

Minutes of the Regular Meeting of the Board of Trustees of the Village of Montgomery is held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on December 3, 2014 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Stanley, DPW Supt. Nelson, Police Chief Walsh, Marc Devitt, Alan Sorensen, Maria Beltrametti, Johanna Sweikata, Jim Taylor.

Mayor Brescia opened the meeting with the Pledge of Allegiance to the flag.

RE: MEETING MINUTES

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved the meeting minutes of November 18, 2014. Motion carried, 5-Ayes, 0-Nays.

RE: REQUEST TO MEET WITH THE BOARD

Jim Taylor of Taylor Biomass Energy said since our contract signing with you TBE-Montgomery, LLC has completed all aspects of permitting at local, State and Federal requirements, up to and including permits to construct and operate the project. TBEMLLC has also received approval for its contractual extension with the NY Power Authority and its customer the Port authority of NY & NJ to extend the power-purchase agreement thru December 31, 2018. You will recall all the environmental attributes derived from the TBEM project are being used to reduce the carbon-footprint at Stewart Airport, Orange County, New York. TBEMLLC has also completed in final-stage its utility grid inter-connection agreement with the NYISO & CHGE Corp. You should also note the TBEMLLC project name has been recently changed to Taylor-Montgomery, LLC.

TMLLC currently has two items remaining open to complete and both of which are well underway towards completion. One being, the finalized legal contract negotiations, and the announcement of the construction contractor who will perform the final detailed design engineering, procurement, and construction of the Montgomery project. TMLLC has been diligently working with one of the twenty-five World's largest EPC contractors for the past sixteen months. Attorneys have been working on a final-draft legal contract as well as working with local sub-contractors, vendors, suppliers to finalize costing, and delivery schedules. TMLLC is anticipating a final acceptable contract documents by all parties shortly. The tentative construction contract schedule call for twenty-four month construction period. The MSW structure will be started up and begin testing protocols at month fourteen. TMLLC will begin a testing period over a six month period from month fourteen thru month twenty; to perfect its ability to manufacture a processed biomass fuel acceptable for the Taylor gasification process. The full plant start up a commissioning process will occur during month twenty-one thru month twenty-four in order to accomplish its commercial operations date (COD).

On the project finance front TMLLC has completed and surpassed all the minimum requirements to qualify for a conventional private placement tax-exempt bond finance transaction. TMLLS has spent the better part of 2014 working with all of the necessary project finance participants and team members to successfully pursue and close a private placement tax-exempt bond financing transaction. Immediately upon signing of the EPC

contract, TMLLC will follow thru with closure of the private placement tax-exempt bond project finance transaction process. It is currently scheduled to be a ninety day financial transaction closing period. Construction will start immediately thereafter. TMLLC anticipates an early spring start for concrete and steel going in the ground.

In closing, we are requesting your approval, acceptance for renewal and to amend the Solid Waste Processing and Disposal Agreement by and between the Village of Montgomery, NY and TBE-Montgomery, LLC, dated November 1, 2011 in connection with a proposed solid waste receiving and recycling, biomass fuel preparation and waste power production facility to be located in Montgomery and deleting "December 31, 2014" in section 9.02 and replacing such date with December 31, 2017.

Mayor Brescia asked Jim if the Village rate is to stay the same and just the date is to change.

RE: APPROVAL TO EXTEND CONTRACT DATE WITH TAYLOR BIOMASS ENERGY

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board approved to amend the agreement by extending the date to December 31, 2017 with the same terms and conditions as previously agreed. Motion carried, 5-Ayes, 0-Nays.

RE: ABSTRACT NO. 11-2014

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, all bills listed on ABSTRACT NO.11-2014 were audited and approved for payment with \$338,281.55 from the General Fund, \$ 14,675.79 from the Water Fund, \$ 56,689.94 from the Sewer Fund and totaling \$ 409,647.28. Check No: 47127 - 47151 and 47901- 47981, Motion carried 5-Ayes, 0-Nays.

Treasurer Benedict reported a CASH BALANCE for the month of November 30, 2014, as follows: General Fund \$ 2,070,333.38, Water Fund \$ 294,978.77, Sewer Fund \$ 173,498.24.

RE: VILLAGE CLERK SALARY INCREASE

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the salary increase of the Village Clerk Rivera-Stanley by \$1,500.00 effective 01/01/2015. Motion carried, 5-Ayes, 0-Nays.

RE: DEPARTMENT REPORTS

Police Chief Walsh reported that Officer Scherma is member of the Army Reserve; he will be going to Illinois for training on January 5th through April, 2015. This will leave the department with a four month vacancy; we will have to figure out how to close the gap in the scheduling.

Mayor Brescia said we may have to hire a transfer. We are looking at overtime in this case.

Police Chief Walsh said, perhaps. I will work on the scheduling and let you how things look. However, this is the slow time of the year for any police department.

Mayor Brescia asked about the regular patrols being all set for Sunday, December 7th, the Toys for Tots; as well as the 13th for the Old Fashioned Holiday.

Police Chief Walsh replied by stating all patrols are set for the two events.

DPW Supt. Nelson reported completing the blacktop pads for the Department of Health, Healthy Orange Grant that Trustee Lindner is working on. It was completed on Tuesday, and plowed snow on Wednesday. It was perfect timing.

Mayor Brescia asked if the exercise equipment has been ordered.

DPW Supt. Nelson said no.

Trustee Lindner said the bill has to be submitted to the Department of Health by the 14th of December. He has a meeting tomorrow with the committee to work on that.

DPW Supt. Nelson reported with the oil prices dropping the blacktop was cheaper.

Trustee Lindner said because of this; we have an additional \$1,000.00 towards to be used for additional equipment.

DPW Supt. Nelson thanked the Police Department for their assistance on Wednesday night before Thanksgiving. There were a lot of cars parked on 211; I waited for about six inches of snow to accumulate. Officer Briere and Officer Coscette helped getting the cars moved to be able to plow. No cars were towed and everyone was very agreeable and easy going with the exception of the power outage. The power outage kept Jake and me here on Thursday until 1:30 pm. The power outage was very limited, it was the sewer plant and the park well; it put another 21 hours of stress on the thirty five year old generator. We will have to look into replacing the generator in the next five years. We can not lose that generator; it will cause an environmental problem if we do.

For the last two weeks, I have been working on the I&I program with the DEC and finalizing it with the assistance of Dawn to have it turned in by December 31st. I may need John Tracy to assist in completing this job; however, I will let you know. I have several guys out sick and another on vacation. It is not getting done as fast as would have liked.

The water storage tower construction is coming alone and hopefully pouring concrete tomorrow. All of the piping is in and it is all formed up for the concrete.

Mayor Brescia asked when will the Water Storage Tower be up and running, March?

DPW Supt. Nelson said give or take.

Dawn Kalisky from Lanc and Tully commented on the Water Storage Tower; it is all depending on the weather, setting the starter ring and pouring of the concrete flooring before Christmas. The tank will be under construction through the winter months and installed by March, April to be the latest.

Mayor Brescia asked how that will affect the hydraulics in the system.

Ms. Kalisky said it will have not impact, it matches the current system.

Mayor Brescia asked if it there will be a change to the water pressure in the Viking Heights area.

DPW Supt. Nelson said no, it will be the same. The pressure will increase if we raise the tower. We do not need any additional pressure downtown.

Mayor Brescia stated to possibly have more information on the Union Street Grant for the downtown area by the next meeting.

The Bandstand looks great, Walt, Maryann Helped and as well Mike Ford with the decorations. Bill Corrigan did one of the best jobs with the LED lights on the tree out front, as well. The LED lights will help on the cost of lighting the tree.

RE: APPROVAL OF MEDICAL BUY OUT

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board approved the medical buy out for Dennis Matthews, Jr. effective 12/01/2014 with the first payment on 01/02/2015 of \$166.67 and \$500.00 a quarter there after with a maximum of \$2,000.00 per year and proof of insurance. Motion carried, 5-Ayes, 0-Nays.

RE: CHANGE IN VILLAGE OFFICE HOURS FOR 2014 HOLIDAYS

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board authorized and approved to change the Holiday hours for 2014, the Village Office's will be open on Wednesday, December 24th until 3:00 pm and Closed Thursday, December 25th and Friday, December 26th. Motion carried, 5-Ayes, 0-Nays.

RE: PUBLIC PORTION

Mayor Brescia addressed the public present for any further comments.

Public: Silent

Mayor Brescia recused himself at 8:13 pm, leaving Deputy Mayor Scheels to preside over the remained of the meeting.

RE: CHANDLER LANE PDD

Deputy Mayor Scheels stated the Board receiving a response to the Chandler Lane PDD recent submission from Lanc and Tully, Planet Main Street and the Village Attorney. She asked Marc Devitt if he received a copy as well.

Marc Devitt said yes, he did receive a copy of all the responses.

Deputy Mayor Scheels asked them to be present for tonight's meeting in order to answer any questions that Marc may have.

Trustee Lindner asked Marc, or his team, if they have any questions regarding the responses. It raised a lot of issues that he feels should be addressed regarding the impact. Particularly, on whether or not we need to go for a supplemental review or an additional seeker.

Marc Devitt said both comments from Alan and Kevin; those issues are mentioned regarding a supplemental EIS and how some issues may need to be reviewed and others do not. Kevin has mentioned at the last meeting regarding not having the gas station in the initial review. I agree that that will have to be in a supplemental EIS. I know there are some things but I would like to limit the scope on what we all can agree on and what might have an environmental impact.

Deputy Mayor Scheels said yes, that is what I thought we were getting. I reviewed it and there is a lot of repetition. If we can narrow it down to the areas that we need to address.

Ross stated that when we were here last September or October, we asked the Board of this is plan. The Board suggested we have a public hearing, it was thought it was good enough at that point. We had the public hearing; there were a lot of people and a lot of comments. We subsequently had a public informational meeting last winter and have met with a number of people since then and massaged the original plan into this plan.

We did not think we were going into the SEIS issues this evening. We were hoping to have a conversation about the plan to make sure this is an improvement over the last plan. In addition, something we should certainly proceed; Marc spending money on preparing an SEIS. Marc wants to make sure everyone is on board with this. Yes, it is the right direction, subject to the studies we obviously have to do. This is what we are hoping to accomplish tonight. I am not sure if you want us to just answer questions?

If you want us to respond to some of the items, the first is the same for all three; it is the bedroom count verses density. You are all aware there are fewer units but more bedrooms. The units are three bedrooms and were previously two bedrooms. I think they feel it has a higher intense use of the property. I want to point out that we looked at the demographic numbers of people in this project and the number of people in the previous study project. Based on Rucker numbers, which Alan had actually used for his school children calculation, the number of people in this project is actually less than the previous projection. Because different multipliers were used, I do not agree with them; he average of the Town or the County and multiplied that by the number of units. This is how they came up with the population expected to be here at 504. I based it on the actual standard which is Rucker's that says it is 485 people, it is slightly less. So the intensity, it is the number of bedrooms. It is roughly the same.

Atty. Dowd said before you go, Alan would you want to address that?

Alan said I am not sure what specific multiplier you are referring to with respect to the school children.

Ross said no not actual school children but actual population on site. There was inference that the additional bedrooms were going to jack up the intensity use on the site. I do not think that is really the case, in fact, if you look at the population it is not that

significant of a difference. I think it is an over estimated population at 504 based on ruckers numbers of 485, even though we have a hundred more bedrooms.

Alan said I would have to look at.

Ross said I could provide all the information.

Alan said I think the nature of development changes, when you have more three bedroom units; you are more likely to have families with children.

(In audible): too many individuals speaking over each other.

Ross states, he did not get to Alan's comments. The School district provided a letter to the Board, specifically indicating they had capacity to service up to 100 students. It is something we had solicited from the school and it was provided to the Village Board last spring. I have a copy, I am not sure if everyone had seen it.

Trustee Lindner agrees with Alan's point if view. We are now going from roughly 48 school aged children to now 92.5. There is an increase; what Alan is saying it goes beyond just the affect on the school. He mentioned the demand for recreation around the area for other services, such as little league and so forth.

Marc stated that is what the park and recreation fee goes towards.

Trustee Lindner states he agrees with Alan it has more of an impact than how many desks there are in the school.

Marc said just looking at the SEIS that was approved, Alan's comments there did not agree with the numbers we were using. He stated using the census numbers of 2.77 of persons per household would be a more accurate number. This is what got us to the 504 that the Board approved the last time.

Ross said it was the study that the Board had accepted based on 504 people.

Trustee Lindner said would that not dramatically go up.

Marc said it does not.

Ross said I think that was an over estimation. It is based on Rucker's numbers.

Marc stated that what the environmental impact study was on that. That was the cap, if you use Rucker's numbers which is the accepted standard in the planning industry; the numbers are 485 residents in the project.

Alan said I think the make of the population is going to be mix of families with impact on water and sewer the demand for recreation activities, a greater impact on schools. You can imagine if you are going to have an additional 98 school children there, the need for recreational facilities in proximity to the development or on site. That does change the nature of the impact.

Ross it would change the demographic of the impact, it does not change the intensity of the use. It may be that the people have different demands than would have been that I would agree entirely. That is why we solicited the information from the school district because of the impact.

Alan said he recalls seeing the school letter, while they do acknowledge having capacity however, they could not say which specific school within the district the children would attend.

Ross said they reserve the right to send the children to any of the schools within the district. I guess they have had people commit in new developments to say which school the children would be attending; then suddenly change. As it happened before with the last development, the children instead of going to Montgomery Elementary were sent to Berea Elementary; it caused a lot of issues.

Atty. Dowd said now Maybrook is closed. This was not the case when the environmental impact study was done. I feel the number of children is projected to increase in this development. Therefore, maybe the school and the Board would want to look at it as far as the needs of the residents. It is not weather the school can not accommodate them but were they expecting 92.

Ross stated the letter from the school indicates a number of 100.

Atty. Dowd said there has been a lot going on in the school district in last couple years with Maybrook closing. I am saying it is not a valid letter; it is something we need to look at.

Ross said that same thing goes along with the water and sewer usage, it is based on population. The SEIS projected previously 52,480 gallons of use that is what the basis of the decision was on. We feel we will be realistically below that. Based on the reduced commercial and residential area it will be about 38,000 per day. I am talking real numbers. This is consistent with what the Village has. I looked back at what the water use is divided by the population, including all the commercial use in the Village. 64.5 gallons per person per day is what the water usage is for water in the Village. We estimated about 75, that water usage includes the commercial. On a realistic basis we think we are down below 40,000 gallons.

Trustee Lindner said lets go back to Dawn's letter from Lanc and Tully's of August 2, 2013, it sounds like we never received a response.

Ross said yes, we will address that but we wanted to get to through the plan.

Trustee Lindner said, on page four of the letter it states 4.2.7 water supply: We are concerned the statements contained in the existing conditions/original proposal section are wholly inaccurate.

Marc said we may need clarification on that, I do not understand if they are wholly Inaccurate, then why did they approve them originally.

Trustee Lindner said it talks about gallons per day and such. It states the original PPD project anticipated water usage at an average of 42,880 gallons per day. The amended

PDD project increases the anticipated water usage to an average of 54,368 gallons per day.

Atty. Dowd said she is not questioning SEIS; she is questioning the original and compliance review that they submitted last year. They are not referring to the original study we did.

Dawn said that is correct, that is for the consistency.

Atty. Dowd said the consistency review that they submitted back in July of last year with the first amendment to the plan; that is what she is saying is inconsistent.

(In audible) people speaking over one another.

Marc said we can only report the number based on what the DEC provides as standards, that is all we can do and all we did.

Ross said I agree it is inconsistent with the approved PDD. The approved PDD used higher numbers that I would ever use. It counts 120 gallons per bedroom. It is a number that does not exist in any standard. I think she is correct. I think the original DIS had a different number, a higher projection for water and sewer. I think realistically it is much lower. I have always based my numbers on the numbers there that have been accepted by the DEC.

Dawn said at 150 gallons a day per bedroom.

Ross stated actually 75 gallons per day per person; I have an approval from the DEC about 10 to 20 times. 150 gallons per day per bedroom is based on a two person per bedroom; it is based on an old standard. I have always used 75 gallons per day per person it is a realistic number. It is actually in excess of what the Village uses now. I agree it is not consistent with the based they have come up with, which I feel is conservative. It is good for us; it established a higher threshold of study that was done. I do feel we are going to be below that.

Atty. Dowd said the issue is that Ross's commitment numbers that he says he can justify but yet they have not been shown to us. They are conflicting with your own consultant's numbers as to what the count should be in the population count which affects the water and sewer usage. That is the basis I feel that all three of the consultants are saying. It needs to be looked at and studied because it is not consistent with what was adopted in the original study back in 2008, 2010 when we did the original study for the project. It is nice to say those numbers but you do not provide that anywhere on paper.

Ross said sure they are. Actually in the consistency document we submitted back last spring.

Atty. Dowd also said there is an inconsistency in the population counts with this development. I feel this will correct the problem.

(In audible) Raised voices; people speaking over each other.

Ross said if the plan is ok; I guess our next step to respond in writing to the document.

Marc said it is based on a plan that is accepted. We do not want to keep doing these secret reports and you say lose these three units and update your reports. Give us something to go on and we will be happy to answer all the consultants' comments and concerns. That is what we want to do and get to the base and move forward from there.

Trustee Lindner said the biggest issue that I see; in reviewing the plan and particularly Alan's comments. The biggest shift in the proposal other than the 110,000 square feet going to 20,000 square feet that is huge. The other part it is going from being a self contained unit with one overseer of the property and you taking care of your own plowing. Therefore, if there are any issues within the development, they go to you, or whom ever you designate as the person in charge; rather than coming to the Board or Buddy. That is really big. I understand that by going fee simple, we get more tax revenue. I guess my question is has anyone looked at the impact to the Village of it being self contained vs. Buddy and all his people doing all the work and the additional revenue. Is that enough to cover the extra people, work, and equipment?

Ross said that we do need to provide that for you. I think the only change here is potentially significant.

Trustee Lindner said Buddy mentioned catch basins that the Village will be responsible for and other things of that nature. It is great to be a TND.

Ross said it feel it is too small to be a TND. It needs to be a little more spread out to. It is too small.

Marc said a TND is a traditional neighborhood design. It was done in Seaside, in Florida are more famous ones. If you look at the Village of Montgomery design, it has the Village proper and the business core in the downtown area and that is the central focus. The residence was built all around it. We do not have a convenient store in the middle of Viking Heights and a bookstore in the middle of presidential heights. The focus was the downtown area. The main focus was a supermarket, which is does not have a feasible tenant right now; that was in the center of the project. To say someone is not going to walk from Cardinal to any kind of commerce or walk to work, it is no true; especially with the sidewalks that we have.

Ross said within 2,000 feet is kind of the whole project. It is a microcosm of a TND. When you look at those things you are looking at walking distances. You are talking ten minute walk time to destinations.

Alan said that is why I think the original proposal...I do not think was meant to stand on its own on this site. Other people in the Village would also like to walk to the center; it was meant to be intergraded with the Village. It was within walking distance and tied into the pedestrian system in the Village. It would be nice to incorporate those elements back into the design of the project. What you have here, you have segregated the uses to a great extent.

Atty. Dowd said one of the original alternates; if the grocery store did not go in, it would be commercial buildings with residents above them in the interior section of the project.

Ross said you actually have to have store front where people can see them; if you are able to rent them. It does not work economically. If you had a thousand residents around it, sure absolutely. For the size of the project, that does not really work. You need to have commercial traffic to be able to rent something.

Marc said we still want to incorporate a TND with the alley ways and the street design. The garages in the back of the houses and townhouses; we want to maintain that. The apartments are still going above the commercial; it is still a mixed use building. We are not taking that away.

Trustee Hembury said my only concern; you did a good job presenting it to the residents. After they left there you were asking for their option. My concern is dedicating the roads; after talking with Buddy. For instance, in Spring Meadow we are not responsible for the roads. You really have to have extra personnel to do the alley ways, it would probably take a whole day to clear the alley ways.

Ross said the alley ways are going to be privately maintained by the HOA. It would be the main roads.

Trustee Hembury said again, like Spring Meadow they do their own sanitation themselves. It seems to work well. My concern is about any stress on the Village personnel.

Marc said certainly we can provide all of the fiscal impact that would be on the DPW as well as the Police Department and what it would take to maintain the streets. It is still at a tax positive. I did sit down with the Departments. I was thinking of Mason Street just getting paved that did not come out of tax dollars; it comes out of the entire Villages tax dollars. When you have a project that is brand new water and sewer; they are all paying water and sewer fees, that money is not necessarily going to fix pipes here. It is going to improve infrastructure in other areas that are needed. The roads, you are talking about garbage pickup, snow plowing and salt. The initial impact, those roads are not going to repaved anytime soon.

Trustee Hembury said no, but thirty years from now, the new project being built to pay for that project.

Marc said that is all cyclical, so now Mason Street, in ten years those fees paid in taxes might to pay Senior Street and so on.

Trustee Hembury said I agree. In Spring Meadow the development, it pretty much runs itself.

Atty. Dowd said that Dawn stated in her report on the streets, is the lack of public parking for the residents as well as any visitors to the project. As you know in Spring Meadows there is a whole area designated for those people living there, across the drive there is about 6, 8, or 10 spaces for visitors.

Trustee Andolsek said my son owns a condo, there are not that many parking spaces for visitors there.

Atty. Dowd said if you allow them to park on the public street, how is Buddy going to be able to plow the streets?

Marc and Ross agree that was a good comment.

Ross said sometimes you look at the plan and you do not see something looking right at you. For the single family home there is plenty of space and the townhouses there is a parking space and the garage, so that is two. These are thirty foot wide roads. We are proposed to have parking on one side. The beauty of this is the entire driveway garages are accessed through the rear of the house. Therefore, there is nothing to break that up and you have clean parking along the whole frontage.

Atty. Dowd said, you are basically saying the people with the single family homes, they cannot have more than two cars. If you have three bedrooms in those units, they could possibly have a third car.

Ross said they have a two car garage on the single family homes with two cars off street parking. The other homes have a garage and two off street parking spaces.

Marc said we agree with Dawn's comment to create some street parking.

Ross said we will have to add that to the plan.

Atty. Dowd said creating on street parking creates a problem; especially this time of the year for Buddy.

Buddy commented and does not like to compare it to Angelo Drive; you know the way it is set up, that is my worst street aside from Clinton Street for moving cars. They have garages and no one used there garages because of the lack of storage.

Ross said that is something the HOA can regulate.

Buddy said now they have big SUV's and once they park the SUV and a car, the car is halfway over the curb by two feet. It is a plus to have the driveways in the back.

Marc said most of the Angelo Drive garages are single car and one space behind. We have two car garages for the single family homes. We talked about doing the same thing for the townhouses as well. I think we can make that work.

Dawn asked the homes on the cul-de-sac, they have two car garages as well.

Ross said no that will have to change to, two car garages.

Dawn said if the Board is inclined to go with the single family owned lots, you will have to look at the area on them because most of them do not meet the your minimum.

Marc said we looked at that comment as well and we agree. We will make sure we address all the minimum requirements.

Atty. Dowd said if you make all the townhouses two car garages is there going to be any green areas.

Ross said the green areas will be in the front, the alley ways are in the back.

Marc said there is more green area then there was in the previous approved project.

Ross said the loss of commercial is a concern and I will provide a detailed analysis as well. We are going from condominium to single family homes or townhomes. We think that we exceed the ratable.

Atty. Dowd asked if they used the assessor to get the numbers on the project, is that how you calculated the numbers?

Ross said no, I have been doing it for years based on past experience on fiscal analysis. Based on why condominiums decrease in value in their assessment.

Atty. Dowd said, as for as the estimate tax revenue for the loss of the commercial ratable.

Ross said I am doing it based on the analysis of what I believe the total market value of what this project is and the total market value of the previous project was.

Marc said again there is definitely going to be changes with this project and the previous project; that is based on a lot of feed back from the public.

Ross said everyone seems to be concern about the convenient store and the gas station. We will talk about it and respond to the comments. It is 1500 feet from the wells and it is down hill from the wells. We ask that it be a special use, subject to the Village Board approval. Therefore, if there is more detailed analysis that you need, they could not just get a building permit or go to the planning board. It would have a higher level approval to do that.

The cul-de-sac, Dawn pointed out that is over 400 feet long and 640 feet to the center. This is a PDD; therefore, there is a lot of flexibility. We think this plan makes sense in the way it's laid out apposed to a through road somewhere that would not serve a significant purpose.

The sidewalks would obviously be dedicated right away. The sidewalks are off set, away from the roadway, maintaining a green space as not to encroach on the property.

Dawn has a comment on the 20 foot wide alley ways; we meet all fire department access codes without any alleys. We said to the fire department, why widen them if we meet all the criteria. The fire department said, "If you have them, we will go down them". Therefore, we widened them to meet all fire department codes.

The comment about the separation of the buildings, we proposed 30 feet; the original PDD many of the mixed use buildings were 15 to 20 feet apart. There is section in the code that mentions multi family about 35 feet. We feel the PDD gives you the flexibility to do that; where we are proposing 30 in lieu of 35 feet. It is greater separation than many of the mix use buildings have in the original plan.

Dawn also pointed out there is less parking than code requires, that is true statement; then alternative plan B which is all commercial. The alternative A, which is apartments

above, is sufficient parking; we are slightly under for the entire commercial. We think it is over parked in your zoning, because of the number of different uses at different times. We do not want to over park it and build paving for no reason. We feel it is sufficient parking. We can not go into different analysis until you know what is going in there.

The wells, as Dawn pointed out, are going public; wells with 100 foot and 200 foot radius of control around each well. We will show that on the future plans. The Village will have to own 100 feet and have some kind of control if over 200 feet.

Atty. Dowd asked if the cul-de-sac is going to be up or down graded from the wells?

Ross said it is upgraded from the wells.

Atty. Dowd said one of the problems that I have seen in other communities is where salt from the road ways gets into the well and you have one heck of problem with the DEC and digging new wells. This is going to municipal supply, if you are putting the dumping area for the snow and ice on the cal-d-sac. Again, it is up grade from the wells and it is within 500 feet from the wells.

Ross said it is 200 feet from the wells.

Atty. Dowd said what is to stop the wells from being contaminated with salt.

Ross said, good comment we will have to look at how we deal with the drainage for that area and so that we make sure the drainage is discharged away from the wells. In order for the wells not the have an impact.

Dawn said the same situation for road C and the alley way.

Ross stated these are technical things that were probably addressed in the original plan.

Atty. Dowd said in the original plan you did not have a snow drop off point. It was also private roads and not public roads.

Dawn said there was a loop road on the internal and no dead ends into the well areas.

Ross said we will look at that and make sure that does not happen.

If everyone is comfortable where we are at, we would like to prepare a response to the consultant's comments and so forth.

Atty. Dowd asked if they could reorganize all the lots so they all meet to what you are proposing to do.

Marc said yes.

Atty. Dowd stated that Dawn mentioned the lots being less than 5000 square feet.

Marc said we will clean that all up.

Atty. Dowd stated again Dawns comment about the DOT and Route 211.

Ross said they were requesting some up turn lane improvement and so forth that could impact the lay out. Going forward, if this is the plan we are going with, we will have to meet and talk with them about this plan. Our projections are about 50 percent of the traffic then there was previously. We will have to provide that information to the DOT and see if we could get some relief from some of the requirements, again, as far as the turn lanes and so forth.

Dawn said if you do not, it does have a huge impact. Before you get too heavy into the plan, you are at the Planning Board level, and you do not have DOT approval.

Atty. Dowd asked Marc; why are you moving the community center with all the population in there.

Marc said we will put them back in. It is something we will look at

Atty. Dowd said that seems ideal for the residents to use for parties.

Trustee Lindner asked when you review the letters, can you also address some of the main points; where there is a need to go for a supplemental, whether you agree or disagree.

Ross yes we will respond to all.

Marc said I think both Kevin and Alans comments site the SEIS, or any additional adverse environmental impact that were not previously looked at that would trigger the supplemental impact.

At the next meeting, after we formally respond to the all the comments getting there and down to it, if there is going to be a supplemental SEIS required; then what are those issues that you would like us to study.

Trustee Hembury commented on the community center. Do all of the other developments have a community center? I would hate to see that become separate.

Marc said Spring Meadows had it, it was a house, and it was converted so I could be billed for sale. No one was using it. Spring Meadow is set up a little differently than what we have here. I would like to see that more of a private use for the residents of the HOA, that could have a potential membership from the community as well. Therefore, if there was a monthly fee associated with the residents, if any one wanted to join they could pay the dues and share the same benefits of the building.

Trustee Hembury said he would hate to see that pull away from the center of the Village. It could become a hang out.

Atty. Dowd said his thought is for the need of the residents of those occupying the homes.

Marc said I would rather them rent the Senior Center from the Village.

Trustee Hembury states none of the other developments have a community center. I know from the past where it worked; and growing up community centers turned into hang outs. That is just my thought on it.

Marc said I agree you want them as an integrated part of the community.

Dawn said based on our original comment back in August, 2013, that was on the majority is not applicable to the revised concept layout. We can basically all agree that the consistency review that was submitted back in May of 2013, we are not looking at that anymore. We will be looking a new document.

Ross said we will respond specifically to your comments and reference the review to say it is still valid or provide you with updated numbers. It is based on the current now, we are at 160 or 170.

Dawn said there were a lot of areas that there would be no environmental impact, and others that do and studies will be needed for a decision to be made on the project receiving approval.

Trustee Lindner said you will also give us a cost comparison on the fee simple and the self contained.

Ross said yes.

Marc thanked the Board for their time.

Deputy Mayor Scheels and the Board thanked Marc as well. She addressed the public present for any additional input.

Pubic comment: Silence

RE: ADJOURNMENT

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adjourned the meeting of December 3, 2014 at 8:43 pm. Motion carried, 4-Ayes, 0-Nays.

Monserate Rivera-Stanley, Village Clerk