It's going to act like a bathtub. As it flows in the water is -- the depth in the pond is going to increase and there's going to be a smaller release rate that's going to mere that water out so it doesn't go out any faster than what it does now.

MR. PLAVCHAK: Andy, just for clarification --

UNIDENTIFIED SPEAKER: How are you --

MR. PLAVCHAK: I'm talking right now, please. Andy, so you have the calculations. I guess my question is we should also -- if this thing falls through and gets approved, we ought to actually be able to baseline that and measure it throughout the period of construction if we wanted to. Is that correct or is that incorrect?

MR. LEARN: It would be difficult to measure.

MR. PLAVCHAK: Okay. But we do have some baseline?

MR. LEARN: The problem is you don't -- you can't just make the 100-year storm happen and measure the depth of the stream. It's a difficult thing to measure. So all we can do is kind of go

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out and look and see what the conditions are now and do our best to take note of that and make sure it doesn't get worse.

MR. PLAVCHAK: Kind of what I meant by baseline.

MS. AXELSON: You kind of do have a baseline.

MR. PLAVCHAK: That's what I was asking.

MS. AXELSON: Because I'm not an engineer, I'm a planner --

MR. LEARN: Did I skip something?

MS. AXELSON: Not at all. Not at all. I have to have it put in terms I can understand, and from working with Andy and other engineers over many years I understand the concept of no net increase in runoff.

Basically when you look at one of these stormwater studies, the first thing they have to do is show the site and show all the little drainage basins and show where that water is currently leaving the site and at what rate it's leaving the site.

MR. LEARN: Right.

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2 MS. AXELSON: Then they have to do
3 another map and a whole bunch of calculations of
4 the proposed development and show how those
5 drainage basins change because of the
6 development, and where water is leaving the site
7 typically in the same place, and how much -- at
8 what rate the water is leaving the site. The
9 concept of no net increase in runoff says that
10 because of the stormwater system they're
11 proposing and the basins and all that, based on
12 those calculations, which our company has
13 reviewed on behalf of the Town, that the amount
14 of runoff leaving the site is not going to
15 increase because of the development. Not only is
16 it not going to increase because of the
17 development, there's going to be a slight
18 reduction in the rate of runoff leaving the site
19 because of the proposed development and because
20 of the proposed improvements in the whole
21 stormwater system, it's more controlled.

22 MR. PLAVCHAK: So effectively you do
23 have a baseline.

24 MR. LEARN: We have a calculated
25 baseline but not a measured baseline.

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CHAIRMAN SASO: And we also have a built-in check in the fact that we have phasing also, so that if we have a problem, and I may -- again, I may be speaking out of turn but we do have phasing. This development is going to be set up in phases. Phase 1 is the main center section. If the drainage is not working in phase 1, he's going to have to fix the drainage on phase 1 before he can get 2, 3 and 4. That may not be the best way to mitigate but there is a checks and balances in place that he has to perform a hundred percent on phase 1 before he can go into phase 2, 3 or 4. So a lot of the concern is how do we hold the applicant accountable for this whole project. Is he going to start and leave, or we don't want this sprawl. Well, we've gotten to the point where there's phasing. The first phase, which is in the middle, the center section. I don't remember how many houses. I think it was somewhere around 50. I'm not sure, I didn't really count. The center eye loop that's there. So before he can move on to phase 2 or 3 , he's got to perform. That means his sidewalks have to be in, it means his trees have to be done, it

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means his street scape has to match the plan. If he doesn't do it, then he doesn't get to phase 2, 3 or 4.

You folks up on Hilltop, we've requested that the applicant change his sequence of phasing because we realize that it's a very sensitive area up there. So through our last meeting we strongly suggested to the developer that he change his sequence, and I believe that that has happened. So you folks on Hilltop are going to be phase 4.

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Now, a lot of you have discussed you're never going to sell that many houses, I can't believe the developer is going to do this in this market. You're hedging the bet that he's not going to get to phase 4, so the time that it's going to take to get to your houses and not clear cutting anything, but to clear cut phase 4 is going to take some time before it gets there. So hopefully that will -- I think it's a positive step because in the previous plan it was going to be phase 2.

MS. PHILLIPS: Excuse me. I wish you would address the question of buffering at

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Sunnybrook. And now that you've just mentioned the phases, what phase is the area behind Sunnybrook?

CHAIRMAN SASO: I believe that is phase 3.

MR. LEARN: The pond has to be constructed early.

MR. WINGLOVITZ: If we stop the phases it might end up being phase 2.

CHAIRMAN SASO: It could be phase 2. I don't know the plan well enough to comment. That is something we can look at the maps and get you an answer as far as the buffering on Sunnybrook.

MS. PHILLIPS: Yeah. The trees, I would like to know if they are going to be cut.

CHAIRMAN SASO: Sure. We can make note of that in the record.

MS. PHILLIPS: Thank you very much.

CHAIRMAN SASO: Sir.

MR. KISS: Thomas Kiss, I live on Hilltop. I did meet with Mr. Weinberg. Actually, right there.

Behind my house abutting our properties I have a severe depression which fills with

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water. Every spring the thing is forty feet wide, thirty feet long. At lowest points I've measured it five feet deep. It actually creeps up on my property three, four feet. He suggested what they might possibly do to mitigate the problem when they get to phase 4. What Mr. Indelicato had said about you can't add water to the creek behind us. So I guess the idea, from what I had learned about it at the last meeting, was that it was supposed to pitch down and kind of lean into there. One of the suggestions he had prior to him speaking to his engineers was that we would -- he would level it off so that the water would drain, possibly put a swale in. What happens if you can't tip it down so the water drains backwards and my property, which already has a flooding problem, now is inundated with water, because everything leads into that area? So if now I'm getting -- my yard is flooded, my basement is flooded, who is responsible?

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MR. LEARN: Scott, do you want me to answer that?

CHAIRMAN SASO: I would love for you to answer that.

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MR. LEARN: The way the subdivision is to be designed, everywhere, the grading for all the properties, is supposed to flow to the center, toward the roads. So all the water that's going onto your property -- not all of it but probably a lot of it is going to be redirected to the center of this road and it's going to be directed to one of the two ponds. You may actually see an improvement -- you may actually see an improvement in your flooding because there's less runoff entering your property.

MR. KISS: Which you said might be the case, having you speak to your engineer to begin with. But worst-case scenario, if everything does run right down into my house, who is responsible?

MR. LEARN: They won't be able to get COs if it's not constructed per plan, if that's --

MR. PLAVCHAK: The site plan has to have the grading and everything else on it.

MR. LEARN: There's going to be requirements on the site plan that require them to grade it the way that it was discussed.

CHAIRMAN SASO: We have to trust the

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plans. I understand your what if question, and that is -- that becomes an enforcement issue with the building department.

MR. KISS: Right. By that time it's too late and the basement is gone.

CHAIRMAN SASO: I don't know that --

MS. AXELSON: There are a lot of steps. I mean there's a whole plan sheet that just has to do with construction sequence, and there are a lot of steps in terms of setting up initial erosion and sedimentation control plans, showing disturbed areas and starting to build some of the stormwater -- temporary stormwater improvements before there is clearing, before there is rough grading of roads. So there are all these steps that have to happen. A problem is going to show up along the way.

MR. KISS: Not to interrupt you, but when the developer had done our neighborhood, the drainage does not follow the plan, and he's gone. He's been gone. We asked him to take care of it, never happened. And for all the projections on your charts showing the water going in a certain direction, that's not the case. It actually flows

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on an angle into my depression. All of it. My neighbor, whatever is underground kind of guides the water into his basement, which the first spring he moved in his basement flooded. The developer came back in, put a couple sump pumps in, pumped the water into my front yard. And he's gone. My neighbors asked me to file a complaint. Six years later nothing was done. I had to drop it because they wanted to refinance their house and they couldn't have a complaint hanging over their head.

So I understand what you're saying, it's supposed to follow suit, but it doesn't always hold true.

CHAIRMAN SASO: And that would become something that the building department will have and we will have --

MR. KISS: It didn't go anywhere.

MR. WINGLOVITZ: We have to bond it.

MR. KISS: The suggestion was made when we start pumping water into my swale was well, you can split the cost with me. Wait a second. It's not my problem and they should have piped it out to the road when they first did it instead of

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just leaving it that way.

CHAIRMAN SASO: Different time,
different development, different --

MR. KISS: True. But it's bad news.

CHAIRMAN SASO: I understand.

MS. QUINN: My name is Erin Quinn, I'm
a reporter with The New Paltz Times.

My question is you've talked about
phasing. Is that actually a required part of the
site plan approval if you do approve it?

CHAIRMAN SASO: We will approve it with
phasing.

MS. QUINN: As a condition?

CHAIRMAN SASO: Yes. There will be a
percentage of the number of homes that actually
have to be sold and built before they can move on
to the next phase. So he'll finish phase 1 -- the
developer is not going to go on to phase 2 until
he has a number of units -- a large number of
units -- the majority of the units before he
goes into the -- he's got fees, he's got road
costs, he's got a lot of other costs to get into.

MS. QUINN: Mr. Weinberg said he always
wanted to do it in phases. My question was is it

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MOUNTAINSIDE WOODS

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a condition?

CHAIRMAN SASO: Yes, it is.

MS. QUINN: There's want to and a
condition.

R42

CHAIRMAN SASO: It's absolutely part of
the conditions. No doubt.

Sir.

MR. BARON: Bob Baron, Reservoir Road.
I heard a little while ago the drainage won't
increase the water flow. If the water is not
going to go into Mr. Indelicato's property and
we've got a small retention pond here, where is
it going to go? Is it going to go into the creek
down on Vineyard Avenue?

CHAIRMAN SASO: No.

MR. BARON: I'd like to know, since
you've got all these homes, these roads, they
don't absorb water, they push it away. I don't
have any fancy letters behind my name either,
like you don't.

CHAIRMAN SASO: I don't either.

MR. BARON: When you put a house in
there, you put a road in there, you put
sidewalks, you put driveways, they don't absorb

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water, they flow away. Where is that water going to go? That's my question.

MR. LEARN: You're right in that when you build houses, and sidewalks, and roads you produce --

MR. BARON: And driveways.

MR. LEARN: -- and driveways, you produce more -- a larger volume of water. That's harder to control than the flow rate. The applicant is required to control the flow rate.

MR. BARON: Flow rate of what? That's my question.

MR. LEARN: Of the stormwater leaving the site. So we have this -- we have this baseline that we're looking at, or they're looking at and we're reviewing, of flow rates for the 1, 10 and 100-year storms where they're required to match or produce a smaller flow rate when they're done. That is done with the ponds, the detention ponds.

Now in terms of the volume, this is actually a very progressive design in terms of reducing the volume of runoff because everything is compact. That means there's less roads,

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there's less infrastructure required. That means there's less impervious area created, which is the source of your new runoff. So by leaving the 100 plus acres undeveloped on the mountainside, you're actually reducing the volume of runoff created by this development.

MR. BARON: So what you're saying is we're not going to count those other acres because they're not developed, but these acres that are developed --

MR. LEARN: They're absolutely counted. Everything they're doing is taken into account in these calculations. What I'm saying is that -- actually, by current State requirements they have to do things that reduce the volume of runoff in addition to the flow rate, and that's new. The volume reduction is new.

MR. BARON: Did they decrease the volume of runoff on the houses, the roads, the driveways? That's where my question comes in. Where is that water going?

MR. LEARN: It's going where it goes now for the most part.

MR. BARON: In his property.

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MR. LEARN: Okay.

MR. BARON: That's what I can't see. That water is going to be trapped now because it can't go in the ground any longer. Those other acres are still forested, there's still a lot of rock up there. It's going to absorb somewhat of the water. All those 29 acres and 162 houses and the 2 cars per thing. So Mr. Indelicato is the reciprocant of all the excess water from the 30 acres?

MR. LEARN: No.

CHAIRMAN SASO: That's not the case.

MR. INDELICATO: In your response, all that water is going in the stream on site exiting to the north, that's me, where there's no development. It's no different than if I've got 162 people twice a day to defecate and delivered it somewhere and asked you to process it. That's what you're doing to me.

CHAIRMAN SASO: Okay.

You've been patient.

MS. TARANTA: I have a very, very simple question. I'm not an engineer, I don't know about water flows, I don't know about any --

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MOUNTAINSIDE WOODS

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do we need this development? You have over 200 homes in Highland that are for sale.

UNIDENTIFIED SPEAKER: 5.

MS. TARANTA: Better yet. You've got a development on Vineyard Avenue, they're having problems up there, you guys are suing, whatever, because they can't rent them. Who is going to buy these houses? IBM is on it's way out, I'm afraid, out the door. Where are these people going to get jobs? Where are they coming from? Why do we need 162 homes that we're going to need new schools, new sewer, new water? It's ridiculous. Who's putting in it who's pocket?

CHAIRMAN SASO: We didn't get your name again.

MS. TARANTA: You know who I am. Joan Taranta.

CHAIRMAN SASO: Joan Taranta.
Sir.

MR. HERMAN: Lou Herman, New Paltz Road.

A quick question. During your conversation with the guy who is going to be doing the lumbering, you mentioned that he's

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going to carry a bond for any damages to the road. Were you able to have the developer do a bond for damages to other people's houses? Not to the roads or the Town but to protect the citizens.

R43

MS. AXELSON: Yes. It's required.

CHAIRMAN SASO: He's putting up a performance bond that covers the whole subdivision. I don't want to speak out of my realm, but would that bond cover a natural damage or anything that's happened while they're doing their -- some of their site work and damages one of these homes?

MS. BAKNER: Right. That's really a question for Sean Murphy but I'll try to answer that question. The performance bond or the security that's issued in connection with the subdivision is to secure the developer's obligation to build the infrastructure and comply with the requirements of the site plan. It also covers damage to Town property, like Town roadways, if they are damaged as part of the construction effort. As I sit here I don't believe that it would cover damages to private

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properties. That would be -- that would be something different. That would be --

UNIDENTIFIED SPEAKER: Civil.

MS. BAKNER: -- a civil issue.

MR. HERMAN: So what do we do to protect the liabilities of all the citizens that are bordered on?

MS. AXELSON: That's --

MR. HERMAN: I mean we don't want to be suing them three years later. You know, we're not going to get anywhere.

MS. AXELSON: Do you want me to --

CHAIRMAN SASO: I'm not going to comment on something I don't know the answer to.

MS. AXELSON: I don't know the legal answer but the whole point of the subdivision review is to go through all the Town's requirements and to go through and look at all the impacts of the development on the site and quantify them as much as possible, which the Town Board did a lot of in their DEIS review, and now we're going into more detailed technical review, quantified technical review of stormwater impacts, areas of disturbance, et cetera. So part

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of the safeguard is the Planning Board's review and hiring people to look at those calculations and --

MR. HERMAN: Are you reviewing the blasting of rock as well and things like that?

MS. BAKNER: Let me just say, if it's okay with you Scott, --

CHAIRMAN SASO: Go ahead.

MS. BAKNER: -- on the blasting of rock, that's a different situation. In fact, the contractor that does the blasting will be required to have a General Municipal Law -- excuse me, a general liability policy that will cover any damage, damage to the Town or damage to anybody who could be affected by that. So that blasting is a special category, and it will be conditioned -- it will be covered in a condition to our approval as well as the development agreement between the Town and the developer.

R43

MR. HERMAN: Is there any amount in mind of how much blasting they can do?

MS. BAKNER: The hope is that they'll do no blasting. The condition --

UNIDENTIFIED SPEAKER: I have a

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fifteen-foot ceiling in my garage because they had to blast.

UNIDENTIFIED SPEAKER: We can't plant a tree because we hit rock.

MS. BAKNER: I understand what you're saying. There's conditions that are already in the DEIS and the FEIS that cover all the things they need to do with respect to the blasting. So that's been looked at very carefully. And again, that's on the website and it's covered in the documents.

MS. AXELSON: And it also -- all the information you're talking about in the DEIS about blasting has been included in part of the construction notes on the plans. Very detailed notes about blasting.

MR. LEARN: There's also other ways to remove rock besides blasting, and I think the developer's plan is to try those other methods first before they blast.

CHAIRMAN SASO: Go ahead.

MS. PHILLIPS: Hi. I'm Mary Phillips again. You didn't answer Joan's question. Why do we need 162 houses in Highland?

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CHAIRMAN SASO: Well, I don't think we can answer that type of question. All I can say is he's going to be building these one at a time. He's not putting them up to be for sale. He's only going to build them when he sells them. If someone is going to come into the Town -- and quite honestly, I hope people do come into our Town because we need people to come to our Town. People don't want to buy hundred year old homes that are fixer uppers. People want to buy new homes. We need to bring people into this Town so that we hope we can get somebody in the village that they can survive. He's only going to build them as people buy them. He's not going to put them up on spec. If he sells two, he sells two. But we hope that he sells more so that we bring more people into our village because that's what we need.

MS. PHILLIPS: If he sells two, then all the trees have been removed for nothing?

CHAIRMAN SASO: I think we're going to extremes. I don't think he's just going to sell two. I'm just saying --

MS. PHILLIPS: If he sells ten, all

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MOUNTAINSIDE WOODS

those trees. Where are the buffers? How are we going to be protected?

MR. PLAVCHAK: I don't think they're going to clearcut the whole property. I think they're going to do that by phases.

MR. LaFIANDRA: Mr. Chairman, I'd just like to state I moved to this Town because it's beautiful, the mountainside, the woods behind my unit, and there's rail trails right close by. Now I'm going to lose those woods behind my unit, I'm going to lose the woods on the mountain, and suddenly I'm very jaded about Highland.

MS. SENAGA: Rose Senaga. I'd like to just ask you a question. What about the 500 houses that are for sale in this Town? They're all not 100 years old. So we've got 500 and 100. 600. You know, get some development into this Town instead of building more houses.

Thank you.

MR. INDELICATO: I have a question and I have two comments. I would like to know how you are going to retrieve the water that is on the backside of the 36 homes that line that stream? How are you going to retrieve that water without

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that water going into the stream? What mechanism do you have in place to do that? I'd like an answer to that.

But the two comments I'd like to make, I don't believe you have to be an engineer with credentials behind your name. Commonsense tells me that this stream that comes through my property is already creating a lot of damage to my property. Now you tell me you're going to remove about fifty, maybe sixty acres of woods that is absorbing water, you're going to put in an impervious surface and you're going to control that water, that no more water is going to come into that stream. Okay. It doesn't make any sense. You don't need to be an engineer to realize a lot more water is going to come into that stream. Did you see what happened to the whole Town here when the hurricane came through? The middle of Town was a river. It had the right name, River Road, because it was a river all the way down to the river. Whatever mechanism and ponds are going to be created, how large are they going to have to be in order to contain the water so it doesn't overflow that mechanism? I want to

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know how you're going to contain it, okay. Like I said, you don't have to be an engineer to realize you're destroying all of the trees and vegetation that absorb water, you're creating hard surface.

The other comment I'd like to make, I see that Ms. Bakner has possession of the pictures that I would very much like each one of the Planning Board Members to please look at.

MS. BAKNER: I don't have them.

MR. INDELICATO: Well all those documents I saw moved here.

MR. PLAVCHAK: They went to the secretary.

CHAIRMAN SASO: We will look at them.

MR. INDELICATO: Will the Planning Board Members individually look at the damage the stream has already done to my road? Will you do that?

CHAIRMAN SASO: Sir, you've been --

MR. GESCHEIDLE: Jim Gescheidle, I live at 21 Hilltop Lane.

One of the things I wanted to be addressed is I did meet with Mr. Weinberg, we walked some of my property. I did ask one

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question that was kind of glazed over, was the other utilities, the electric, the phone and the cable TV, how are they going to be getting back there? The current distribution cables are feeder, and distribution cables for the telephone at least are not able to provide service for another hundred and something homes. As well, it needs to be looked at too, the central office in Verizon's facilities as far as can they provide more broadband to those people. I'm pretty sure that the office is pretty well limited up to capacity with broadband as well. So you may have to invest into the central office to increase the broadband. And then how many other properties are going to be affected getting -- providing the cables through there? I mean they're aerial through parts of it but then they're buried through an overwhelming majority of that neighborhood. That means driveways ripped up, roads ripped up, road crossings all throughout the entire neighborhood just to upgrade the telecommunications, possibly electric and cable TV. So I'd like to see how that would be addressed before they move forward.

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CHAIRMAN SASO: We'll put that down.
That's something new we haven't discussed before.
We'll give the applicant a chance to research
that and respond.

Kit.

MS. COWAN: Kit Cowan. I just have a
quick thing to say. I run the Lloyd Development
Association which is a non-profit in Town to
support citizens with their development issues.
There's been a rumor going around that we are not
against Mountainside Woods. I just want to
straighten that out. We do not support this
development and will be supportive to any
citizens who wish to fight it.

CHAIRMAN SASO: Rose -- Joanne. Sorry.

MS. LESSER: Joanne Lesser, 35 Brescia
Boulevard. That's where my family and I live.

I've been to a couple of these public
hearings, and with every project you hear good
and you hear bad. Out of all these public
hearings, and I myself am trying to keep an open
mind, I don't know what the positive impact is on
our community and on our homes.

I'm not an engineer. There was a house

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built across the street from me. One home. I never had a water problem. One home was built and all of a sudden I started taking on water. The Town has fixed this problem three, four, five times. So I just don't know what the positive impact is.

I also have relatives who, when I was growing up, lived in Brooklyn. They were separated, their homes, by a driveway. I just think that that's not what our community is about, and I want to go on record saying that.

I also want to know -- I know that this is going to impact the school district, water, all these things like everybody has said. Is this a done deal? What is the next step? I'm kind of new to, you know, the public hearing process this way. I just kind of would like to know what is the next step? Will there be more public hearing? Will you go back and make a decision at this point? That's really -- I really am curious to know where we are in the process.

CHAIRMAN SASO: Okay. Again I'll give it a swing and you can correct me if I'm wrong.

Once the public hearing is officially

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closed, and as we've been taking comments, we've worked with the developer, he has made significant changes to things we reviewed with him that is under part of our review. The next step would be, after we close the public hearing, we'll then wait for final recommendations on drainage.

MS. AXELSON: Plan revisions.

CHAIRMAN SASO: Plan revisions, anything else that's come in, and then we will review that again. All of our meetings are always open to the public. Everybody can come to the meetings as we progress. Once we close the public hearing, we close the public hearing, and then we move forward for the rest of the approval process. They still have some drainage issues and some comments that have to be done, but it's under our review at that point. We take all comments under review and try to make them work.

MS. LESSER: What makes it or breaks it? What's like yes and what's no?

CHAIRMAN SASO: I don't know. I can't give you an answer on that. That's something I don't really know.

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MS. LESSER: And the positive impact? I was just wondering, what's the positive impact on the community and our homes?

CHAIRMAN SASO: The positive impact that -- I think that one of our Town Board members said it pretty good. We need rooftops and we need more people in our village and our town to be able to attract the corporate. We all said we want corporate, we need ratables, we need industry, but we need people to bring those type of businesses into this Town. To do that -- businesses won't come to town if there's no people. There's not -- we're kind of in limbo right now with our population. We don't have enough to warrant the commercial to want to come into our Town but we've got too many for where we're at. So we're hoping that this plan, this subdivision will bring the people that will help revitalize the hamlet. It's just a -- it's a way that -- of thinking.

MR. PLAVCHAK: I think the other part of it is if we are successful bringing some light industry or some commercial into here, I think the people who work there, you would want them

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living in the Town here also. So I think there's a balance to this process. He's not going to put up 162 houses next month. I think between now and the five to eight years that it may take him to do that, you've got to balance out commercial, retail and houses. The economy turns around, if it does turn around, I think, you know, we'll be in a better position to be able to do that, to get the commercial and light industry that I know the Town Board is trying to bring in to be able to create that tax base and have those people live in Highland and not have them have to live somewhere else if they're involved in that.

CHAIRMAN SASO: Yes, ma'am.

MS. PHILLIPS: I understand the concept behind cluster housing. It's been around for a long time. There was cluster housing in Meadow, New Jersey in 1920. Reston, Virginia is a very, very famous cluster housing community. They're all over the place. But they're only there because they're needed by the town. The idea of bringing in people to shop in stores that aren't there yet, they're going to end up with what I call retail blight like you see all over the

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place around here, particularly at South Road in Poughkeepsie. You've got enough people in the City of Poughkeepsie and all over Dutchess County to go to those stores, and they're empty. They've been vacant for years and year and years. The only one that's filled I think now is a furniture store and the Christmas Tree Shop. But the rest of that place, that whole corridor is full of empty stores. We don't need that here. We don't need empty shops on top of all these people. If we built it they will come. Maybe you could try it that way.

MR. PLAVCHAK: The clustering I think is also -- clustering is also a recommendation and part of what was in the Town master plan, which we're also --

MS. PHILLIPS: I know it was. I applauded it when I saw it in there because I believe in cluster housing.

UNIDENTIFIED SPEAKER: What was the wording for that exactly, do you know?

MR. PLAVCHAK: I don't know exactly.

UNIDENTIFIED SPEAKER: I think it should be checked out. Do you know?

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CHAIRMAN SASO: I think it's recommended.

MS. AXELSON: It's recommended.

CHAIRMAN SASO: I don't know the exact terminology.

MR. PLAVCHAK: I think it's recommended in a certain radius around the hamlet.

UNIDENTIFIED SPEAKER: I know a lot of the wording in that plan --

CHAIRMAN SASO: That's all we have to work with.

UNIDENTIFIED SPEAKER: A recommendation, a suggestion, something you should think about, you know.

CHAIRMAN SASO: I think right now it's a little bit more stringent than that. I know we're working on revising it. It is pretty specific that what's in that master plan is where we start.

UNIDENTIFIED SPEAKER: Just asking.

CHAIRMAN SASO: Yes, ma'am. In the yellow.

MS. PASSANTE: I'm Diana Passante, I live on Boyds Lane. I'm not directly affected by

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this but I have a comment and a question.

The comment is I can't imagine what it's going to be like on 44/55. I avoid it like the plague right now. I feel bad for anyone who has to come down Tillson Avenue and try to get up Toc. Even a turnaround just can't be big enough to accommodate this traffic. That's my comment.

My question is I have to confess this is my first hearing so you might have addressed this. You had spoke about mitigating -- no, no. You spoke about building infrastructure on the property. Did you address the affect on the infrastructure of the Town, such as roads so the turnaround would be one of them? Really you're talking about a lot of traffic. So that doesn't cost the developer, that costs us.

What about the schools? What are you going to do with the schools? Have you thought about that?

CHAIRMAN SASO: It's been --

MS. PASSANTE: Has that been spoken to?

CHAIRMAN SASO: It's been addressed and it's in the comments and responses that the schools will not be impacted. The fact and what

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we've been advised is that the schools are needing bodies right now. They need kids.

UNIDENTIFIED SPEAKER: It needs kids?

MR. PLAVCHAK: It's under capacity.

MS. PASSANTE: That information comes from the school district itself?

CHAIRMAN SASO: Yup. It's under capacity. There's a complete answer in there. That comment and response to the schools, to the roads, to everything that you're asking is definitely in that response letter.

MS. PASSANTE: And I'm sorry, can you tell me where I can read that?

CHAIRMAN SASO: You can go on the website and find it through the Town of Lloyd website or you can get it from your neighbor because she's got it there.

You in the back.

MS. SAMMARTANO: I just wanted to elaborate on the positive impact. Since the Walkway Over the Hudson opened, the amount of tourism for this little Town has increased quite a bit. Is that not enough positive impact for this Town or you'd like to see more?

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MR. PLAVCHAK: I think the point is the Walkway has brought in more people but there's nowhere for them to go when they get here. One of the reasons there's nowhere for them to go is people don't want to open businesses in the Town or where the Walkway or people from the Walkway go because they don't have enough population to support that. So this whole thing is a balance. You know, I think yes, it's positive that they're bringing people in but it's not positive that they bring people in and there's nowhere for them to go. I think part of this whole master plan that they're redoing and some of the zoning changes that they're making are to help make that positive a more positive and balance it throughout the way.

MS. AXELSON: I think we need her name for the record.

CHAIRMAN SASO: We need your name for the record, ma'am.

MS. SAMMARTANO: Maria Sammartano.

CHAIRMAN SASO: Donna.

MS. DEPROSE: Donna Deprose, 449 North Elting Corners Road.

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I have two quick questions. When were those numbers regarding the schools -- the school impact obtained?

MS. AXELSON: They're in the DEIS.

MS. DEPROSE: Before or after the Catholic school closed? That's what I want to know.

MR. PLAVCHAK: What was the date of the DEIS?

MR. WINGLOVITZ: 2011.

MS. DEPROSE: That was before or after, though?

MS. BAKNER: We don't know when it closed.

MS. DEPROSE: We may have had a whole school close since those numbers were obtained.

MR. PLAVCHAK: How long has it been closed?

MS. DEPROSE: Sometime before last year.

MR. PLAVCHAK: I thought it was before last year.

MS. DEPROSE: I got so involved in that I forgot my other one. Oh, my other question,

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and this is kind of a -- I don't know what it is. Does this Board or even the Town Board have the -- the right, for want of a better word right now, is it within Town Law to say we just don't want -- this may be zoned for residential development but we just don't want more? I don't know.

CHAIRMAN SASO: I was going to say I'm going to let my advisor answer that one.

MS. BAKNER: The Town Board -- we're the Planning Board, okay. Let me start there. The Planning Board implements the site plan and subdivision laws as they're laid down and they are within the zoning that's set by the Town Board. So the Planning Board has a lot of discretion on how things are arranged, what they look like, making sure that everything is being designed right. But if a property is zoned for a particular use, it couldn't appropriately say that it couldn't be used for that use, absent some, you know, really unusual circumstance, some physical barrier or something like that. The Town Board sets the policy for the Town in accordance with the comprehensive plan. Even the Town Board

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is bound by the comprehensive plan once they adopt it. They can always amend it. The Town Board is the legislative body. So the Town Board makes the decisions about what uses are acceptable, where they're acceptable.

Let me just give you an out-of-the-way example. Scott, you can shut me up if you want.

CHAIRMAN SASO: No.

MS. BAKNER: I'm thinking of fracking. Our firm represents a lot of municipalities who are opposed to the hydrofracking, all right. So we worked with those municipalities to develop a law that prevents that use within the Town, okay. So the courts, at least so far, have upheld that because the towns have a home rule right to control what goes on in their borders.

But let me give you an example of what we can't do as a Town even if we're the Town Board. We can't say we don't want a church, okay. There's something called rallopa and there's a lot of laws that say you've got to treat a temple, a church, a mosque the same. If they're allowed in one place, they're allowed in another place and you can't keep them out. Those are the

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two examples of the only sorts of constraints that towns have on them in terms of what they can and they can't do. I hope that answered the question.

MS. DEPROSE: Well, to the extent maybe -- to the extent it was answerable.

MR. PUCCIO: Does that effectively say that this is a done deal? That's the question.

MS. DEPROSE: That wasn't my question. My question was can this Board, or even the Town Board say right now with the zoning we've got, we don't want another -- we just don't want 162 houses in that part of our Town?

MS. BAKNER: That's the decision the Planning Board is going to make.

MS. DEPROSE: It can make that just based on want?

MS. BAKNER: No, not based on want.

CHAIRMAN SASO: We can't do it based on want.

MS. DEPROSE: You know, it's coming from the question does the Town want it, and I just --

MR. PALADINO: -- Town board, and I'm

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surprised you haven't mentioned it, would be considered arbitrary and capricious of us just to say no, we don't want it.

MS. BAKNER: I was trying not to use words like that.

MR. DILORENZO: And then we leave ourselves open for a lawsuit from the applicant here because basically the comprehensive plan and the zoning allows it. So we're in between what is called a rock and a hard place.

MS. DEPROSE: I understand.

MR. DILORENZO: If we're going to vote this down, we really have to find really a good reason not to accept it. That's my take since I've been on the Board.

MS. DEPROSE: Not wanting it is not a reason?

MR. DILORENZO: No. That is --

MS. DEPROSE: That's what I was trying to bring up.

MS. AXELSON: I just feel like I should add, because I've heard people mention clustering, that if you took this piece and land of looked at the different things you could do

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with it under the existing zoning densities and the subdivision regulations, et cetera, this design is probably one of the better options you could have here because it's clustered.

UNIDENTIFIED SPEAKER: We have to settle for it?

MS. AXELSON: Let me finish. Because they have created a design where all the development is down in a part of the site that is below a stream and wetland area, it leaves open space. You can see it right there. And because it's clustered, shorter roads, shorter driveways, shorter sidewalks, smaller house lots and a lot less disturbance than if you were allowed to wind your way up. So, you know, I understand the frustration with having to accept a large number of homes but that's why this is phased.

MR. PLAVCHAK: Next question.

MR. BARON: Bob Baron again. I've heard both the Planning Board and the Town Board mention that we need more companies to come in here, stores, whatever they may be. Warehouses, factories, whatever you might want to say. Commercial activities. Where is this proposed

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MOUNTAINSIDE WOODS

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area that we're going to build all this? That's one question. Where is that going to go? Are they going to take Hannaford's out and put something in there? Are they going to take other houses out? Where do we have this land that we're going to develop this?

CHAIRMAN SASO: There's properties along 9W and 299 that are still very developable, very viable pieces of property.

MR. BARON: And my other point to this thing is we mentioned about we have to have so many people in the community for these people to come into. The people in Milton, Marlboro, Clintondale, New Paltz, all around here, the Esopus, they all go to Poughkeepsie, Kingston or Newburgh to shop. Aren't their bodies warm enough to count to say we have this many people coming in? They all have to do what I do. I went to Kingston today. I put some gas in my car at the Hess station today. Kingston was -- the same Hess station in Kingston, it's corporate owned I believe, 21 cents a gallon cheaper. This Town takes us to the coals on everything. I don't care what it is. I love this Town but I don't like

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paying high prices that I have to go somewhere else to shop.

CHAIRMAN SASO: I don't think the Town can regulate the gas prices.

MR. BARON: I know that. I'm just saying are we going to get more of this?

MS. AXELSON: It's beyond the scope.

MR. BARON: It's just ridiculous. You want to draw people in to shop here. Why should I pay 21 cents more for a gallon when I can travel, do all my shopping, pay 21 cents less and get everything, come home and I'm still happy? That's my comment. I thank you for listening to me.

CHAIRMAN SASO: Okay. Thank you. Frank.

MR. SAMMARTANO: Frank Sammartano, 25 Hilltop.

When I was talking to the builder last week, we know this started in 2010. I know these plans weren't written up just a couple months ago. These plans have been in the works since 2010. And I asked him in April if you would have voted down the zoning plan, did he have a plan B.

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He said no because this is what the Town wanted. So he was -- I'm just thinking he was under the assumption that they were going to allow this zoning change that just happened in April. That's all this, as your lawyer said, was a done deal in 2010. There were public meetings that no one went to. I'm just curious if the vote was just in April, and if it could have been voted down, which I heard some Town people say if we made a stink then they might have rethought that zoning change. In April he had no plan B on what to do if the zoning remained the same. The reply was the Town was telling him to do it this way, knowing it was going to get changed. Now where do we stand? You can go back on that vote and he could sue you and that's your problem because he's telling me this is the way the Town told him to do it. The same thing with the gravel parking lot and my house. The Town is telling him to do it and it's Scenic Hudson. I know you had all these meetings and that everything was approved, nobody showed up and fought them, but it was a done deal before that zoning vote went in in April. All this was all typed up, ready to go.

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MS. BAKNER: Just if I can try to address what you're saying. The applicant came in with a proposal to the Town. It was originally a proposal, and this is just this applicant for this parcel. The history of development of this site actually goes back many, many years.

MR. SAMMARTANO: We heard that song.

MS. BAKNER: One of the ladies mentioned. So when Mr. Weinberg came in, he asked for a -- he initially asked for a PRD zone to be established there, and that PRD zone is not currently found in the 2007 zoning code. There was previously a PRD approved for the parcel in the middle. That PRD zone, at the time the zone was changed, was not carried through, although at the time there had been an enormous amount of environmental impact statements and everything else done there. So we're talking about a very long history. And on that parcel at that time, what they were proposing to do and what had been approved by a Town Board probably two, maybe three Town Boards before, long -- you know, long before I was here, that Board had approved a density, I believe was it something like 600

1 units. 600 units. Now, they did -- they
2 subsequently, with the Planning Board's review,
3 did a DEIS and an SDEIS on that 600 proposal. It
4 started out as one thing and ended up in
5 apartments. That's my recollection of the last
6 time -- last go around. So one of the big issues
7 with that project as it existed then was access
8 to the site and the issue with Tillson and Toc.
9 All right. So when this project came in, and this
10 project was brought in by Mr. Weinberg, he was
11 proposing not to use just the middle parcel but
12 all three parcels, Westport, Ledgewood and
13 Trailside. I think that's what they were called.
14 And those -- with those three being connected
15 now, it was possible to propose different access.

17 The other thing that had happened was
18 there was -- the Town had advanced planning as
19 part of a tip I think it is for the Tillson/Toc
20 intersection. So when the project came in, they
21 were seeking this PRD which no longer existed,
22 and the comment that they received from the Town
23 Board at the time, and I believe Jeff is standing
24 right there so he can back me up on this, was
25 that the original proposed density for the site

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was ridiculous. They didn't want to see anything like 600 units on the property, and the problems with the intersection and everything else had never been successfully addressed before. So instead of going back to that PRD concept, they came forward with initially a subdivision, I don't believe it was even a conservation subdivision at that point, but it was focused on the front part of the site. So to make a long story short, they came in with a proposal, and the Town Board was lead agency, and that was mostly because of the whole historic thing with the PRD, okay. And the Town Board issued a pos dec requiring another draft environmental impact statement, and from there there was a DEIS that took about a year. There was public scoping first, and a public scoping meeting, and an opportunity to submit comments, and people did comment. It's not that nobody submitted comments. There were comments. And then there was the drafting of the DEIS and then the drafting of the FEIS. So it started in 2010 -- probably 2009 actually. So it just takes that long to get from here to there. So it wasn't approved until the

1 zoning was approved, and the zoning wasn't
2 approved until the zoning was approved in April.

3 MR. SAMMARTANO: All I'm asking is --
4 what I'm understanding is if I would have made --
5 created some kind of an uproar about this zoning,
6 I have Board Members that said they maybe would
7 have maybe voted different in April. So if they
8 voted no, would this still be able to go forward
9 or would there have to be a plan B?

10 MS. BAKNER: This still could have gone
11 forward, just with less units.

12 MR. SAMMARTANO: Well that's what I'm
13 saying. He has no plan B. So you can't speak for
14 him and say there will be less units.

15 MS. BAKNER: No, no. I'm not speaking
16 for him.

17 MR. SAMMARTANO: What I'm saying is if
18 it was voted no in April, there would be a plan B
19 or there wouldn't be. So I'm asking not only you
20 but the other Board how come this was allowed to
21 go forward in 2010 all the way until now without
22 even having this subdivision approved? I mean
23 the zoning change approved. Now you say you can't
24 go back on that because it's a done deal because
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no one complained. I have proof by Board Members if I was there, maybe the vote would have went no. What would have been plan B and how come the Town can't go back and rescind that? That's all my problem is. To me it sounds like -- when I kept asking questions, why don't you build here; no, the Town wanted it here, the Town wanted it there, the Town wanted this. Well the Town wanted it before there was even a zoning change, a vote that just happened in April. I'm almost thinking it's suspicious that this vote happened and was approved. Now it's a done deal when it sounds like it was already wheeling and dealing that it would have been approved. Now I'm hearing from Town Board Members maybe it wouldn't have been voted if we would have all spoken up. Just a plain and simple question, where is the plan B if it got voted no in April, and can we do that?

MR. PALADINO: I know Terresa kind of went over that. It's really more like a C or D plan. A was 600 plus homes, units, various types of apartments and what not over three large parcels , then it went down I believe to almost 300, 350, then it went down to 220-ish, 210, then

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we're ultimately now at 162. Really if you want to answer the question is there A, B, C or D; no. It went through a process of a much larger scope and scale down to what you see today. The reason why you want -- it's already been talked about numerous times, less infrastructure, less roads to deal with, more congestion of people. Yes, no doubt about it, but it keeps everybody in a different type of community which coincides with the comprehensive plan.

I don't know if you got into your County letter yet --

CHAIRMAN SASO: Not yet.

MR. PALADINO: There is a letter, as the people heard, from the Town Board meeting that we got commended about this, this is one of the best comprehensive plans.

MR. SAMMARTANO: You're not living there.

MR. PALADINO: I'm on the Town Board. That's why -- you know, it went through a process over a number of years, actually going back to the first plan.

MR. SAMMARTANO: So going back to my

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original question. Now we're saying it's plan E. You didn't have a plan E if this would have been voted down in April.

MR. PALADINO: In conjunction with the discussions that you have with the developer, anybody that's going forward, they're not going to go and spend hundreds of thousands of dollars for you to come back and say no good, and come back with another plan, come back and say no, no. Unfortunately it doesn't work that way. It doesn't make sense for an investor to say let me go down that road and see what happens.

MR. SAMMARTANO: I'm just curious if the vote was voted no in April, where we would be right now?

MR. PALADINO: As of right -- I think Terresa answered the question. As of right now it's one-acre zoning. If you were able to sprawl over the acreage that's buildable lots, I believe -- somebody might have the answer, I think it was over 200 units in one-acre zoning.

MR. PLAVCHAK: 211.

MR. PALADINO: So by right he could have went all over this property, whatever made

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sense. Financially it doesn't make sense. From the Town's point of view, to spread out infrastructures throughout all that property doesn't make sense. To maintain those roads all over the place doesn't make sense. What you do is bring it down and make it economically a little bit more feasible from the Town's perspective, also from the developer's perspective. You could say he put money in his pocket. That may be somebody's comment. It doesn't make sense that way.

MR. SAMMARTANO: How important was that vote in April?

MR. PALADINO: I don't know. You know, it's part and parcel. I don't want to say it's important. I think that -- I could tell you from my point of view, from 2010 I knew which direction we were going. We wanted to go this way. We thought it was the right thing to do. And we have County backing, a letter saying hey, great job Town of Lloyd. I know you guys were against it. According to a conservation subdivision, this is the direction you need to go, and want to go and this is what the Town

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should be looking at. It makes sense on your comprehensive plan.

CHAIRMAN SASO: Mark.

MR. REYNOLDS: I have a question just for clarification. How many feet are the homes from the road right-of-way?

CHAIRMAN SASO: From the right-of-way or from the road itself?

MR. REYNOLDS: Is the road called the right-of-way or not?

MS. AXELSON: The road right-of-way is the front lot line for each lot. I think the setback is seventeen feet.

MR. REYNOLDS: Seventeen feet?

MS. AXELSON: From the road right-of-way.

MR. WINGLOVITZ: Fifteen.

MS. AXELSON: Fifteen.

MR. REYNOLDS: How far is it from house to house? I mean from one house to the border of the next track?

MS. AXELSON: I don't understand.

MR. REYNOLDS: From side to side?

MR. LEARN: Side yard.

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MS. AXELSON: Side yards, aren't they five and ten?

MR. REYNOLDS: The reason I'm asking about that is because in terms of this cluster subdevelopment -- cluster development, there's a letter, a memorandum that was sent to the Town Board because there were some questions that Ms. Bakner had drawn up in November of 2011. On the last page of it it says to the greatest extent practicable, new dwellings must be set back 100 feet from all existing road right-of-ways, 50 feet from all other tract boundaries. Can we have some clarification about that?

MS. AXELSON: I don't know what those --

MS. BAKNER: You'll have to show it to us.

MS. AXELSON: Submit it to the Board.

MR. REYNOLDS: Terresa, you wrote it.

MS. BAKNER: I'm sure you can remember every word you ever wrote in every article.

MR. REYNOLDS: Well I just read it to you.

MR. WINGLOVITZ: Out of context.

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MS. AXELSON: It's out of context. Can you submit the piece of correspondence or tell us what the date is?

MR. REYNOLDS: I can make a copy of it. It just states that cluster development was made by the attorney to the Town Board.

MR. PLAVCHAK: Submit the whole document.

MR. REYNOLDS: I can do that.

CHAIRMAN SASO: That's fine.

Anything new to add? We've heard you. We actually have all heard what you had to say. So if it's something new, let's hear it. New.

MR. INDELICATO: I think it's new.

CHAIRMAN SASO: Can I judge that?

MR. INDELICATO: You can judge it when I'm done. In answer to this young lady's question about the zoning -- I don't know your name but I know you from the rail trail.

MS. DEPROSE: Donna.

MR. INDELICATO: I apologize for not knowing your name.

The current Town Board changed the zoning in April of this year. They changed it to

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quarter acre to accommodate this proposal. The Planning Board and the Attorney for the Planning Board have been honing this plan with the intention that the Town Board would change the zoning. The Town Board can not change the zoning back. They would be sued.

What I think the Planning Board can do, and I think they have the authority to do so, they can -- there's so many problems with this. There's water issues, there's traffic issues, there are -- I don't know. I can't think very clearly. Drainage issues. With those problems this Board should be able to cut down on the size of these homes.

When the Town Board here changed the zoning, they failed to consider one of the basic zoning rules, you have to consider prevailing character of the neighborhood. This thing does not fit in this neighborhood. The Town Board failed to consider the prevailing character of this neighborhood, and I don't understand why this Board can not force the developer to have the same setbacks that the rest of us have to live by, okay. I believe it's thirty feet front

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and back, it's fifteen feet on one side setback, it's thirty-five on the other. This would eliminate homes, it would create more pervious ground for the water to go down, it would lessen the traffic.

And another thought to the Planning Board. As a Planning Board I'm really disappointed that this Planning Board has not planned for future development of the Town. And what I mean by that, Mr. Weinberg's property abuts Bob Angelti's fifty acres of landlocked property. It abuts Olie Oleson's twenty acres of landlocked property. It abuts my twenty-six acres of landlocked property but with deeded right-of-ways and now declared an open development area. Where is the Planning Board planning for the next development of this Town? I think it's very shortsighted on your part as a Board.

MR. PLAVCHAK: Thank you for your opinion.

CHAIRMAN SASO: Thank you.

Is it new?

MR. KISS: It's new. Just say

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everything goes the way you want it to, the water drains, nobody's got any problems. I spoke with Mr. Weinberg and we talked about having setbacks being thirty-five to forty feet. We're up on Hilltop. We kind of suffer the most because that's the major way in. We've got the direct water issues, everybody else is across the street. He's always been trying to work with us. Obviously we'd like to have a little bit more if we could. We'll see what we can get.

Is it possible, if you're doing a revision, could that be flip flopped so that the shorter row of houses was on the bordering property and the longer row of houses was on the backside? Just something to think about.

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Along that line, if the houses were, instead of being two-story houses, I don't know if you've got a ranch style house or something that's shorter, that that could go there so it would not be as obtrusive to our backyards? Just something to think about.

CHAIRMAN SASO: Okay. Does anybody else have any --

MR. BAILEY: Dan Bailey, Sunnybrook

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Circle.

Our neighborhood, Sunnybrook, Cambridge, all through there over to Brescia, Reservoir, we're probably next to -- we're probably the densest population in Town. Now you're going to put another 162 units in back of us, making us the densest population. With the added traffic, Toc Drive is going to be the primary entrance in and out of this place. Traffic on Toc Drive now is crazy enough, you know, with just speeding in general. What measures are being taken to control traffic on Toc Drive?

CHAIRMAN SASO: In the comments and in the responses, traffic calming would --

MR. BAILEY: I saw something about stop signs at every intersection.

CHAIRMAN SASO: Additional stop signs are being added to try to slow down people.

MR. BAILEY: What are speed table tops? You mentioned something about table tops.

CHAIRMAN SASO: Table tops were suggested but they were frowned upon by our highway superintendent.

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MR. BAILEY: What are they?

MR. PLAVCHAK: Speed pumps, humps.
They're flat on the top.

CHAIRMAN SASO: To slow people down.

MR. BAILEY: In my opinion I would
rather see those than stop signs.

UNIDENTIFIED SPEAKER: It's very
difficult to equipment to plow in snow.

MR. BAILEY: As we know, people roll
through stop signs as it is now.

MR. PLAVCHAK: And there are people who
fly over speed bumps, too.

MR. BAILEY: If you go over one of
those, you'll --

MR. PLAVCHAK: We understand that. We
do have that comment.

CHAIRMAN SASO: Anything else, people?

MR. NEDUMTHAKADY: My name is Jacob
Nedumthakady, I live in 15 Hilltop Lane.

My neighbor, he was asking you guys who
is responsible for that water problem. I haven't
heard that clear answer. The water problem is
coming from Mr. Weinberg's property and they
didn't put the right catch basins and it is

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MOUNTAINSIDE WOODS

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running across the road. Right now I'm concerned about the safety because the kids are running from the top to the bottom to get the buses and in the wintertime the water is flowing. It may get two inch thick of ice. That is a big concern about my -- not only my family and also my neighborhood kids.

CHAIRMAN SASO: Okay.

MR. NEDUMTHAKADY: How can we solve this problem? If he developed that property but he assured me don't worry, water will be taken care of, it goes the other way. If not, I will get more trouble from runoff water, spring water and from the basement water. So it will increase. How can we solve this problem?

MR. PLAVCHAK: I was just going to say drainage is what we've been discussing for the majority of the night. I think what Andy talked about before, his engineering study of how they're going to handle the drainage, meets what he thinks is a plausible plan. I don't think this is a new drainage problem you're talking about. I think it's the same one we heard and I think you have to let them finish addressing what they

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were finishing and read it in the comments.

MR. NEDUMTHAKADY: Right now the existing problem, who is going to -- who is going to solve it?

MR. PLAVCHAK: We're also looking at problems caused by the subdivision that's before us, not existing problems. I think you have to take that to the building department if there's an existing problem.

CHAIRMAN SASO: I agree.
Anything else?

MR. REYNOLDS: Is the public hearing going to be kept open?

CHAIRMAN SASO: We're going to make that decision.

Any other comments, questions?
(No response.)

CHAIRMAN SASO: Okay. Then as the Board, we have a decision to make to continue or to close the public hearing. Comments that are new today have been -- I would say the majority of them have been addressed with the previous. So I, for one, will make a motion that we close the public hearing. Can I get a second?

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MOUNTAINSIDE WOODS

MR. ROZZI: Second.

CHAIRMAN SASO: Tom. All in favor?

MR. DILORENZO: Aye.

MR. HAMMOND: Aye.

MR. PLAVCHAK: Aye.

MR. ROZZI: Aye.

MR. OGDEN: Aye.

MR. PIZZUTO: Aye.

CHAIRMAN SASO: Aye.

Opposed?

(No response.)

CHAIRMAN SASO: Abstentions?

(No response.)

CHAIRMAN SASO: The public hearing is
officially closed.

(Time noted: 9:20 p.m.)

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C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: November 6, 2012