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# *Appendix B*

VILLAGE OF UPPER BROOKVILLE

PLANNING BOARD MEETING

October 6, 2009

7:00 p.m.

Public Hearing  
The Oaks at Mill River

P r e s e n t :

- WILLIAM QUINN, Chairman
- ARTHUR D. MAGER, Member
- PETER PAPPAS, Member
- RICHARD McCORMICK, Member
- VIRGINIA KUNKEN, Member (Absent)

- Peter M. Weiler, Esq., Village Attorney
- James Antonelli, Environmental Consultant
- Paul Stevens, Village Engineer

Also Present:

- Robert Guido, Esq.
- Joseph E. Dioguardi, Engineer

Rehfield Professional Reporting  
 25 Highwood Road  
 E. Norwich, N.Y. 11732  
 (516) 922 2786

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2 CHAIRMAN QUINN: I will call the  
3 hearing to order.

4 I would like to introduce my fellow  
5 Board members. On my left Arthur Mager, on my  
6 right Pete Pappas, and on my far right Rick  
7 McCormick.

8 We have a bit of business to begin  
9 the hearing. Rick lives immediately across the  
10 street from the proposed development, and he's  
11 fine with the idea that if he sits in on this  
12 hearing is a member of the Planning Board he  
13 gives up his ability to come back later and  
14 object as a member of the public. But we're  
15 going to leave it up to counsel from the  
16 applicant to see if that's an acceptable  
17 situation.

18 MR. GUIDO: Just so I understand,  
19 the gentleman would be voting as a member of the  
20 Planning Board?

21 CHAIRMAN QUINN: He would be, yes.  
22 But he would be prohibited from speaking as a  
23 member of the public, as a neighbor, if you  
24 will, he would be acting solely as a member of  
25 the Planning Board.

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2 MR. GUIDO: I guess I have no  
3 objection to that. It's the first time I've run  
4 into that, frankly.

5 MR. WEILER: Well, as I said, he's  
6 a next door neighbor, he's a member of the  
7 Planning Board. There's no problem if you would  
8 feel more comfortable that he recuse himself and  
9 not participate in the proceedings as they go  
10 down the line. That's also an alternative. And  
11 I don't think you want to feel embarrassed or  
12 prejudiced if you wish to take that position if  
13 you feel more comfortable that way.

14 MR. GUIDO: No, no. Lets proceed.  
15 I have no problem with it.

16 CHAIRMAN QUINN: To a certain  
17 extent I'm a resident with property bordering  
18 Mill River Road myself. In a village this size  
19 I think it's unavoidable to have this.

20 MR. GUIDO: Absolutely. No  
21 problem.

22 CHAIRMAN QUINN: I'd also like to  
23 introduce one of our Trustees, Mike Schwerin  
24 from the Village of Upper Brookville.

25 This a public hearing and the

1 meeting of the Planning Board to receive public  
2 comments and information regarding the applica-  
3 tion of The Oaks at Mill River regarding a  
4 proposed subdivision of approximately 97.2 acres  
5 of land consisting of the former Dean and Warren  
6 properties on the west side of Mill River Road  
7 into 14 lots. Before the Planning Board can  
8 give serious consideration to the actual  
9 subdivision layout, the law requires that there  
10 be compliance with the State Quality Environ-  
11 mental Review requirements, commonly known as  
12 SEQRA as part of the approval process.

14 On October 24th, 2007 the Planning  
15 Board designated this action as a Type I Action,  
16 which is defined as an action which is most  
17 likely to have significant impact on the  
18 environment. After a hearing on April 9th of  
19 this year, the Board approved the final scope  
20 document for a Draft Environmental Statement.  
21 Thereafter, the applicant submits a Draft  
22 Environmental Impact Statement proposed 14 lot  
23 residential subdivision, Mill River Road, dated  
24 April, 2009, which we hereafter refer to as the  
25 DEIS, Draft Environmental Impact Statement.

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2 The Board's initial review of the  
3 DEIS was compared to the approved scope  
4 document. After several informal meetings with  
5 the applicant, certain items were added to the  
6 DEIS to ensure that the DEIS was complete to  
7 address all items in the approved scope  
8 document.

9 At this stage of the procedure the  
10 Board desires to receive public comment on the  
11 DEIS. Notice of hearing was sent to the  
12 neighboring property owners as well as involved  
13 and interested governmental agencies. Now is  
14 the time for any interested person or agencies  
15 to comment about the DEIS and make suggestions  
16 about the ultimate content of the Final Environ-  
17 mental Statement, FEIS, which will guide the  
18 Planning Board in the consideration of the  
19 proposed 14 lot subdivision.

20 Please understand that the Board  
21 has not approved the subdivision, it cannot do  
22 so until such time as it takes a hard look at  
23 all the environmental issues related to the  
24 subdivision development.

25 The procedure we will follow

1  
2 tonight will not as follows: The applicant or  
3 its representatives will be asked to make a  
4 brief statement concerning the subdivision  
5 application and any environmental aspects of it  
6 as may be contained in the DEIS. Members of the  
7 public or representatives of any governmental  
8 agency present this evening will have an  
9 opportunity to speak and make statements to the  
10 Board. Speakers are requested to identify  
11 yourselves before speaking so that the hearing  
12 stenographer can make a complete record of the  
13 hearing.

14 Questions, if any, should be  
15 directed through the Chair.

16 If the Board believes that there  
17 are no open questions related to the content of  
18 the DEIS, it may declare the hearing closed,  
19 after which all interested parties will have up  
20 to October 23rd of this year to submit written  
21 comments to the Board. After the comments are  
22 received, the Board will take that information  
23 into consideration for the preparation of the  
24 Final Environmental Impact Statement. Another  
25 hearing or hearings will be held before the FEIS

1  
2 is approved.

3 Neighboring property owners,  
4 interested and involved parties and other  
5 persons making a written request to the Planning  
6 Board will receive written notice of future  
7 public hearings.

8 When the FEIS is completed, the  
9 Board is required to approve and issue a  
10 findings statement before it will be in a  
11 position to make any decision on the proposed 14  
12 lot subdivision.

13 Mr. Weiler, would you please  
14 present the affidavits of mailings and postings  
15 of the notice of hearing or any other pertinent  
16 documents?

17 MR. WEILER: Yes. Mr. Chairman, we  
18 have these documents, and I would recommend that  
19 they be annexed to the minutes of the hearing.

20 On the mailing, we received two  
21 letters that were returned to us-- three  
22 letters: Sagamore Woods Association, the  
23 Sagamore Hill Homes and Michael Pescatore.  
24 Those were returned to us based upon the list  
25 that was provided to us by the applicant.



1  
2 I'm just stating that for the  
3 record. There will be other opportunities for  
4 people who didn't get notice to make comments  
5 anyway on the DEIS that's the subject of this  
6 hearing.

7 CHAIRMAN QUINN: Those three  
8 parties did not receive notice?

9 MR. WEILER: No; the letters were  
10 returned to us. So I don't know exactly what  
11 the trouble is. But I just wanted to state that  
12 for the record.

13 We also have received a letter  
14 today, dated October 5th, from the Nassau County  
15 Department of Health, copies of which were  
16 e-mailed to all board members today, and we will  
17 make that part of the record. The applicant's  
18 counsel, Mr. Guido, has already received a copy  
19 of that letter. My understanding is that it's  
20 basically a pro forma letter that the health  
21 department sends out in situations of this sort.

22 I do note, however, there is a  
23 responsibility on the part of the developer to  
24 respond to that letter or reply to the letter  
25 within 60 days of yesterday. So I think they're

1  
2 aware of that.

3 That's all I have.

4 CHAIRMAN QUINN: I have receive a  
5 copy of the letter, obviously I haven't had a  
6 chance to go through it in any detail, but what  
7 impact does that document have on the proceed-  
8 ing?

9 MR. WEILER: On this particular  
10 thing I don't think it has any significance,  
11 other than it does mention certain requirements  
12 that have to be taken care of, and I think  
13 eventually it will be linked in, possibly, to  
14 the preparation of the final impact statement,  
15 because is this just a draft. And ultimately,  
16 as this process goes on, after the comment  
17 period that goes up until October 23rd, after  
18 that, then, of course, this Board, working with  
19 the applicant, will demand and require that  
20 certain amendments be made to the draft so that  
21 it becomes a Final Draft Environmental Impact  
22 Statement. So it might be that, in answer to  
23 your question, that some of these requirements  
24 in this letter--

25 CHAIRMAN QUINN: Will modify the

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DEIS.

MR. WEILER: Right. It may end up as being part of the Final Environmental Impact Statement.

Maybe Jim Antonelli can address that a little better when he makes his remarks. But I can foresee possibly some of those itmes being mentioned in the Final Environmental Impact Statement.

CHAIRMAN QUINN: I would request that James Antonelli, the Village Environmental Consultant, make a brief statement regarding the SEQRA process.

MR. ANTONELLI: Thank you Mr. Chairman.

At the risk of sounding repetitive, I just want to make sure that everybody here is clear as to where we stand, and advise the Board members as well as members of the public just so we know exactly where we stand in the SEQRA process.

The Chairman had mentioned that the DEIS was deemed complete by the Board lead agency. That was based on our review, which

1  
2 included not only the fact that the DEIS  
3 addressed the items in the scoping document, but  
4 also it had to follow the SEQRA form and  
5 clarity, and also the contents of what the DEIS  
6 should include.

7 Now, once this hearing is completed  
8 and the hearing on the DEIS is closed, the  
9 process includes the preparation of a Final EIS,  
10 which we call the FEIS. I think some of things  
11 were mentioned on what that would include, but  
12 it does include any corrections or additions to  
13 the DEIS, any supplemental information that we  
14 may find due to the comments that are coming  
15 forth from the public. It would also include  
16 responses to substantive comments on that, and  
17 also, and I think more importantly, it would  
18 include any plan changes or presentation or  
19 submission of a modified or revised plan and an  
20 evaluation of that, which would all be part of  
21 the FEIS.

22 CHAIRMAN QUINN: Thank you Jim.

23 The applicant is invited to make a  
24 brief presentation.

25 MR. GUIDO: Thank you Mr. Chairman.

1  
2 My name is Robert B. Guido, I am  
3 the attorney for the applicant, which is The  
4 Oaks at Mill River Associates.

5 Give me one second to put up the  
6 map for the benefit of the members of the  
7 public, who perhaps have not seen it before.

8 Fundamentally we are here to listen  
9 this evening. We have completed the DEIS, the  
10 DEIS has been accepted by the Board as complete.  
11 At the conclusion of the hearing, at the closing  
12 of the hearing I would like to make it clear to  
13 the Board and Mr. Weiler that we are prepared to  
14 sit down with the Board and its consultants as  
15 soon as possible, even before the end of the  
16 public comment period, to start fashioning the  
17 FEIS, and we will be happy to work with the  
18 Board to make that happen as soon as possible.

19 I really don't have anything more  
20 to say, I don't want to take up the time of the  
21 public. We're here to listen and we will  
22 prepare the FEIS on a prompt basis for the  
23 Board.

24 Thank you.

25 CHAIRMAN QUINN: Thank you.

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Do we have a speakers' list?

MR. WEILER: There's no list. I circulated a list to find out who's here if they wished to put their name on it.

Now I think we can open it up to the public to make comments or ask questions.

CHAIRMAN QUINN: Do we have anybody from the the public that would like to make a statement or ask a question?

MR. SCHWERIN: I'm Michael Schwerin. As mentioned previously, I am a trustee, but I am here today representing myself and my family as homeowners, and I have a brief statement I would like to read, and a submission then, I'll hand it to you then as a submission because there are written points that go further than I think all of us need to hear tonight. So if you pardon me, I'll actually just read this.

My name is Michael Schwerin, my wife and I have our primary residence at 39 Mill River Road, that's Lot Number 7 on the current county tax maps. If I can point to the map, that's this one right here.

As is evident from the plat

1 submitted by the applicaant, our property is  
2 completely surrounded by the proposed sub-  
3 division. We are the "Hole in the doughnut."  
4

5 In addition to ownership of this lot, we enjoy  
6 and are burdened by various deeded rights of way  
7 and utility maintainence agreements relating to  
8 the lands proposed for development. For these  
9 reasons we are likely to be uniquely impacted by  
10 the subdivision should it proceed.

11 As we heard earlier, the proposed  
12 subdivision encompasses over 97 acres of largely  
13 undisturbed native land, right now this is  
14 essential all the woods with the exception of  
15 some landscaped property around this existing  
16 mansion, which is intended, apparently, to be  
17 preserved, and a little bit of landscaping here  
18 around the greenhouse and on the older  
19 structure, which apparently is proposed to be  
20 torn down. Otherwise this is all woodlands.

21 It is a beautiful site, it's one of  
22 the largest contiguous undeveloped parcels of  
23 land in Nassau County, but its topograpy is  
24 challenging. Large sections of it are very  
25 hilly. According to the DEIS submitted by the

1  
2 applicant, Table 12, Page 113, 41-1/2 acres, or  
3 43 percent of the total are classified as either  
4 steeply sloped or severely sloped. These slope  
5 areas are concentrated in the eastern or  
6 northern 60 percent of the property, and are  
7 generally those closest to Mill River Road.  
8 You can see the wavy lines, I don't know if  
9 it's apparent to the people in the audience, but  
10 if Mill River Road runs here, the very hilly  
11 property is here along where the wavy lines are,  
12 and up here. So to the east and to the north.

13 In order to protect and preserve  
14 the flora and fauna on slopelands, and to  
15 protect and preserve the natural habitat of  
16 wooded areas, our Village code restricts the  
17 development of sloped areas, and I'm citing from  
18 Part 2, Chapter 205-10, Section F, and flatly  
19 bans development of severe slopes, except for  
20 "Purposes of constructing an access driveway and  
21 facilities for drainage and utilities." And  
22 that's 205-10F 1A.

23 On the other hand, the property  
24 also includes roughly 40 contiguous acres of  
25 nearly flat, tabletop land at the highest

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2 elevation to the western section. So that's up  
3 here, where there are very few contour lines,  
4 because this is essential flat land. That's not  
5 from the DEIS, that's my own calculations,  
6 you've got 40 acres of quite flat land up there,  
7 which is largely surrounded by Planting Fields  
8 Arboretum. This is prime, buildable land, the  
9 development of which would have little impact, I  
10 submit, on neighboring property owners.

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11 I recognize that the applicant has  
12 the right to develop his property. However, it  
13 is imperative that this development be done  
14 responsibly. As residents of beautiful Upper  
15 Brookville and custodians of its uniquely  
16 bucolic setting, I am sure the members of our  
17 Planning Commission share this sentiment.  
18 Fortunately, by all appearances, the applicant  
19 also seems to understand and respect the  
20 imperative to do this right.

21 Nevertheless, my initial review of  
22 the DEIS reveals several deficiencies which I  
23 would like to note for the record. Rather than  
24 taking up everyone's time tonight, I'm prepared  
25 to submit these points in written form.

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Thank you.

I have 10 points that are specific and some of them are quite technical, so I thought it perhaps best to submit them in written form.

CHAIRMAN QUINN: Thank you, Mike.

MR. WEILER: We will accept Mr. Schwerin's statement dated October 6th. We shouldn't call it an opponents, we'll call it the Public's Exhibit Number 1, because we don't know whether there's total opposition at this point. We'll call it Public Exhibit Number 1.

(Mr. Schwerin's submission was marked Public's Exhibit No. 1 in Evidence.)

CHAIRMAN QUINN: Yes, sir.

Please identify yourself.

MR. FINKLE: Mark Finkel, West Hempstead. How are you, sir?

I'm a concerned citizen. This is really a point of information per Roberts or whatever you want to consider it, following your procedure in this situation.

Has federal environmental and other standards been checked vis-a-vis this? Going to

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endangered species, EPA, etc.

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I was an investigator for 19 years for the state labor standards, I've been active in government for the last 30 years, I've been with the Nassau County Democratic Committee on national boards, it's a matter of interest to me.

I have nothing against the development of the project, I hope it goes through, people do need housing on Long Island, even if it's upper middle class or wealthy housing, it's a legitimate issue. We have a limited housing stock. But especially for the concern of the Board, I'm curious if all federal standards have been met. I know the state standards are met. I'm asking you a question.

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CHAIRMAN QUINN: I'm sorry, could you just state that last comment a little slower and a little clearer

MR. FINKLE: I'm I'm sure you've done the state standards. I'm curious about federal standards. Have you gone through all the federal possibilities, E.P.A., environmental stuff, wilderness, endangered species, things

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2 that fly, flora, fauna. That's all my question  
3 is, a point of information vis-a-vis Roberts,  
4 almost.

5 CHAIRMAN QUINN: Jim, your reaction  
6 to how much of the federal standards are  
7 involved in here?

8 MR. ANTONELLI: I think there's  
9 probably no comment, it's got to be addressed to  
10 our satisfaction in the FEIS.

11 CHAIRMAN QUINN: If you look at the  
12 DEIS, you'll see a lot of flora and fauna  
13 cataloged as a professional's opinion about what  
14 lives on the property, so to speak, and at this  
15 point there hasn't been anything identified, to  
16 my knowledge, that was endangered or would fall  
17 under any federal regulations for protection.

18 MR. FINKLE: Potentially because  
19 you're dealing with Long Island Sound close and  
20 things that go along with that. You never know  
21 what falls in on you.

22 CHAIRMAN QUINN: The water runoff  
23 issue is of prime importance to us, if that's  
24 what you mean.

25 MR. FINKLE: It's got multifactored

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2 possibilities. Birds fly over there, they end  
3 up up encroaching on things that may or may not  
4 be appopriate for it. You know, that type of  
5 stuff. I'm just asking.

6 CHAIRMAN QUINN: I understand. I'm  
7 having a little difficulty understanding you.

8 MR. FINKLE: The answer is there's  
9 all types of endangered species that have  
10 nothing to do with flora and fauna, they have to  
11 do with migratory birds that come in over the  
12 sound that will fly in. It sounds a lot like  
13 nature, be it could be a problem for you going  
14 down the line. That's all I'm asking.

15 CHAIRMAN QUINN: Has the applicant  
16 taken into account migratory animals in the  
17 DEIS? ] H4

18 MR. GUIDO: I can check further,  
19 Mr. Chairman, but I'm quite sure we have, as  
20 we've complied with all the provisions of the  
21 State Environmental Quality Review Act as to  
22 what has to be reviewed, we've complied with the  
23 final scope that we developed in conjunction  
24 with the Board. So yes, we have a complete  
25 section with respect to flora and fauna in the

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2 DEIS, which is available for your review if you  
3 would like to take a look at it.

4 MR. FINKEL: I appreciate that.

5 CHAIRMAN QUINN: I think the  
6 question may go to timing of when an inventory  
7 of animals was assumed. I can tell you from  
8 living across the valley from this property that  
9 this time of year there are a lot different  
10 birds, for example, around, and in the spring  
11 again. So maybe we could find out when the  
12 environmental assessment was done regarding  
13 species found on the property.

14 MR. ANTONELLI: It's mentioned in  
15 the DEIS. I think tonight we don't want to try  
16 to resolve issues and questions that are brought  
17 to the Board. I think these are to be examined  
18 with the document with the information we have,  
19 and then responses formulated for the FEIS.

20 But I do know, for everybody's  
21 curiosity, that we did require that the  
22 vegetation and the fauna inventory be taken  
23 throughout the year and during multiple seasons  
24 to catch everything, and I do know that they  
25 specifically address the migratory bird

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2 situation, flyovers, etc., I know specifically  
3 that they addressed the various federal lists,  
4 which included endangered, threatened, etc. But  
5 again, we will-- this does have to be resolved  
6 prior to acceptance of the FEIS and any findings  
7 that are drafted.

8 CHAIRMAN QUINN: Thank you.

9 Anyone else?

10 MRS. GOLDSBOROUGH: My name is  
11 Judith Goldsborough, I'm an attorney and also an  
12 Associate Director with the North Shore Land  
13 Alliance. We are a not for profit land trust  
14 and our mission is to preserve and protect green  
15 spaces, farmlands, wetlands, groundwater and  
16 open spaces of Long Island's North Shore  
17 primarily.

18 The Village of Upper Brookville  
19 lies within our service area, and we count many  
20 Upper Brookville residents as supporters and  
21 members.

22 We have received a lot of calls  
23 recently about this proposed subdivision, and I  
24 have a few comments about it. We also will be  
25 submitting written comments, I think up until

October 23rd.

CHAIRMAN QUINN: Yes.

MRS. GOLDSBOROUGH: So we have a few more points which I won't cover tonight.

Primarily, as Mr. Schwerin was saying, we're concerned about this application because of the very steep slopes involved. We recognize that the owner of the property has a right to develop it, but we think that with a little creative thinking on both the part of the developer and the Village, that the goal to develop it and the goal of the Village to protect the natural resources could be achieved.

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The comment, creative thinking, that we are proposing would allow development of the site while protecting the slopes and trees to a much greater extent than what they're proposing in the proposed plan.

The applicant states that the proposed subdivision has been designed to preserve the natural slopes to the maximum extent practicable, but because the parcel includes over 41 acres of steep or very steep slopes, as Mr. Schwerin pointed out, it will be

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impossible to constuct the roads and build homes  
 on this site without a huge negative impact to  
 the natural environment. The applicant further  
 states that the proposed subdivision conforms to  
 existing zoning laws. Even accepting the  
 statement at face value, it is clear that  
 subdividing this parcel as proposed does not  
 conform to the stated goals of the Village  
 master plan, which is to preserve natural  
 vegetation and slopes, to minimum the impact of  
 stormwater runoff, to protect trees and other  
 natural resources, and to preserve the natural  
 vegetation on the slopes.

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The Village has laws that regulate  
 disturbing steep slopes, yet eight of the 14  
 lots on the proposed plan site structures on  
 very steep slopes. But as the proposal states,  
 they do conform to existing zoning. So this is  
 a bit of a conundrum.

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A few years ago the North Shore  
 Land Alliance had a seminar featuring Randall  
 Arent as the featured speaker. Mr. Arent is a  
 nationally recognized authority on conservation  
 planning. His thesis is that conventional

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1 zoning ordinances do not always work as they are  
 2 hoped to. In this case you have steep slope  
 3 ordinances on the books in Upper Brookville, and  
 4 yet here you have a plan that proposes disturb-  
 5 ing greatly the slopes that these laws are meant  
 6 to protect. And it's not any fault of the  
 7 applicant, it's just the way the laws were  
 8 written. But we propose that there's a way  
 9 that, as was stated, the property can be  
 10 developed and the slopes protected.  
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12 Mr. Arent's idea is that the  
 13 subdivision design process can be reformed so  
 14 that developments can become a major helpful  
 15 tool to help achieve a community's conservation  
 16 objectives, at no additional cost to the  
 17 developer. This technique is called conserva-  
 18 tion subdivision; many of you may be familiar  
 19 with the Matinecock Farms. That is such a  
 20 subdivision.

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cont'd

21 Conservation subdivision design  
 22 requires consideration and preservation of  
 23 natural and cultural resources as part of the  
 24 design process, and many studies have shown that  
 25 this design actually can save money on expensive

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cont'd

1 site grading and road construction, and that  
2 lots sell more quickly and at premium prices.  
3 As I said, Matinecock Farms is a local sub-  
4 division using this kind of planning that you  
5 might be familiar with, and I believe Cherrywood  
6 on Piping Rock Road is also based on similar  
7 principles Both feature well designed homes on  
8 samller lots than required under existing zoning  
9 in order to preserve more trees and natural  
10 features, with a lot of open space under common  
11 ownership.  
12

13 I would also like to make one  
14 comment on the DEIS, where the applicant talks  
15 about the fact that potentially up to 30 acres  
16 of the property will be put under a conservation  
17 easement. If you look at the map that shows the  
18 conservation easement areas, they're highly  
19 fragmented, and a lot of that area includes  
20 buffers between each individual lot, which does  
21 really not do a whole lot to protect natural  
22 resources on the property.

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23 The North Shore Land Alliance does  
24 work with private landowners and local govern-  
25 ments to protect open space, and we do use

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2 conservation easements as a tool to do so. We  
3 would be happy to talk to the Village or the  
4 developer about that, because unless a conser-  
5 vation easement is properly constructed there's  
6 no permanent protection on the property.

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7 So I think it's a great idea that  
8 the developer is proposing conservation ease-  
9 ments on up to 30 acres, and we would, as I  
10 said, be happy to help achieve that.

11 And as I said, I have some examples  
12 of conservation subdivision ordinances that  
13 villages around New York and even Long Island  
14 have adopted and successfully implemented, which  
15 I will be happy to give to you. And as I said,  
16 we have some other comments which we will be  
17 submitting.

18 Thank you for giving us the  
19 opportunity to speak tonight, and I will hand  
20 this in to you.

21 MR. WEILER: This is your state-  
22 ment?

23 MS. GOLDSBOROUGH: My statement and  
24 some attachments.

25 MR. WEILER: We'll consider this

1  
2 the Public's Exhibit Number 2, and we'll make  
3 that part of the record.

4 (Ms. Goldsborough's Statement and  
5 attachments were marked Public's Exhibit  
6 No. 2 in Evidence.)

7 CHAIRMAN QUINN: Any other  
8 comments?

9 DR. SABHARWAR: I'm Dr. S.S.  
10 Sabharwar, I live at 9 Wash Hollow Road, which  
11 is right back of this land that's being  
12 developed.

13 I have a lot of experience, for 26  
14 years in development of real estate and all  
15 that. Whatever I studied about it, I really  
16 like this project, and I think this will make  
17 this neighborhood even more beautiful. So I  
18 definitely feel that it should pass as easy as  
19 possible.

H12

20 Thank you.

21 CHAIRMAN QUINN: Thank you.

22 Anyone else?

23 MR. BURNS: I'm Joseph Burns, I  
24 live at 47 Mill River Road, on the property just  
25 north of the property that's going to be

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developed.

I want to state for the record my complete support of Mike Schwerin's piece that he has submitted, and express my concern. We are the first property or one of the few properties along Mill River Road that has no standing water. We're right on Mill River Road and also we adjoin the lane, that used to be called Mohawk Lane, and we're fortunate in that we have no water there, because the water cuts across just before our property across from Mill River Road and then comes back later.

So we're very concerned about any possible damage that may occur to our property and devaluation as a result of any change in status of the water or the drainage situation, and we're very concerned about the drainage consequences of this project.

And with all due respect to the gentleman who just spoke, he's not going to be impacted by the 14,000 truck trips that go up and down the road. It's going to significantly reduce our quality of live for the several years that this is going on.

H13

H14

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2 I know we have until October 23rd  
3 to make additional comments and to submit  
4 written statements, and we plan to do so.

5 Thank you.

6 CHAIRMAN QUINN: Thank you.

7 Yes, ma'am.

8 MRS. DEGROAT: My name is Mrs.  
9 Michele Degroat, I live at 69 Mill River Road.

10 I want to apologize for getting  
11 here late, I'm very sorry I missed as much as I  
12 did.

13 But I do have concerns about the  
14 traffic situation on Mill River Road. I think I  
15 read in the papers that it was described as  
16 under utilized. That's not my experience.  
17 There's much traffic on Mill River Road, more  
18 than I would like, and I can't see how this is  
19 going to help, having all of the traffic that  
20 would come from the building and from making  
21 more residences in that area. I'm very close to  
22 the entranceways that are suggested, and it's a  
23 concern, traffic is a concern. It's very narrow  
24 where I live to come out of driveway, very  
25 narrow. I don't even know if it's the 22 feet

H15

1  
2 that's mentioned in the report, but I can't  
3 picture much more traffic. It's increased  
4 considerable, even in the three years that we've  
5 lived there.

H15  
cont'd

6 I just wanted to express that.

7 Thank you.

8 CHAIRMAN QUINN: Thank you.

9 Anyone else?

10 (No response.)

11 CHAIRMAN QUINN: Any members of the  
12 Board have any additional comments on the DEIS?

13 (No response.)

14 CHAIRMAN QUINN: Now is it  
15 appropriate, Peter, to close the hearing on this  
16 issue, or does this remain officially open until  
17 the 23rd of October?

18 MR. WEILER: I believe we will be  
19 able to close the hearing. We can close the  
20 hearing. I don't believe any comment was made  
21 here tonight which justifies any continuation of  
22 the hearing because we haven't learned anything  
23 that might be what I consider a flaw with the  
24 preparation of this. So I think we're in a  
25 position to close the hearing, until Mr.



1  
2 Antonelli has any disagreement with that.

3 MR. ANTONELLI: Well, Paul Stevens  
4 and I will submit written comments, but  
5 certainly that will be within the public comment  
6 period, there's no reason to leave the hearing  
7 open for us. These are going to be written  
8 comments to the Board.

9 CHAIRMAN QUINN: Let me make one  
10 thing clear to everybody that made comments here  
11 tonight. The stage that we're in is simply  
12 deciding whether or not the statement is  
13 complete and includes comments to that extent.  
14 This is in no way an endorsement of the project  
15 at this point. There's going to be many  
16 comments, adjustments, and the things that you  
17 mentioned tonight will all be taken into  
18 account. All we're simply trying to do at this  
19 point is get from a draft to a final impact  
20 statement. This not, in any way, shape or form,  
21 a final meeting on this issue.

22 MR. WEILER: I may use this is an  
23 example. What we percieve happening here is  
24 that between now and the 23rd we will be getting  
25 comments that are written and filed with the

1 Board. Subsequent to that, the Board will  
2 possibly hold a number of hearings in connection  
3 with the preparation of a Final Draft  
4 Environmental Impact Statement. For instance,  
5 we, in looking at-- in the form of preparing a  
6 Final Impact Statement there is going to be some  
7 scrutiny as to the question of the traffic, the  
8 building on the slopes, and it may well be that  
9 this document, right after the Final Impact  
10 Statement is prepared, is going to look somewhat  
11 different. There may be different emphasis on  
12 different problems, and at that point in time,  
13 and again, there will be final hearings,  
14 there'll be hearings on the Final Draft  
15 Environmental Impact Statement. So as the Board  
16 progresses along on identifying certain issues  
17 that may be of great concern to not only the  
18 Board members, but of concern to the public,  
19 this document will become somewhat different,  
20 and it might not have-- there may be many more  
21 critical comments of concern. Because under  
22 SEQRA this Board has to make sure that we've  
23 looked at all of the impacts that are related to  
24 the environment, we finally get to a point where  
25

1  
2 we have a final document that possibly says, as  
3 an example, the traffic that's going to be  
4 generated by the proposed development is so  
5 severe that it demands certain changes in the  
6 development in some way. And that might become  
7 part of the final document that the Board deals  
8 with.

9  
10 Once the Board has that, then we  
11 get into the question of well, do we accept a  
12 plan such as this, as a Planning Board planning  
13 out a development? We look at the environmental  
14 impact statement, the final one, and we say,  
15 "Gee, we've identified certain areas that are so  
16 much of a concern to us that it's going to  
17 justify some changes that are going to mitigate  
18 some of those things that has been identified."

19 So that's the process. And I think  
20 where the rubber hits the road, if you will, is  
21 when the final document is going to be prepared.  
22 And again, you'll have another opportunity to  
23 look at that to make sure that it contains your  
24 concerns. And then, once that is prepared, this  
25 Board then must, as under the SEQRA process, it  
must issue what we call a findings statement,

1  
2 and that findings statement, again, is a very  
3 important part of the process because it's going  
4 to be a statement that's going to be the  
5 guideline to how this property will ultimately  
6 be developed.

7 So there will be more hearings on  
8 this, and you all will be getting notice of it,  
9 and anyone who is not on the normal mailing  
10 lists, I recommend that you definitely send a  
11 written request to get mailed notices in the  
12 future, because if you don't do that we won't  
13 know who you are and you won't get the mailed  
14 notices. So it's important that you do that.

15 So that's the process.

16 Jim, do you agree with that?

17 MR. ANTONELLI: Yes.

18 MR. GUIDO: May I be briefly heard  
19 on one matter?

20 CHAIRMAN QUINN: Yes. Go ahead,  
21 Mr. Guido.

22 MR. GUIDO: I fully concur with  
23 Peter's comments, but I would like to, again,  
24 extend an offer for us, we would be more than  
25 willing to come in and sit down with the Board

1  
2 and it's consultants as soon as possible to map  
3 out how we address the FEIS. We've taken  
4 careful note of the comments that were made by  
5 the public here, we know there will be further  
6 written statements. We'd like to sit down with  
7 you and go through that so that we can  
8 accelerate the FEIS process so that it can be  
9 reviewed by the Board and the public.

10 CHAIRMAN QUINN: Thank you.

11 I will make a motion to close the  
12 hearing.

13 MEMBER McCORMICK: Second.

14 CHAIRMAN QUINN: All in favor?

15 MEMBER PAPPAS: Aye.

16 MEMBER MAGER: Aye.

17 MEMBER McCORMICK: Aye.

18 CHAIRMAN QUINN: Aye.

19 Motion carried.

20 Thank you everyone.

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E X H I B I T S

<u>Public's Exhibit</u>	<u>Description</u>	<u>Page No.</u>
1	Mr. Schwerin's Statement	17
2	Ms. Goldsbourough's St'mt.	28