

TOWN OF PHILIPSTOWN PLANNING BOARD
Regular Meeting
Phillipstown Town Hall, 238 Main St., Cold Spring, NY 10516
July 21st, 2022

The Planning Board held their regular monthly meeting on Thursday, July 21st, 2022.

Present:

Neal Zuckerman (Chair)
Dennis Gagnon
Peter Lewis
Laura O'Connell
Neal Tomann
Heidi Wendel
Steve Gaba, Town Counsel

Absent:

Kim Conner
Ronald J. Gainer, PE, Town Engineer

Please note that these minutes were abstracted in summary from the meeting and a taped recording. Ms. Rockett took the roll call.

Approval of Minutes

Chair Zuckerman asked for a motion to approve the minutes for the May meeting. Mr. Lewis made the motion; Mr. Tomann seconded the motion. The vote went as follows:

Dennis Gagnon:	Aye
Peter Lewis:	Aye
Laura O'Connell:	Aye
Neal Tomann:	Aye
Heidi Wendel:	Aye
Chair Zuckerman:	Aye

Opposed, Abstentions? Being none the motion passes.

Correspondence

Santileses Site Plan - Chair Zuckerman stated that they have correspondence from asking for a six-month extension for site plan. Ms. Rockett read the correspondence hearing request for the six-month extension.

Dear Mr. Zuckerman and members of the Planning Board, On behalf of J7 Architecture and Design PLLC. we request a six-month extension of the site plan approval. We are working with the Putnam County Department of Health on the public water supply which is nearing completion. We have received approval of plans for DOT and all other conditions of the

resolution have been addressed. However, we do not believe all items will be completed in time to allow sufficient time to have the site plan signed.

Mr. Gaba stated that they get one of these every once in a while. Town Code 175-68 a requires the site plan be submitted within six months for signature and filing. Code 175-68E says that they're entitled to a six- month extension and after that they can come back and get extensions upon showing a hardship. This is their first as of right extension and the board pretty much has to grant it.

Chair Zuckerman asked for a motion to approve the extension. Mr. Tomann made the motion; Mr. Lewis seconded the motion. The vote went as follows:

- Dennis Gagnon: Aye
- Peter Lewis: Aye
- Laura O'Connell: Aye
- Neal Tomann: Aye
- Heidi Wendel: Aye
- Chair Zuckerman: Aye

Opposed, Abstentions? Being none the motion passes.

New Business

Chair Zuckerman stated he'd like to entertain not having an August meeting. He then asked for opinions on that notion, anyone would like an August meeting? Mr. Gagnon made the motion; Mr. Lewis seconded the motion. The vote went as follows:

- Dennis Gagnon: Aye
- Peter Lewis: Aye
- Laura O'Connell: Aye
- Neal Tomann: Aye
- Heidi Wendel: Aye
- Chair Zuckerman: Aye

Opposed, Abstentions? Being none the motion passes.

Old Business

Kingsley Tree & Landscaping, Old Albany Post Rd., Cold Spring NY 10516 TM#17.-1-72.2

Jason Snyder with Badey and Watson stated since the last meeting they have done some additional work on site to address some of the concerns that Mr. Gainer and the Board had regarding their development. They did some additional septic testing to the north of the property, which has allowed them to, in turn, move the septic and move the structure closer to the north which allowed them to push it back a little bit more off the road and also square it up to the road as opposed to having it kind of askew with the wetland buffer. They've also eliminated the long drive that ran parallel back down along the road, which allowed them to eliminate some of that tree clearing along the roadway which will allow them to keep some more of the existing vegetation. He didn't want to present new material with this meeting but did revise this plan from the last one that they got with the tree plan to eliminate some of the parking in the in the front. He pushed the parking area back another 10 feet which will allow them to

keep even more vegetation along that strip between the parking area and the road. One of Mr. Gainer's comments in his latest memo had mentioned providing some additional screening there. At the site meeting they were talking about pushing everything back so that they didn't have to clear vegetation in order to plant vegetation. With the latest plan they have even a larger buffer strip. So, right along here he believes that this is enough existing vegetation and it's thick enough in here where they don't need to provide any additional screening, at least that's the intention. They got a pretty good strip between the proposed septic area and the road here. They have their minimum 20' from the side yard and the clearing required for the septic area here. There's quite a bit of vegetation here for buffering. They did do some additional soil testing for the septic system. They got exactly the same results as they did earlier. The previous septic area was more in here, whereas the building was in here. He did rework some of the parking and counted some of the parking that's for employee parking inside of the garage with this new plan. He sized the stormwater infiltration system with the new plan. So, what he's saying is the next plan will be a lot more complete. He added a chart with the parking count, sewage flows, a little comparison and an outline of the of the wastewater flows and water usage, which should be on the plan that the board has. They did do a tree plan which the board has with the submission. He thinks they've done a lot to address some of the concerns from the site meeting well as some of Mr. Gainer's memos.

Ms. O'Connell asked what's the work that's going to be going on there? There's a mention from Mr. Gainer about understanding the maximum amount of people that will be working there along with the amount of cars and vehicles that are going to be there, just on a day-to-day basis.

Mr. Snyder stated what they have is a mixed-use building. On the ground floor is a four-bay garage where Ian and Forest Kingsley have similar tree businesses. Ian Kingsley is more of a tree and property maintenance, and Forest Kingsley is more in the planting and horticulture business. Kingsley Tree Care is him and two employees, and for the next submission he'll give all the equipment and vehicles that they have. But he basically has a van, a chipper and a pickup truck, and Forest Kingsley also has himself and two employees, and they basically have a van and a pickup truck that they do their business out of. It's a total of six employees using this facility. On the second floor there's two, two-bedroom apartments which they intend to inhabit themselves for the time being. So that's four bedrooms. They provided six spaces for the employees and three spaces for the apartments it's one and a half spaces per dwelling unit.

Ms. O'Connell asked, then they don't necessarily see any sort of large vehicles like trucks or trailers coming in and out?

Mr. Snyder replied, nothing like that, no, but he'll give a brief traffic analysis. It's a little bit off-peak their hours. It's going to be early in the morning and it's going to be before the morning rush hour because that's just the hours that they work. But he'll outline all that in a letter with the next submission.

Ms. Wendel asked did he say one of the trucks was a chipper?

Mr. Snyder said he believes Ian Kingsley has a chipper, there's going to be no tree processing.

Ms. Wendel stated that she just knows from her own street that that's very noisy and she's just wondering about the chipping.

Mr. Snyder stated there's going to be absolutely no processing of trees or using of any of the equipment on this property.

Mr. Tomann stated that he knows these are preliminary plans but when they did the site walk one of the things they talked about was how the neighbors across the street are now looking at something very different with that intersection, and he noticed in the drawings the roof line you sort of have a salt box configuration and what that does is it makes the front of the building, he thinks, a little more imposing than it has to be. So, if you look at that elevation straight on is there a reason why they go with that and can they put a doghouse dormer on it? It's just like a big forehead across the front of it and after we had spoken about sort of trying to keep that profile down a little bit because they are looking at a commercial building that they haven't looked at before. Plus, all the pitch is now facing back towards the wetlands.

Mr. Snyder replied that he doesn't see any reason why they couldn't soften this the front up a little bit. He'll see what the reasoning behind that is and if they can make the change.

Chair Zuckerman asked what's dark green and what's light green on the plans?

Mr. Snyder stated that basically the darker green is the area that's going to stay vegetated, the lighter green is the portion that's going to be mowed. They also have another little shading here which they're not going to continue to maintain. Once it's cleared and when they do the grading it'll just go back to being a jungle hopefully like it is now. So, the lighter green basically is mowed.

Chair Zuckerman stated that it does seem like there's a fair amount of mowed area making the building visible to the road. He knows they're trying to create some visibility but he's also mindful of the chapter in our code that talks about minimizing the view of anything that's not a retail business. So, since it's not a retail business, he just wants to make sure my concerns for the neighbors across the street.

Mr. Snyder stated that he just has that in the required site line triangles for sight distance. The maintenance in here of the grass, the sight lines he believes it's 30 to 32 inches for clearing for sight distance, so that's for sight distance basically.

Chair Zuckerman asked is there any way they can push the building back a little further, he sees they've got a little room with the wetlands buffer.

Mr. Snyder replied in positioning this building he basically pushed, they got 20 feet, 10 feet, the septic area which was a balance between spreading it out this way and going this way. He got the minimum here required for grading between the septic in the building. He wanted to maintain a little buffer here so really this corner and, in this direction, here kind of dictates how far it goes back. He just slid it back in this direction as much as he could.

Mr. Lewis stated that behind the line of sight there seems to be a pretty good buffer of green that's going to be hopefully a visual deterrent from the roadside.

Mr. Snyder stated it's about 20 to 30 feet and there are some larger trees in there which they'll hopefully be able to maintain with this newer layout.

Chair Zuckerman then asked for a motion to schedule a public hearing for the September board meeting. Mr. Gagnon made the motion; Mr. Lewis seconded the motion. The vote went as follows:

Dennis Gagnon: Aye
 Peter Lewis: Aye
 Laura O'Connell: Aye
 Neal Tomann: Aye
 Heidi Wendel: Aye
 Chair Zuckerman: Aye

Opposed, Abstentions? Being none the motion passes.

Chair Zuckerman stated it's a major project so it requires a certain level of signage in the public.

Mr. Gaba stated that the public hearing was the main issue for this evening. He looked at the EAF part 2 he thinks the applicant was maybe even a little bit too honest in terms of marking that. Some things are potential impacts but the board will have to go through that at some point in order to make the SEQRA determination. The board will be reviewing it and he's sure Mr. Gainer will have something to say about it. There are some things that are marked off as having potential significant impacts that he thinks when the board looks a little bit more closely, they're going to see that there is no potential for significant environmental impacts but they'll defer that until they actually get into it.

Hudson Highland Reserve, Route 9 & Horton Road, Cold Spring, NY 10516

Chair Zuckerman stated that they spent the last one or two meetings editing the Findings Statement and he knows that Mr. Werner submitted the last one he thinks it was pretty minor changes but he just wanted to leave it open for anyone who has any more comments or questions.

Mr. Werner of AKRF stated that he sent it around shortly after the last meeting, around the 17th of June. Mostly editorial in nature based re-watching the video and getting everybody's feedback. There's one that he wants to make sure everyone's okay with, which is on page four. There was a lot of talk about enforcement with the HOA and questions about what's the mechanism for this. So, upfront in the project description where the HOA and bylaws are first mentioned, he added a couple sentences to the bottom of that paragraph. Chair Zuckerman had suggested the language, Mr. Gaba was okay with it at the meeting and he just took it and wrote it out. It says; *during site plan and subdivision review the Planning Board will review the HOA's rules and mechanisms for enforcement to ensure that the mitigation measures proposed through the HOA and described throughout this finding statement are made conditions of any approval and ultimately implemented.*

Chair Zuckerman asked Mr. Gaba if he could remind us of what are the next steps for Hudson Highlands Reserve are.

Mr. Gaba stated that the board voted to accept the Findings Statement, completing SEQRA review. In voting to accept the Findings Statement there were some comments made for just semantical changes to the language, just a few minor things. This evening they just want to make sure that everyone's satisfied that those comments have all been captured and fairly represented in this document. They don't need another vote on it. They've already voted on the Findings Statement. They just want to make sure that this is, in fact, got everything in it that they talked about at the last meeting. Assuming that that stands and there's no motions to change it or anything along those lines, the next step will be for them to go to the Town Board to seek the zoning change that they need in regard to the one additional lot which they would derive from obtaining the zoning change. Whether they get the zoning

change or not, they will be coming back to this board after that for completion of the conservation subdivision and they'll go through the process of actually approving or approving with conditions, or disapproving as the case may be, the conservation subdivision. So, it's the last thing they're going to do until they come back from the Town Board.

Chair Zuckerman asked if there are any other edits on the Findings Statement.

Mr. Werner stated this is official now. The pdf version that's on the website already can probably stay. There just needs a date to capture when it was officially final and then it gets circulated to the involved and interested agencies, the same ones that got the FEIS. He'll coordinate with Ms. Rockett to make sure that it goes out to them.

Mr. Watson stated that Mr. Gaba talked about the change in the zoning, and subsequent to that the failure of that particular thing would result in the loss of a lot and nothing more so. They've been through several years of back and forth some on the applicant's part, some on the board's part, and they've come to the end of the SEQRA process. The plans have been developed, redeveloped, issued reissued, massaged, reviewed far longer than they did before, so he thinks it's appropriate to ask to schedule a public hearing on the subdivision for September, the preliminary subdivision public hearing.

Chair Zuckerman asked Mr. Gaba to just give the board some guidance on that.

Mr. Gaba stated in scheduling a public hearing the main consideration is that the plans are complete and the public will be fully advised of what's being proposed for development. He would agree with Mr. Watson that certainly the plans are at a point now where anybody looked at them would be able to tell what's being proposed here. The issue with the zoning change is whether they'll be one more lot or one less lot. Having said that, he doesn't think this board has ever scheduled a public hearing for a plan which is not currently in an approvable state. That is to say they can't get the additional lot unless the zoning change is granted. The board would be stepping a little bit further out in granting this request than they have for any prior project, at least as long as he's been on the board. If it's not an approvable form they generally do not hold a public hearing on it. But, again, this is a little bit of an odd duck. It's been before the board for many years and people in the public would have to appreciate, they'd probably want an announcement to that effect. It's either going to be plan with 24 lots or...

Mr. Watson stated that it's 24 if the zoning change. It's 22 if not. They'll lose two lots.

Mr. Gaba asked if he knows which lots they would lose?

Chair Zuckerman stated that he doesn't know if that matters for this decision.

Mr. Gaba replied well it does in the sense that if the public were to look at it and say if the zoning change is granted lot number 17 over there is going to be part of this, if zoning change isn't granted lot 17 is not going to be up there.

Mr. Watson stated, with all due respect, there's plenty of times that this plan changes between preliminary and final and the board has the option to have a public hearing at final and the very specific reason is that for doing that is if there are changes during the course of getting the approval of the Health Department and getting approval over the other agencies. So, he thinks they could have the public hearing now. They're right, there could be two less lots. On the other hand, there could be another less lot because of the Health Department because some other reason. At that point when they

come back for final approval with the things, they know they can get through then they can exercise that option to have the public hearing or waive it as was their normal case if there are no changes.

Chair Zuckerman asked Mr. Gaba will the Town Board, when it has its assessment of whether to approve this, will they be having a public hearing as well?

Mr. Gaba stated that if they decide to entertain it. The Town Board has no obligation to entertain applications for zoning changes. It's a legislative act. Once they get the application in the board will make determinations to whether they're willing to process the proposed zoning change as it requires enactment of a local law or not. If they decide that they are, then there will be a public hearing on that local law for the zoning change.

Chair Zuckerman stated that his opinion at this point is if the Town Board is going to have a public hearing and chances are they would have a public hearing on this. He thinks there's a decent chance of confusion to the public that two boards will be having simultaneous or near simultaneous public hearings on the same application for different purposes. That is a confusing state and he's all about transparency and clarity. He stated he's going to turn it over to his board members to ask questions and share their thoughts and they can entertain Mr. Watson's request.

Ms. O'Connell stated that they could be setting up a precedent here as well. And to that point, isn't part of what they would be opening themselves for a public hearing is based upon the ruling or the position of the Town Board. She doesn't know how they would set a date for a public hearing not knowing what the ruling would be.

Ms. Wendel stated that for the record there was no delay on the Planning Board side. The long time period that went by as far as she knows was because the applicant was silent for a long time. She wasn't on the Planning Board during the time period when this project first came up, but she feels like they've acted very expeditiously once the application came back before the Planning Board.

Drew Gamils from Keane & Beane stated that the Planning Board does have the option to set the public hearing and then adjourn it if it comes time to September and the Town Board is going to set their public hearing on the local law. If the Town Board's not going to entertain it at all then they could know ahead of time and could have the public hearing.

Mr. Tomann stated that he's asked other applicants recently to deliver complete applications and complete drawings and he would think it would be inconsistent to grant this.

Mr. Lewis stated that he thinks it would be confusing to have them too close together.

Mr. Watson stated there's a couple of things going on here. Generally speaking, they don't go through a whole SEQRA process until the very end when the night they're giving final approval and close SEQRA. That's when it happens. They've gone through that whole process. Ms. Wendel is right, the applicant did go to sleep for a while and probably the majority of the time it was on their side if they're going to balance the time out. It still has been a long time and there have been many, many changes to this and the plans fully demonstrate all of the concerns that the public voiced during the meeting and it would be expeditious for the client and for the property owner to move this along and the board would still have the option to open a public hearing for the final approval and it gets the applicant one step further in the process.

Chair Zuckerman asked if there is a motion to schedule a public hearing? Hearing no motion, they're going to move on. He stated that they'll await the Town Board's actions to move forward.

Garrison Golf Club PDD/Hudson Valley Shakespeare Festival, 2015 Route 9 Garrison, NY 10524
TM#60.-1-59.2 & 59.3

Chair Zuckerman stated that he is going on August 6th to see the Mr. Burns play at Shakespeare for those who are deeply attentive to the board's personal predilections towards that organization. He's going to see a play at Shakespeare as he's done most summers for almost 30 years. The purpose tonight is to discuss the positive declaration that this board reached. He then asked Mr. Gaba it was six-zero-one, with one abstention - is that unanimous or not?

Mr. Gaba replied it's not unanimous, there's one abstention. It's unanimous with one abstention.

Chair Zuckerman stated, so that was the vote on the positive declaration. Mr. Werner has distributed a determination document. There'll be one minor edit at the tail end related to scoping, but before they get to that, which is an administrative topic, the purpose of this board meeting is to gather any edits. They did that in the last couple of months with Hudson Highlands Reserve. They'll go through the similar process. He'll go by person and please suggest edits. Unless there's a violent disagreement with the board members suggestions that they need to actually take a vote on it, he expects they'll just take comments and again just talk them through as they've done before. So the document is here. It is not very long. He personally thinks it's fairly cogent, clear and specific enough to convey the conversations they've had.

Ms. Wendel stated that she was just wondering if Peter Lewis's comment that is currently in visual resources and community character, which seems to also apply to recreational purposes, page three visual resources. In the AKRF write up, it says there is currently not a clear understanding with the applicant about where and how.

Chair Zuckerman stated he thinks they're mixing the wrong documents. They're in the positive declaration okay, this is not AKRF's memo.

Ms. Wendel stated that it has to do with is what the scoping will include.

Mr. Werner stated that the memo was to capture the board's feedback at the last meeting and there were no comments on recreational.

Ms. Wendel stated that's what he's trying to comment on.

Chair Zuckerman asked if she's saying she wants to add to the positive declaration a point about recreation?

Ms. Wendel replied correct, because she feels like Peter Lewis's comment about what the access of the public will be seems to her to belong under recreational.

Mr. Gaba stated that he'd like to be clear about this. The positive declaration was adopted at last month's meeting. This board voted on it. It did so based upon oral comments on the positive declaration. This document that they voted on is capturing all those comments. If Ms. Wendel is trying to say that there was a comment made on the positive declaration that was voted on that isn't in this document, that's fine. But unless she wants to move to amend the positive declaration, that is a whole

different animal. All they're doing right now is looking and making sure that all the comments are captured and set forth in this. It sounds to him like she's trying to bring something else in there that wasn't mentioned in last month's meeting.

Ms. Wendel stated that she has not memorized last month's meeting, but it struck her that the comment about visual resources and community character that Mr. Lewis made belongs under recreational resources. She's worried about the scoping but if it's going to open a big can of worms it's probably not important because it will be addressed.

Mr. Werner stated that he has a possible solution. When he read that and listened to that comment, to him it sounded like more of like a project description, operational kind of comment like what's the public access going to look like? Currently the site's not a public park, it's private. It's going to continue to be private. So, if that's a question Mr. Lewis had, the applicant can surely write up pretty clearly in their project description how it's going to operate and how access will be allowed for the public. He thinks that's more of just an operational project description point more than an environmental impact point.

Chair Zuckerman stated to be precise, the write-up that Mr. Werner has done that is their positive declaration is a recitation of the items that are significant adverse impacts. When he read Mr. Lewis' comment about recreational purposes it was more about a question as to what will those, be not that it's a significant adverse impact.

Mr. Lewis replied it wasn't an environmental question. It was really about access and he thinks members of the town are probably very concerned about whether or not they're going to be able to have access, where they're going to have access, when they're going to have access. But like Mr. Gaba said, it's not an environmental question.

Ms. Wendel stated environmental is pretty broadly drawn in SEQRA but she takes the point and is not trying to raise a ruckus. Just trying to make sure that the scoping document reflects the discussion.

Chair Zuckerman stated that they will have, without question, starting in September a discussion of the scoping and if there are topics that they would like to have greater edification on to include access. He's sure that is not a problem to clarify what the access will be. He then stated that he had one question related to the utilities. In the paragraph, "utilities, water, sewer and energy" on page three, the third major section. one of the things he raised that moved him in the conversation was he can't recall if the well went dry but there was there was a change in water during a previous era. He believes there was a period where those neighbors in the region had experienced a water problem that had to be investigated. Whatever that incident was, and again it was it was well outlined in the water study, a sentence related to a historic pattern that occurred, or maybe not a pattern but it happened previously. He thinks is a worthy note in that paragraph on utilities.

Mr. Werner stated, so the sentence where it says, *the demand for potable water has the potential to result in impacts to off-site private wells which have experienced drawdown from historic operations at the site.*

Chair Zuckerman stated, all right, well there you go. Drawdown is the term he wasn't familiar with but if that means a reduction again, he doesn't remember the history lesson, whether it was actually they went dry or there was a reduction in flow. But if drawdown's sufficient, then he's fine that. On the next

page "traffic, transportation, parking", top paragraph the final sentence says, *the number of persons projected to be on Sunday one time could be as high as 853*. Can you just remind him they got that from which time period, which usage? He added he just doesn't remember that stat.

Mr. Werner replied that was based on the most recent EAF that reflects the loss of the indoor theater and the hotel. So, that's the new number that's in Mr. Canning's most recent memo/amendment traffic study that was part of the EAF part 3.

Chair Zuckerman asked everyone to turn to the fourth page of the positive declaration at the bottom it says, *scoping of DEIS*. Mr. Werner has made a change in this because they can't apparently have a blank on a date.

Mr. Werner stated that some lead agencies have the positive declaration and the draft scope ready to go at the same time. In this case they don't. Right now, they're accepting the positive declaration and are going to release that and then the applicant will be directed to write the draft scoping document between now and the next meeting and that will be submitted so all this language in here about scheduling the scoping meeting is premature. So, what he proposes to replace that with is the following; *the lead agency has directed the applicant to prepare a draft scoping document pursuant to section 617.8 of SEQRA. The draft scoping document will be circulated to the same involved interested agencies that received the positive declaration and information on a public scoping session and scoping comment period will be shared with all involved interested agencies and the public at a later date.*

Mr. Gaba confirmed that is sufficient.

Chair Zuckerman then asked Mr. Gaba if he could remind the board and the public what comes next.

Mr. Gaba stated what ordinarily comes next is that the applicant submits a draft scope and then there's a public scoping session on it to finalize the scope. In this particular case, they've directed the consultants to prepare a punch list or a list of items that the board feels should be in the scope that will be compared against the draft scope that is submitted by the applicant. They'll circulate this to them as soon as they can, just to give them a kind of heads up as to what the board is interested in and then after the scope is settled upon, they'll begin drafting the draft environmental impact statement.

Chair Zuckerman asked is that clear to everyone what he means by a punch list? Basically, the topics they want to go understand more.

Mr. Gaba stated it's just prefatory. It isn't the final. They may have more things in the draft scope.

Chair Zuckerman stated that more is better than less in this case.

Mr. Hollis stated that they're working off the AKRF memo and the resolution itself. They've already begun to work at a scoping outline, so they'll be prepared to have that to the board with any changes in the plans that the development team and the client come up with by the September meeting.

Chair Zuckerman asked when Mr. Gaba says it's a public scoping, he just means it's done in the public venue?

Mr. Gaba replied no, it's kind of like a public hearing. The public is allowed to comment on it, but it's not a public hearing, it's called a scoping session.

Chair Zuckerman then asked if he can give some clarity to the board, the public and maybe for Ms. Rockett's sake, because if we have to notice it he'd like to make clear to the public if they're allowed to get to the microphone and say they'd like investigation of x, y and z they are transparent to the public so they know because there obviously was a weight of public comments on all sides and he thinks it's valuable to make sure that's clear.

Mr. Gaba stated to be clear on that this is not a public hearing on the application. The comments should be directed to the DEIS scope and what should be considered. It isn't what people think is good or they think it's bad.

Mr. Hollis stated that the scoping session will not be at the September meeting because they will only be giving the scope at that time.

Mr. Gaba stated that the scope won't be ready at that time. The board has to look at it. Once the board agrees on the scope, once they acknowledge receipt of it then you hold the scoping session.

Chair Zuckerman stated that'll be the October he would expect.

Mr. Werner stated technically they have 60 days to adopt a scoping document from when it's submitted. So he would advise that when it comes in in September, even if it's not perfect, the board can set the hearing date, AKRF can comment, the public will have it to review and comment, the board can look at it and comment. Then, at that scoping hearing everyone can lay out their comments and within that 60-day window they should be able to get a final scope.

Chair Zuckerman added to state this more explicitly, in September they'll discuss it as a board, acknowledge receipt, set the public hearing for the October meeting. Then, folks will come in, they'll state; *hey we want more of this or less of that or wouldn't it be great if you looked at that*. No comments about good or bad and that will be a session to take input. Other than that, and then November he guesses they'll then approve the scope.

Mr. Lewis asked if just for the clarity of people watching and people here, can Mr. Gaba just explain the difference between scoping and public hearing.

Mr. Gaba stated, think of the scope as the table of contents of the Draft Environmental Impact Statement. The scope is going to lay out all the things that are going to be looked at. It's not going to say what's going to be said about them one way or the other. It's going to say - there's going to be a chapter on noise, there's going to be chapter on lights, there's going to be a chapter on water quality, and so forth. So, when they hold their public hearing on the scope, they shouldn't have comments saying; *they're very concerned about the lighting or very concerned about the traffic*. If someone takes a look at the scope and the draft scope and they see there's already a section on traffic on there. If they want to come up and say we think it's great there's a section on traffic in there, that's fine, but it doesn't really add anything to the conversation. What they're looking for is people to say something like - *are there Karner blue butterflies that I've observed on the property and I think that if you're going to be looking at endangered species, there should be a subsection on Karner blue butterflies*. Something like that. Something that you may want to have looked at specifically that otherwise might not be looked at in the EIS.

Mr. Werner stated he would just add one more thing. The topics in the positive declaration, those headings, are what is going to be the subject matter of the DEIS they've decided that already. So, there's no "Historic Resources" chapter because at the last meeting the board decided there wasn't any more comments on that. They have SHPO letters saying no impacts, so that issue is out of the DEIS. So, it's really focusing on the positive declaration reasons.

Mr. Gaba stated that if they've already determined that there's no potential significant environmental impacts for an item, like historic matters or what have you, then they can't back door it into the EIS and say - *now we're going to add into the scope even though we've already found that there's no potential adverse significant impacts for that.* So, there are a few things that have gone by the wayside but other than that, unless they've specifically made a finding on it already, everything is open.

Chair Zuckerman then asked for a motion to adjourn. Mr. Tomann made the motion; Ms. O'Connell seconded the motion. The vote went as follows:

Dennis Gagnon:	Aye
Peter Lewis:	Aye
Laura O'Connell:	Aye
Neal Tomann:	Aye
Heidi Wendel:	Aye
Chair Zuckerman:	Aye

Opposed, Abstentions? Being none the motion passes.

The meeting was adjourned at 8:29 p.m

Date Approved: 9/15/22

Respectfully submitted by

Cheryl Rockett- Planning Board Secretary