

**PINE PLAINS PLANNING BOARD
WORKSHOP MEETING- 7 PM
APRIL 8, 2008**

IN ATTENDANCE: Don Bartles, Chair
Jon DePreter
Sarah Jones
Bruce Pecorella
Vikki Soracco
Kate Osofsky (arrived 7:20 pm)

ABSENT: Ken Mecciarello

ALSO PRESENT: Jack Grumet, Town of Milan
Nan Stolzenburg
Warren Replansky
Ray Jurkowski (arrived 8:15 pm)
Matthew Rudikoff
Alexander Durst
Helena Durst
Ross Williams, Town of Milan
3 members of the public

Bartles opened the meeting at 7pm. He stated that he feels the Board has many questions and would like to discuss the next steps in the process. Bartles stated that the Board is obviously not finished with the comment period but has to get ready for the next steps. Bartles asked what the Board should do to digest the comments and go on. Stolzenburg stated those were important questions. She stated she is not looking for the Board to make any decision about the direction as the comment period is not over. She stated what the Board needs to do is talk to each other about what they have heard, what they are concerned about and where they want to go. Stolzenburg stated she could give the Board some of the technical stuff on what the next steps are but is really interested in what the Board has to say about the direction they think they would like to see it go and what kind of things the Board thinks need to be addressed. Stolzenburg stated that technically when the comment period is over what the consultants need to do, if the Board wants them to and she is assuming they do, is take all of the comments that have come in and organize them by substantive comments so the Board has an easier document to digest. She stated they would list the substantive comments and things that have arisen that the FEIS or whatever comes next would have to address. Stolzenburg stated that the immediate next step is to synthesize all of the comments into something and address them. Stolzenburg stated she wants to hear from the Board what their thoughts are, what they have heard and what their concerns are. She wants to know what kinds of things the Board took away from the comments so far and she would like to accomplish that tonight. She also would like direction on how to proceed. She would like to know if there are certain things the Board would like the applicant to go back and address or if there are things the Board would like the Town's consultants to go back and address and

what form that takes. Stolzenburg stated if the Board has questions about the process, that can be addressed but she really wants to hear from the Board what they are thinking and in what direction they would like it to go. She stated the consultants need to know this in order to determine what steps should come next. Stolzenburg stated she would like the Board to start talking about the project.

Replansky stated the next big step in the process is the preparation of the FEIS. He stated that is the responsibility of the Planning Board as Lead Agency. He stated it could be done by the Board's consultants or it could be done by collaboration between the applicant and the Planning Board. Replansky stated prior to that the Board will have some big decisions to make in terms of the substantive comments that have come in on various chapters of the DEIS in terms of how the Board wants to handle that. He stated the Board would need to decide if they want the Town's consultants to examine the comments and evaluate them and give input to the Board as to whether there needs to be more work done by the applicant in supplementing the DEIS or whether a supplemental DEIS will be required on one or more issues. Replansky stated this will have to wait until all of the comments are received. Replansky stated he received some today from Pine Plains United and they fall under the categories of completeness of the DEIS in terms of not following the mandates of the scoping document. Replansky stated that those comments, given the level of detail they have gone into and the credentials of the commenter such as Michael Klemens, have to be looked at very carefully by the Board and consultants. He stated the Board needs to come up with a plan of attack as to how to deal with these comments. Replansky stated once that is done it could result in corrections or additions to the DEIS or even a supplemental DEIS. He stated you then go on to the FEIS stage where you incorporate everything in the DEIS and also address each of the substantive comments that were made on the DEIS. Replansky stated he doesn't know if the Board can make any decisions on how to proceed tonight but wanted to advise the Board of what they are in for. Stolzenburg stated she wants to get the discussion going on what the Board thinks so far. She stated she would like some preliminary discussion on preparing the next step and how the Board wants the consultants to help them prepare whatever the document may be.

Bartles stated his first question is how to deal with the challenges to the completeness of the DEIS. Replansky stated you deal by evaluating the merits of the challenges. He stated reasonable minds can differ on a scientific basis and the fact that there have been challenges to the completeness doesn't mean the challenges are valid. Replansky stated some of them may be valid but the Board needs to evaluate those challenges and he doesn't know how they can possibly do it without getting input from the Board's consultants. Replansky stated they may have to go back to certain sub-consultants on transportation issues, community character issues and certainly the bio-diversity issues. Stolzenburg stated that from the beginning all of their comments from the review of the DEIS to the Board had completeness comments and substantive comments and they always had trouble with that artificial line of what was a completeness issue and what was a substantive issue. She stated there are many substantive issues that have been on the table from the very beginning that were issues related to interpretation of the data and conclusions drawn from the data. She stated it is a hard thing to know what is completeness versus what is substantive but the SEQ process allows for new issues that the Board didn't know about in the beginning to be addressed or new information

that has arisen to be addressed through a supplemental or through the responses in the final. Stolzenburg stated it is not that the Board is going to go back and deem it incomplete. Bartles asked if there is a mechanism that could actually trigger that. Stolzenburg and Replansky stated no. Stolzenburg stated the Board would move on to a supplemental or address it in the final. Replansky stated the Board could address the issues in a SEIS and then go through the whole public hearing review process. Replansky stated it is one way of dealing with some of the issues. Replansky stated the other way might be something less than that and that is simply to amend or add to the DEIS. He stated the Board has a great deal of flexibility especially in this case because the Town has an agreement with the applicant that the Board is not strictly bound by the SEQR timeframes. Replansky stated that in practice Lead Agencies come up with a variety of ways to deal with public review. Replansky stated the Board can be creative in the ways to figure out how to deal with the problems whether they be issues of completeness, failure to follow the scoping document or whether they just followed incorrect methodologies or whether the information needs to be studied more and analyzed. He stated there are various tools and mechanisms to deal with it. Stolzenburg stated it may be a combination. DePreter asked if the DEIS is amended does the Board still have a public hearing on it. Replansky stated no. Replansky stated if they amend it to a supplemental then you do. Replansky stated that the public gets nervous because they want to make sure they are able to comment on the amendments and the applicant doesn't want to start all over with the process again so you try to reach a happy medium. Replansky stated that SEIS's are supposed to be used only occasionally and there are strict criteria for them which is usually triggered by a change in the project or newly discovered information. Replansky stated that whether there are deficiencies in the DEIS constitutes newly discovered information is something open to debate. He stated if a group or a commenter comes in with information about the environmental impacts that the Board hadn't known about before that could be deemed to be considered newly discovered information which could trigger a SEIS. Replansky stated they will just have to sit down and see what issues they are grappling with. Replansky stated it is not an issue that can be decided tonight as the comments will have to be looked at very carefully.

Bartles stated he is trying to figure out a way for the Board to digest the comments. He stated matrices have been used before. Bartles asked what the applicant's role is in this process. Stolzenburg stated that she feels it is the Board's role to take this information and use it in whatever way or whatever tool they want. She feels it is the Board's and consultant's job to pull it together and find the substantive issues. Pecorella stated he would like to see it in a matrix to identify the subcategories and the person(s) who commented so the Board could review that. DePreter stated if it could be broken down by categories such as open space or sprawl. Stolzenburg asked if they wanted it organized by chapter and by topic. DePreter stated yes that would be helpful to him. Stolzenburg stated then it could be a matrix by what are the other things you are comparing it against like who may be the appropriate entity to address that issue. Bartles stated that DePreter brought up one of the most glaring ones that they all see which is the definition of open space. He stated he thinks they actually have to see that in front of them and then make a decision as a Board how they define open space. He stated that is just one example. Bartles stated once the Board is comfortable with what their definition is, they can go back and have the applicant respond to that. Stolzenburg stated that Milan already has a definition and there have been differences

of opinion as to how that definition got interpreted. Bartles stated it has to be resolved as long as it is out there without a definition the Board can hang on to it will always be an issue. Replansky stated the open space issue is tied directly, in his opinion, the issue whether this constitutes a conservation subdivision. He stated it is broader than just the open space; it's whether this meets the criteria of a conservation subdivision and whether the applicant should, at this point, consider as an additional alternative the provisions of the proposed zoning law that has been presented to the Town Board. Replansky stated that does create a change of circumstance that didn't exist when the scoping document was done. He stated that seems to be the thread in a lot of the criticisms that this doesn't constitute a conservation subdivision and doesn't comply with the Comprehensive Plan and doesn't comply with the proposed zoning. DePreter added Greenway also. Replansky stated the Board will have to reach a decision which may take into consideration open space issues, clustering issues and a whole host of planning issues as to whether you may want to require the applicant to prepare another alternative which would be more in keeping with the proposed zoning law which reflects the Comprehensive Plan. Replansky stated that, unfortunately, will require an SEIS. Replansky stated there is litigation on that where there are some cases that state if you consider an additional major alternative to the project that has to be done through an SEIS. Stolzenburg stated it is not just the design/layout; it is all that goes behind it and with it. DePreter stated it is just not the definition but the whole approach. Replansky stated what the Board will have to be guided by is what is in the Comprehensive Plan and the proposed zoning. Stolzenburg stated the proposed zoning has a definition of open space. Pecorella stated that it was his understanding that the process stops at a certain point to wait until the moratorium is lifted. Pecorella asked how much this will change everything that the Board has done for the past two years. DePreter stated that the headway the Board can make is thinking about a less spread out design and would be a direction they could move in that would be somewhat constructive. Pecorella asked if they were wasting the applicant's money going through this whole thing and then have changes when the zoning is adopted and the moratorium is lifted. Replansky stated the applicant had the option at the onset not to move forward. He stated the Town did not require the applicant move forward but what happened was if they wanted to go through the process with the moratorium in place, they could. It was their choice with the knowledge that at the end of the process the zoning law may be adopted which would seriously impact this development that is on the table. Replansky stated it was the applicant's choice to move forward and the process cannot be stopped because you don't want to spend the applicant's money. Pecorella stated it was a poor choice of words but why don't we parallel the proposed zoning with the applicant. Stolzenburg stated that is one thing the Board needs to discuss and that is one way forward. She stated they don't exactly know what the end product of the zoning will be but they have a lot closer idea of where it is heading. DePreter stated it was the applicant's choice to go forward so the Board has no choice but to do that. Replansky stated if the Board gets to the end of the process and prepares an FEIS, the process stops. He advised that normally the process would not stop. Normally the Board would take the FEIS and make a findings statement whether the environmental impacts of the project had been mitigated to the fullest extent possible and whether there should be approval of this project. Replansky stated it is conceivable that if it went to a findings statement, even without a new zoning law, the Board could say based upon the proposed density they feel it is not consistent with the Comprehensive Plan and creates a negative impact on the community character or whatever

and the project could be denied. Replansky stated that will not happen because we have agreed to wait until the zoning is in place. He stated whatever application is going to be considered by the Board for site plan review and subdivision approval has to conform to the new zoning law and it is conceivable that the plan might be a substantially scaled down plan. Replansky stated that may or may not trigger an additional environmental review because of the impact to the project as a result of the new plan are less than before you may not require another environmental review of this project. Replansky stated it is premature to speculate. Stolzenburg stated that she knows more substantive comments will be coming in. She advised that she and Jurkowski are preparing a set of comments. Replansky and Stolzenburg encouraged the Board to talk about what the Board thinks about the project now.

Bartles stated what he has to do is take the comments and then go back into the DEIS and refamiliarize himself with what was said. He stated there were the open space issues and the character issues but there were also all the fiscal comments and the emergency services comments. He stated he has a general knowledge of what is in there but has to go back to the DEIS to answer the questions he has. Stolzenburg stated that what she is hearing that the first step is the Board needs some sort of matrix or tool that can synthesize all the comments with relationship to the chapter in the DEIS. Stolzenburg asked how they wanted to prepare the matrix. DePreter stated he has seventeen things that, if there was a matrix, punch his in and see if they match other issues. DePreter stated he has little things like there are 20 foot road proposed and there is a 22 foot mandatory in Milan that add up. DePreter stated it may be good to email each other the concerns they have that need to be addressed. DePreter stated that there are a lot of little things besides the major ones that may be brought out. Replansky stated that there is another category of comments that are very detailed and very specific and really require a re-review by the Town's consultants and sub-consultants. Pecorella stated he would like to see the comments from the Pine Plains United consultants and the Town's consultants and see what is different between the two to see if there was anything that was missed. Pecorella stated traffic is one issue he sees. Stolzenburg stated there are some things that were missed like the traffic and road issues that she doesn't recall seeing before. She stated many of the broader issues have been brought forward before. She stated that fiscal impact is a prime example. She stated that the Pine Plains United review concurred with the Hudson Group's review but differed in their opinion of completeness. Stolzenburg asked if it would be helpful if the matrix had these issues and then indicated new issues that had been brought to light. DePreter asked if it would be completeness versus substantive. Stolzenburg stated she didn't think that would be so helpful. Replansky asked if there was a reason they couldn't send the Chapter 14 comments that are quite detailed back to the Hudson Group to see whether they agree additional work needs to be done. Replansky asked why the Town's consultants couldn't take a look at the comments that were made on the visual impact as there is a basic disagreement that the applicant didn't use proper methodology. Replansky would like to see what the Town's consultants say about that and that can be started immediately. Replansky said maybe they would want to have Erik Kiviak look at Michael Klemens' stuff when it comes in. Bartles stated while the Board is doing their individual issues, there are some major issues that have to be addressed. Bartles stated the Board relied on their consultants' comments and there were a number of things the applicant agreed to that were going to be treated as substantive rather than completeness issues. Bartles stated he is sure they are prepared to address that or will be. Bartles stated

that the traffic consultant stood up and said everything was done right and then went off to discuss character of the roads and that isn't quite what Bartles expected. Replansky stated he said they did not do a rural analysis and it wasn't appropriate as it was a suburban analysis. DePreter said he also said that there was not enough construction traffic study. Stolzenburg stated he also talked about the safety issue of adding extra curb cuts onto Route 199 which was not adequately addressed. Replansky stated he sees no reason why the Board can't get a jump on having some of the sub-consultants look at these issues. Jones advised that she is in the situation where she has come into the process late and has read a great deal of the DEIS even though she wasn't part of the process. She stated that she feels the DEIS is a tremendously flawed document throughout because it says this is a conservation development. She stated this is the Board's environmental review and this is what the Board goes forward on and, from her perspective, the Board needs to do something with it. She stated the project isn't what it says it is and she is troubled by that. She stated that given the kind of consultants that were heard from and the kind of data that was brought forth, she certainly thinks that a supplemental is needed and thinks the public is entitled to be reheard on this large project, one of the largest to ever go through in Dutchess County. Jones stated she is troubled by it and how to make the DEIS into an FEIS that is the Board's. Jones stated the Board has a lot of power to do that. Replansky agreed. He stated you don't rewrite the whole document. Jones stated she gathered that. Replansky stated the DEIS is the product of the developer with the Board's guidelines. He stated the FEIS is the Board's document and how the Board makes it their own is the Board's choice to make. Replansky stated you can't base it upon the general consensus of what was heard but chew into it. Replansky stated that everything in the comments is not necessarily meritorious. Jones agreed. Replansky stated the Board must focus on what aspects of the DEIS they want revised and how to go through the process. DePreter stated one of the biggest things he is walking away with is that it is not a conservation subdivision. He stated this has been brought forward by some very credible people such as Dutchess County Planning, Dutchess Land Conservancy and Scenic Hudson. He stated that even the DEC came down to tell us they had concerns with some of the natural resources and some of the wetlands' buffers and crossings. Stolzenburg stated the Board had a lot of that information from the beginning as well. DePreter stated he agreed. DePreter stated when this was brought up it would be put as a completeness issue. Grumet asked Replansky if it would be any advantage to the Town to hire another consultant as an independent opinion. Replansky stated the Board might reach that point if it impossible to reach a consensus. Replansky stated he feels the Board should start with the Town's consultants reading the comments and offering their opinions. If the Board is still not satisfied, they might hire someone else to take a look at it. Replansky stated he is aware that during a lot of the meetings with the applicant they took the stand that certain issues were completeness issues and wanted to get the document out to the public. Replansky stated now the document is out to the public and there are a fair amount of comments that are credible. Replansky stated the Board has a lot to digest and now it is their document. Stolzenburg stated it is the Board's decision on how the final document gets together. She stated the Board can ask their consultants to prepare it, they can send it back to the applicant to be restudied or rewritten and that contributes to how it is the Board's document. She stated the Board has the responsibility of putting the FEIS together and figuring out the best way to get it done. Replansky stated that he feels the Board will find that most of the comments will fall within the reports that will be received by the professionals. Replansky stated the best way

might be to ask the applicant to prepare another alternative section to the DEIS and then give direction on what you want to see in that alternative section. Stolzenburg stated the Board needs to start giving some direction. Stolzenburg stated that if the Board asks for an alternative design and we want you to look at the visual and traffic issues of that alternative design that is a different process than asking the applicant to go back to the 935 homes and address all of the issues that have been raised. She stated those are two totally different pathways. Jones stated she doesn't see how the Board cannot include the other 100 lots otherwise she sees it as a segmented project. Replansky asked if she meant the already approved lots. Jones stated yes. Jones stated it cuts right into the middle of the project and makes no sense to her. Replansky stated it is hard for him to believe the applicant hasn't thought about an alternative plan or isn't thinking about it. Replansky stated if the Board did take that approach it could resolve a lot of the issues that were raised in the visual impact and the transportation comments. Replansky stated if you make the issues go away they don't have to be dealt with. Replansky stated there is case law that says you can consider an environmental review a proposed comprehensive plan that hasn't been adopted. Replansky stated that once the Zoning Commission has presented a proposed zoning plan to the Town Board, it is entirely appropriate to take that document, even though it has not been adopted, and address it in the alternatives. Replansky stated that at some point the consultants for the Town need to sit down with the consultants for the applicant and discuss all of this and see what is on their minds. Stolzenburg stated the zoning may change in terms of numbers but whatever zoning comes out will be consistent with the Comprehensive Plan which clearly identified the kind of environmental features to be protected and the concept of a conservation subdivision. Stolzenburg stated the Board doesn't need a zoning law to look at this and follow the philosophy that is laid out in the Plan for a conservation subdivision and draw conclusions of what that design should be to meet those goals. Stolzenburg stated the approach that it was designed at did not follow the approach from the Comprehensive Plan. She said a true conservation subdivision starts, not with road design, but with the resources that are on the land. She stated the goals of the community are what you want to protect. DePreter stated that pretty much all of the land agencies said that. Replansky stated that there is an accepted methodology for a conservation subdivision. Stolzenburg stated that, regardless of what the zoning says in terms of numbers, etc., she doesn't feel that approach would change as far as identifying the features and the buildable areas to create something consistent. Stolzenburg stated the Board's direction matters in not just the end product but the direction in how to get there. DePreter stated that he feels they should come up with a design that is more appropriate instead of doing it all over again on 975 houses. Stolzenburg stated she didn't want to give the impression that everything in the DEIS needs to be discounted. She stated there is a lot of information to build on so it is not like we are sending it back to square one. Osofsky stated that she would like to talk about something that would be more appropriate and study that and not the 900 and some houses. She stated then she would feel the Board is talking about something they will eventually see. Pecorella stated he would like to see the one hundred homes included. Replansky stated it could come up as a mitigation measure. Stolzenburg stated there were pieces of it in the DEIS. Stolzenburg stated the broader argument was that it is an already-approved subdivision that is part of the project in terms of the infrastructure. Replansky stated the problem is that the lots are approved but non saleable right now because there are still stop-work orders from, he believes, DEC that prohibited them from selling those lots because the infrastructure was

never built for that subdivision. He stated there was to be sewage and water provided that was never constructed so those lots cannot be sold. He stated the only way those lots can be developed is to tie them into this subdivision. He stated to ignore them and say they are not part of this development is fiction. DePreter stated maybe that can be corrected.

Replansky stated that the DOT is not weighing in on the DEIS because they never got an application for the turning lane on the Taconic State Parkway and there was to be an escrow fund established. He stated this is disappointing because he understands the amount of the escrow fund is not a lot of money, approximately \$2000. He stated he doesn't feel the process can be stopped as DOT requested, he doesn't know how the Board can fully evaluate the project without knowing whether that is going to receive DOT approval. He stated he feels it is a major problem for the applicant by not going forward with the review by DOT. He stated the Board may have to find that they can't approve the project because the traffic impacts cannot be fully evaluated without DOT comments. Stolzenburg asked how DOT does not comment as an involved agency. Replansky stated they are not required to but the problem is the Board is left in a quandary as there is a dispute between the applicant and DOT over what seems to be a very simple matter. He stated this leaves the applicant and the Board in a position where they are left to wonder what segment of the traffic issue in terms of ingress and egress to the site will be resolved by allowing that turning lane. Replansky stated if he were the applicant he would move forward and get that review so the Board can get comments. Replansky stated he spoke with their counsel and asked them to review this as an involved agency. He stated it is a huge piece of the puzzle that seems to be missing. Stolzenburg stated do we ask DOT and the other involved agencies to review the whole thing if the Board wants to go in a different direction. Replansky stated that ultimately the Board may say the impacts of the project are fully mitigated because they don't know about the turning lane. Replansky stated it would be nice if the applicant did what they had to in terms of dealing with DOT so that the Board can get some information.

Soracco stated that she agreed with DePreter in terms of a more appropriate project. Replansky stated maybe the Board should think about meeting with the applicant to talk about this. Replansky stated he feels the Board is leaning towards a more appropriate project and an alternative plan would respond to a lot of the comments. Stolzenburg stated she doesn't feel it is premature provided that there is a clear direction from the Board. Jones stated she wants to see a conservation subdivision that is a conservation subdivision because you can call it that but it is not. Jones states she wants what they say it is. Replansky stated the Board as a Lead Agency could create its own conservation subdivision and charge it back to the developer. Replansky stated he was suggesting some discussion would be appropriate. Jones stated she wants a good project. Soracco stated she feels that the Board should try to work with the developer. Soracco said lets put it all together and figure it out and move in one direction. Stolzenburg stated she has been re-reading all the memos to refresh her memory. Jones stated she doesn't have those memos. Stolzenburg stated she will make sure she gets them. Stolzenburg stated that she would take a lot of the things that have been out on the table before and putting them in a form saying here is the fifteen or twenty concepts that the Board could agree on. These are the kinds of things the Board would like to see happen so that the Board is giving them some direction. She feels this would help everyone. Short discussion followed. DePreter advised that he would like to use some of Becky

Thornton's concepts. Replansky stated the Board should plan another meeting after they digest all this. Pecorella stated he would like to see the Comprehensive Plan used as a guide and once the zoning is approved they would have to comply with that. DePreter stated that one concern might be that it is more hamlet-like around the lake and another concern would be to put a high priority on not seeing the homes from Route 199. DePreter stated the Board might say they don't want to see any houses from 199. Stolzenburg stated it is not just the number of homes, it is the layout. She stated you can have a really great layout with a high number of homes so it is not so much the number but how it is designed. She stated she is not saying the number doesn't matter and it doesn't have impact because it does but both have to be looked at as separate issues. Pecorella stated if there are fewer homes there will be less trickle down to the school, fire, etc. as an impact. Jurkowski stated the Board needs to provide the applicant with guidance. Stolzenburg stated she has a whole list of things in terms of the design concept type thing. She stated maybe the thing is to develop the concept list and have the Board agree on that and go from there. Pecorella stated as long as public comment is taken into consideration. Stolzenburg stated absolutely. Replansky stated the Board can have their own comments completely different from the public. Stolzenburg stated she could take what she has heard tonight plus the public and do a draft for the next meeting. At the next meeting the Board would agree or disagree on concepts until the Board comes up with guidelines. DePreter brought up affordable housing. Replansky stated there is an affordable housing provision in the proposed zoning law which requires a certain amount of affordable housing. Short discussion on affordable housing followed. DePreter stated there have been a lot of comments on that. Bartles stated that the concept is a recreational community not a residential community and asked if the definitions like suburban versus rural really fit in this concept. Bartles asked if the whole plan is changed is it not moving towards full-time residential versus what the plan is proposed as a part-time recreational community. Bartles stated he has trouble with this and is not saying it is anything more than looking at the DEIS based upon that concept and there is a whole new set of rules that come into play when you have part-time housing versus full-time housing. Bartles stated it is not a traditional suburban subdivision. Replansky stated he has never seen a zoning law that deals with part-time housing. Replansky stated you can create senior citizen condominiums where it is restricted but when you create subdivisions there is no way of mandating that it will be part time. Replansky stated you treat it the same way you treat full time. DePreter stated if it is done correctly, a conservation subdivision would add to the value of the homes. Stolzenburg stated it depends on the amenities. She stated the amenities add to the other uses of the property. Replansky stated if you go to second-home communities down south the houses are clustered and not spread out on large lots. Replansky stated there is no way to require the developer to make sure the homes are second homes. Bartles asked if the Board should be treating everything as if it is full-time housing. Replansky stated yes. DePreter stated if it is designed properly and if people use it part time or full time, it is not really the use but the fact of the way it lays on the land as a conservation subdivision. Bartles stated there is a lot more to consider such as traffic and school impacts. Bartles stated that DePreter is looking at one little portion of the impacts. DePreter stated that the traffic would be different. Stolzenburg stated in many cases they did whether you agreed with the conclusions or not. They did do secondary homes versus primary homes. Grumet stated that what Replansky is saying is that it should not be considered as a secondary home community as there is no way to enforce that. Replansky stated that is one

way to look at it. Replansky stated you can't say it is mitigated because it is intended to be a second home community because there is no way of enforcing it. DePreter stated that you could make the argument there is more need for police with part time residents. Osofsky stated there are more fire calls to houses with automatic fire alarms. Replansky stated that he doesn't know that there was any sort of commitment on the Town Board's part to take the roads over as Town roads. Replansky stated the Town Board could say they don't want to take them over.

Short discussion on the DOT situation followed as Jurkowski was updated on the situation. Replansky stated it is not a huge financial commitment the applicant would have to make. Bartles stated that Rt. 199 is his biggest concern as that is where all the traffic will go. Replansky stated he would put in another call to DOT. Discussion on traffic followed.

Replansky asked if everyone was up to date with comments. Proper stated yes. Replansky stated he is still waiting for David Clouser and Lisa Nagle. Stolzenburg stated there was something from them in the emails today. Jurkowski stated that each one stated they would be providing a formal report.

Stolzenburg stated she heard the Board say they would like an alternative but should it be decided how they formalize that whether it be in a supplemental or an amendment to the final. Replansky stated his opinion is that it is going to be a supplemental for an alternative design. Replansky stated he would review the cases more carefully and is sure the applicant will disagree with him and it will have to be sorted out. Replansky stated it is ultimately the Board's decision. Replansky stated if the Board doesn't do a supplemental then the public doesn't get a chance to comment on it. Discussion on Pine Plains United comments followed. Replansky stated he felt the comments should be forwarded on to the sub-consultants. Discussion followed. Stolzenburg stated that the visual resources were not looked at by a sub-consultant so if the Board wants a third opinion, it would have to be sent on to someone else. She stated from a methodology point of view, she would feel comfortable getting an opinion from an outside source. Replansky asked who she would recommend. Stolzenburg stated she would have to think about it. Replansky stated that the plan that is on the table is the one that has to be analyzed. Replansky stated if the Board asks for an alternative as part of the DEIS all that is is an alternative. He stated if the applicant ultimately wants to stick with the original plan, all the DEIS findings will be based on what is on the table. Replansky stated until such time the original plan is withdrawn and an alternate one submitted, the Board has to look at the original plan. Pecorella asked for clarification of the second home community scenario. Replansky stated that there is no mechanism that he knows of to require a community to be strictly a second home community in perpetuity. Pecorella stated that he feels the Board should just do worst case scenario and base everything on it being a full-time community. He stated if the Board goes worst case scenario and it turns out to be a second home community, then they are covered. Replansky stated if the Board finds impacts associated with a full-time community, and the applicant says they don't have to worry about that because it is a second-home community, in the findings statement the Board could say they don't want to approve the plan because there is no way to guarantee that the impacts can be mitigated through a second-home community.

April 8, 2008

Replansky stated that is why the Board needs to look at it as a full-time community. Discussion followed.

Stolzenburg asked if she should send the Pine Plains United comments off to the various consultants and if the Board still wanted the summary matrix. Bartles stated yes. Discussion followed.

Replansky asked when the Board was meeting next. Bartles stated tomorrow. Replansky asked what was on the agenda for the regular meeting. Bartles stated a lot of lot line adjustments. Bartles stated he would call Rich Olson, Paraco's attorney, in the morning and ask what is going on. Replansky asked if they submitted anything. Proper stated no. Replansky stated there can't be a public hearing. Bartles asked if they could just come with an update. Replansky stated they could but he hasn't seen an escrow agreement so he wouldn't do any more work on it.

Stolzenburg asked if the Board would like the matrix for the next regular meeting. Bartles stated he feels it should be a separate meeting. Bartles stated he would prefer the next workshop meeting to be after the regular meeting. Replansky stated the time frames would have to be addressed at the next meeting. Discussion followed on when to hold another workshop meeting with regard to the DEIS. It was decided to hold the workshop portion of the meeting on May 14th at 6 pm before the 7:30 regular meeting.

Meeting adjourned.

Respectfully submitted by:

Nancy E. Proper
Secretary

Don Bartles, Jr.
Chairman