

TOWN OF LAKE LUZERNE  
REGULAR TOWN BOARD MEETING  
MARCH 8, 2010

SUPERVISOR CALLED MEETING TO ORDER AT 7:00 PM WITH THE FOLLOWING MEMBERS PRESENT: COUNCILMAN MCLAIN, COUNCILMAN DIEHL.

SUPERVISOR OPENED PUBLIC HEARING FOR PROPOSED LOCAL LAW #1 OF 2010 AT 7:02 AND ATTORNEY RUSSELL THARP GAVE A BRIEF EXPLANATION OF THIS PROPOSED LAW IN THAT IT REQUIRES REGISTRATION OF HOTELS AND MOTELS AND LIMITS THE NUMBER OF CERTAIN INDIVIDUALS THAT CAN STAY AT THE HOTEL OR MOTEL AND REQUIRES AN INVESTIGATION AND EVALUATION BY THE TOWN ZONING ENFORCEMENT OFFICER AND ANY OTHER AGENCY THAT IS NECESSARY TO EVALUATE THE FITNESS OF THE HOTEL OR MOTEL, THE INTENT IS TO PROMOTE PUBLIC SAFETY AND THE GENERAL WELFARE OF THE TOWN. THERE WERE NO COMMENTS FROM THE PUBLIC ON THIS PROPOSED LAW. SUPERVISOR CLOSED PUBLIC HEARING AT 7:04 PM.

RESOLUTION #34 OF 2010 – RESOLVED UPON A MOTION BY SUPERVISOR MERLINO, SECONDED BY COUNCILMAN MCLAIN,

WHEREAS, THE TOWN BOARD OF LAKE LUZERNE DIRECTED THE TOWN CLERK TO PUBLISH A NOTICE OF PUBLIC HEARING ON LOCAL LAW #1 OF 2010 ENTITLED HOTELS AND MOTELS, AND;

WHEREAS, SAID NOTICE WAS PROPERLY PUBLISHED MORE THAN 5 DAYS PRIOR TO THE PUBLIC HEARING IN THE LEGAL NOTICE SECTION OF THE TOWN'S DESIGNATED NEWSPAPER, THE POST STAR, AND;

WHEREAS, THE TOWN BOARD MEMBERS RECEIVED COPIES OF THE TEXT OF THE PROPOSED LOCAL LAW AT LEAST 7 DAYS PRIOR TO FINAL PASSAGE;

NOW THEREFORE, LOCAL LAW #1 OF 2010, HOTELS AND MOTELS IS ENACTED AND ENTERED IN THE MINUTES. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

**Be it enacted by the Town Board of the Town of Lake Luzerne as follows:**

**The Town of Lake Luzerne  
LOCAL LAW NO. 1 FOR 2010**

**HOTELS AND MOTELS**

## GENERAL REFERENCES

### § 119-1 Purpose and intent.

It is the purpose and intent of this chapter to promote the public health, safety and general welfare of the guests of hotels and motels located within the town and that of the general citizenry of the town.

### § 119-2 Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated.

#### HIGH MANAGERIAL AGENT

The same meaning as set forth in §20.20 of the Penal Law of the State of New York and in addition means a member of a limited liability company or any other agent in a position of comparable authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinate employees.

#### HOTEL or MOTEL

Any rooming, tourist house and tourist accommodation will have the same definition as contained in the zoning ordinance of the Town of Lake Luzerne and will be referred to herein as hotel or motel for purposes of this local law and will include any other inn, tourist home, trailer park, trailer camp, boarding house, rooming house, halfway house, rehabilitation facility, prison transitional facility, or any other structure, building or part of a building used in the business of renting rooms, individual or several, or similar establishment where sleeping accommodations are furnished for pay to guests, lodgers, tourists, transients or travelers, whether meals are served therein or not to such guests, lodgers, tourists, transients or travelers, intending to include but not limited to all of those facilities described in Section 204 of the General Business Law.

#### LICENSE

A registered sex offender occupancy license issued under this chapter.

(1)

#### LICENSED PREMISES

Includes the hotel or motel as defined above, together with all other real property and improvements appurtenant thereto owned or leased by the licensee or one (1) or more of its officers, directors, shareholders, partners or other principals.

#### LICENSEE

The holder of the license to conduct such hotel or motel business.

#### PERSON

Includes an individual, or any firm, partnership, corporation, limited liability company or association of persons or entity of any kind.

#### REGISTER

The register required to be maintained under § 119-11 of this chapter and § 204 of the

New York General Business Law.

#### REGISTERED SEX OFFENDER

A person who has been convicted of a violation of a sexual offense, as defined by the New York State Penal Law or federal law, and who has received a Level one, two or three designation as described in Article 6-C of the New York State Correction Law, or under any other state or federal law which would require that individual to register as a sex offender under such respective state or federal law.

Unless specifically defined above, all terms used in this chapter shall be interpreted to give them the meanings they have in common usage and to give this chapter its most reasonable application.

#### § 119-3 License required.

No person shall engage in the business of owning or operating an establishment as defined in § 119-2, i.e., rooming, tourist house, tourist accommodation or hotel and motel as defined in § 119-2 that accepts placements, referrals or payment by or on behalf of any federal, state or local government or any subdivision thereof, or from any not-for-profit group, association or entity of any type or nature, on account of providing accommodations to one or more registered sex offenders without first obtaining a license therefor for each establishment owned or operated by the said person from the Town Clerk of the Town of Lake Luzerne as hereinafter provided.

(2)

In addition to all the other enforcement provisions in this law, if it is determined by the Town Board or the Zoning Enforcement Officer that the operation of business requiring such a license is continuing in the Town of Lake Luzerne without the application for such license or if any such business is operated after the determination or revocation or expiration of such license the Town Board may direct the Attorney for the Town to seek Injunctive Relief in Supreme Court and secure an Order directing that the operation of said business be immediately terminated pending whatever further directions may be given by the Court issuing the Injunction.

#### § 119-4 Application for license.

A. Each applicant for a license under this chapter shall make a written application on a form supplied by the Town Clerk setting forth:

- (1) The name, residence and postal address of the applicant and the name under which the applicant intends to do business, if different.
- (2) The exact location of the proposed licensed premises.
- (3) A description of the buildings, structures and accommodations that comprise the licensed premises.
- (4) A statement of the number of lawful housing or lodging units at said establishment and the maximum number of persons that can lawfully be accommodated in the licensed premises and each individual unit thereof at any given time.
- (5) The number and location of the automobile parking spaces and parking

facilities at the licensed premises.

- (6) The name and address of the owner of the licensed premises.
- (7) The name or names of the person or persons on the licensed premises upon whom process may be served.
- (8) A detailed description of the register or system used for the registration of persons to whom accommodations are extended as required by the General Business Law of the State of New York.
- (9) Whether the applicant, or any partner of a partnership applicant, or any officer, director, High Managerial Agent or stockholder of a corporate applicant holding five percent (5 %) or more of the stock thereof, or any member of a limited liability company, or any principal of any other applicant that is not a natural person has ever been convicted of any crime listed in § 119-5 of this chapter, and if so, the details thereof, including, with respect to each conviction, the name of the person convicted,
  - (3) the date thereof, the nature of the crime, the court in which the conviction was entered and the punishment imposed.
- (10) If applicable pursuant to § 119-5 of this chapter, a certified copy of a certificate of relief from disabilities or certificate good conduct granted to the applicant pursuant to Article 23-A of the New York Correction Law.
- (11) In the case of any applicant that is a corporation, limited liability company, partnership or other entity:
  - (a) The place of incorporation or establishment of applicant.
  - (b) A copy of the applicant's certificate of incorporation, limited liability organizational instruments, partnership agreement or other organizational documentation.
  - (c) Any fictitious or assumed name under which the applicant does business.
  - (d) The names and residences of all stockholders, partners, members or other principals holding five percent (5 %) or more of any stock or other interest of the applicant.
  - (e) The names and residences of all officers, directors and High Managerial Agents of the corporation and the office held by each.

B. Any premises required to be licensed pursuant to this chapter in operation on the effective date of this chapter shall apply for a license hereunder within thirty (30) days of such effective date. Such application shall include all information set forth in Subsection "A" above.

C. The licensee shall notify the Town Clerk, in writing, of any change in information provided by the licensee in the license application during the term of the license within ten (10) business days of such change.

#### § 119-5 Criminal convictions barring issuance of license.

No such license shall be issued to any person who has been convicted of any crime defined as a felony or a Class A misdemeanor under Articles 120, 125, 130, 135, 140 or 160 of the New York Penal Law, subject in each case to the rehabilitation procedures

under Article 23-A of the New York Correction Law, nor shall any such license be issued to any partnership in which any general partner shall have been convicted or to any corporation or limited liability company in which any stockholder holding five percent (5 %) or more of any of the stock thereof or any director, officer or High Managerial Agent thereof, or any other applicant other than a natural person, any owner or

(4)

other principal of which shall have been convicted of any crime defined as a felony or a Class A misdemeanor under Articles 120, 125, 130, 135, 140 or 160 of the New York Penal law, subject in each case to the rehabilitation procedures under Article 23-A of the New York Correction Law.

§ 119-6 Investigation; issuance of license.

The Zoning Enforcement Officer or designee and a representative of the Lake Luzerne-Hadley Fire District shall inspect the premises within thirty (30) days of application to determine whether or not the licensed premises and operation thereof comply with all applicable health, fire, safety, construction and zoning ordinances, laws, regulations and statutes. If the licensed premises do not comply with such regulations, the Zoning Enforcement Officer or designee and representative of the Lake Luzerne-Hadley Fire District shall so notify the Town Clerk within ten (10) days of such inspection, who shall notify the applicant that the application is denied, setting forth the reasons for the denial. The applicant shall have thirty (30) days to correct any deficient condition and request a reinspection for the purpose of securing a license.

§ 119-7 License Fee.

The annual fee per year for said license for any licensed premises will be set by Resolution of the Town Board and on file in the Clerk's Office; the initial fee as set by the Board is \$3,000.00. The fee is due upon application and is nonrefundable even if a license is not granted.

§ 119-8 Term of license; display required.

- A. All licenses issued under the provisions of this chapter shall be for a term of one (1) year commencing on the date of their issuance, unless sooner revoked pursuant to this chapter.
- B. All licenses shall be prominently displayed in a conspicuous place in the lobby or registration area of the licensed premises. The license shall be denominated as the Registered Sex Offender Occupancy License.

§ 119-9 Transfer of license.

A license shall be valid only to the applicant to whom it is issued and for the licensed premises stated on the license. No transfer of any license issued hereunder shall be permitted. Any sale of all or substantially all of the licensed premises or the assets of or merger or other consolidation of or any transfer of more than fifty percent (50 %) in ownership or voting interest in any licensee that is a corporation, partnership or other entity shall be deemed a transfer for purposes of this chapter.

§ 119-10 Inspection of premises.

The Zoning Enforcement Officer or designee, a representative of the Lake Luzerne-Hadley Fire District and a constable of the Town of Lake Luzerne, if there is one, shall have the authority to inspect the public areas of the licensed premises from time to time, at any hour of the day or night without prior notice, to determine that the provisions of this chapter are followed.

§ 119-11 Register.

Any licensed premises as defined herein shall keep for a period of three years a register which shall show the name, residence, date of arrival and departure of all persons provided with sleeping accommodations at the licensed premises. The said register must be available for inspection by any representative of the Town of Lake Luzerne, including but not limited to, the Zoning Enforcement Officer, a representative of the fire department and Town Engineer who shall have the authority to inspect the register from time to time, at any time of the day or night without prior notice, to determine that the provisions of this chapter are followed.

§ 119-12 Occupancy Points.

- A. There is hereby established in the Town of Lake Luzerne an occupancy point system applicable to licensed premises based upon and equal to the risk level designation assigned to a sex offender by the sentencing court pursuant to Correction Law § 168-n. For the purposes of this chapter, a Level 1 sex offender is hereby assigned 1 occupancy point; a Level 2 sex offender is hereby assigned 2 occupancy points; and, a Level 3 sex offender is hereby assigned 3 occupancy points.
- B. Hotels, motels and other licensed premises as defined in this chapter are granted a total of 3 occupancy points.

§ 119-13 Prohibited uses.

It shall be a violation of this chapter to knowingly provide accommodations to persons who are registered sex offenders in any hotel or motel or other licensed premises in the Town of Lake Luzerne if the occupancy by such registered sex offender results in the hotel, motel or other licensed premises to exceed the maximum number of assigned occupancy points at any one time on any given day.

§ 119-14 Suspension or revocation of license; hearing.

- A. Any license issued under this chapter shall be revoked by the Town of Lake Luzerne for any of the following causes, provided that said licensee shall be afforded a hearing before the Town Board or its designee and notice of such hearing prior to such a revocation: (6)

- (1) The violation by the licensee or any officer, director, member, partner, five-percent-or-greater shareholder, High Managerial Agent or other principal of licensee of any provision of this chapter or § 204 of the General Business Law of the State of New York.
- (2) Upon the recommendation of the Zoning Enforcement Officer, or designee, or representative of the Lake Luzerne-Hadley Fire Department

or Town Constable, if there be one, for the failure to cure any violation of any applicable health, fire, safety, construction or zoning ordinance, law, regulation or statute within the time provided in the Town of Lake Luzerne Zoning Law or other applicable code after notification to the licensee of such violation by the Zoning Enforcement Officer or designee or Town Constable, if there be one.

- (3) Upon the recommendation of the Zoning Enforcement Officer, or designee, or representative of the Lake Luzerne-Hadley Fire Department or Town Constable, if there be one, for knowingly permitting the licensed premises to be used, alone or in association with others, for acts constituting violation of Articles 220, 225 or 230 of the Penal Law of the State of New York or failure to make reasonable effort to abate such use by ejecting such occupants or other persons on or about the licensed premises, notifying law enforcement authorities or other legal means.
- (4) False statements made in an application for a license.
- B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be given personally or mailed by first class mail, postage prepaid, to the licensee at his or her last known address at least five (5) days prior to the date set for such hearing.
- C. Such license may, pending revocation proceedings, be suspended by the Town Clerk if, in the opinion of the Zoning Enforcement Officer or designee, or representative of the Lake Luzerne-Hadley Fire Department, the nature of the violation of this chapter by the licensee is such that operation of the hotel or motel may be detrimental to the health, safety and welfare of guests of said hotel or motel or the inhabitants of the town. In the event of any such suspension, the licensee shall be entitled to a hearing before the Town Board within twenty (20) days after the suspension.

§ 119-15 Posting of chapter.

Every licensee shall post in a public and conspicuous place and manner in the registration office or lobby of the licensed premises a notice that a printed copy of this chapter is available for inspection by the public in such registration office.

(7)

§ 119-16 Penalties for offenses.

- A. Any licensee or person acting on behalf of a licensee who violates any provision of this chapter shall, upon conviction thereof, be punished as follows:
  - i. Upon a first conviction, by a fine not less than \$250 or by imprisonment for a period not to exceed seven days, or by both such fine and imprisonment.
  - ii. Upon a second conviction, by a fine not less than \$500 or by imprisonment for a period not to exceed 10 days, or by both such fine and imprisonment.
  - iii. Upon a third or subsequent conviction, by a fine not less than \$1,000 or by imprisonment for a period not to exceed 15 days, or by both such fine and punishment.

- iv. Notwithstanding a conviction for an offense against any provisions or sections hereof a person, association or corporation convicted shall be subject to revocation of any license herein granted without reimbursement of fees paid therefor.
- v. Any penalties provided for in Town Law § 135.

The continuation of a violation on each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violations may be punished as provided for above for each separate offense.

- B. An action or proceeding in the name of the Town of Lake Luzerne may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the provisions of this chapter.

#### § 119-17 Grandfather Provision.

Any hotel or motel or other premises required to be licensed pursuant to this chapter in operation on the effective date of this chapter shall have thirty (30) days after the issuance of a license hereunder to comply with the terms of this chapter.

#### § 119-18 Interpretation.

This chapter shall be liberally construed so as to effectuate the purposes described in this chapter. Nothing herein shall abridge the powers and responsibilities of any police department or law enforcement agency to enforce the provisions of this chapter. Nothing herein shall be construed to abridge the emergency powers of any health department or the right of such department to engage in any necessary or proper activities.

(8)

#### § 119-19 Conflicts.

If this chapter conflicts with any federal, state or local legislation then, in that instance, the more stringent law shall apply. A law shall be determined to be more stringent if it limits the allowable number of registered sex offenders that may reside at a hotel, motel or other licensed premises at any one time to a lesser number of registered sex offenders than allowed by this chapter.

#### § 119-20 Records.

The Town Clerk shall keep a record of all applications, the determinations thereof and all licenses issued and their date of termination and/or revocation and shall maintain a record for each license issued of the reports of violation relative thereto.

#### § 119-21 Severability.

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

ATTORNEY RUSSELL THARP WILL CERTIFY THIS LOCAL LAW AND THE TOWN CLERK WILL FILE IT WITH THE SECRETARY OF STATE.

SUPERVISOR OPENED PUBLIC HEARING ON THE MONT LUZERNE PROJECT AT 7:15 PM WITH THE TOWN'S ENGINEER, CHRIS ROUND OF THE CHAZEN COMPANY AND ATTORNEY FOR THE DEVELOPER, ANDREW BRICK FROM THE DONALD ZEE LAW FIRM PRESENT

ANDREW BRICK – WE ARE HERE TONIGHT SEEKING AMENDMENTS TO THE SCOPING DOCUMENT THAT WAS PREVIOUSLY PASSED BY THE TOWN BOARD. FOR THOSE OF YOU THAT AREN'T FAMILIAR WITH AN ENVIRONMENTAL IMPACT QUALITY REVIEW PROCESS, A SCOPING DOCUMENT IS THE DOCUMENT WHICH THE LEAD AGENCY, WHICH IS THE TOWN BOARD IN CONJUNCTION WITH THEIR EXPERTS SIT DOWN WITH THE APPLICANT AND DETERMINE THE SCOPE OF WHAT THE ENVIRONMENTAL REVIEW IS GOING TO INVOLVE. THEY SET FORTH THE THINGS THAT THEY ARE GOING TO REQUIRE US, AS THE APPLICANT, TO ADDRESS IN TERMS OF POTENTIAL FOR ENVIRONMENTAL IMPACT. WE WENT THROUGH THIS PROCESS A FEW YEARS BACK AND WE GOT TO WORK, GOT THE SCOPING DOCUMENT THAT WAS ADOPTED BY THE BOARD AND WE GOT TO WORK ON CRAFTING AND WRITING UP THE DRAFT ENVIRONMENTAL IMPACT STATEMENT TO COMPLY WITH THESE SCOPING DOCUMENTS. AS WE WERE DOING THAT, OUR ENGINEER AND OUR EXPERTS IN PARTICULAR FIELDS, THAT WE BROUGHT ON BOARD TO ASSISTS US IN THIS PROCESS REALIZED THAT DUE TO THE SIZE AND SCOPE OF THE PROPERTY INVOLVED, HOPEFULLY YOU ARE ALL FAMILIAR WITH IT, THE PROPERTY IS APPROXIMATELY 2200 ACRES ON THE WEST SIDE OF THE WEST MOUNTAIN SKI CENTER, IT RUNS FROM CALL STREET ALL THE WAY UP TO GLENS FALL MOUNTAIN ROAD. IT IS A VERY LARGE PARCEL THAT CERTAIN ASPECTS OF THE ENGINEERING WE WERE REQUIRED TO DO UNDER THE SCOPING DOCUMENT WOULD BE SO TIME CONSUMING SO AS TO BE INSURMOUNTABLE DUE TO THE SIZE OF THE PROPERTY AND THE FACT THAT THE PROJECT THAT IS PROPOSED IS ONLY GOING TO USE A SMALL PORTION OR A MODERATE SIZE PORTION OF THE PROPERTY AND WILL LEAVE LARGE SPACES OF OPEN SPACE SO IN GOING THRU THAT OUR ENGINEERS CAME BACK AND SAID WE CAN DO THIS BUT IT WILL TAKE YEARS JUST BY WAY OF EXAMPLE TO DELINEATE ALL OF THE WETLANDS ON THE PARCEL. IT IS GOING TO TAKE QUITE SOME TIME OF US TO DO IT. IN THE INTEREST OF MOVING THE PROJECT ALONG WE SAT DOWN AND SAID TO OURSELVES DO WE HAVE TO DELINEATE ALL OF THE WETLANDS RIGHT NOW, YES WE DO UNDER THE SCOPING DOCUMENT, BUT DOES IT MAKE SENSE TO DO THAT RIGHT NOW. WE DID AS MUCH AS WE POSSIBLY COULD AND WE SUBMITTED EXAMPLES WITH THAT STATEMENT. UPON REVIEW BY THE TOWN BOARD AND CHRIS ROUND AS THEIR EXPERT, THEY LOOKED AT IT AND DETERMINED IT WAS

INCOMPLETE, CHRIS PROVIDED US WITH A NUMBER OF HIS COMMENTS AND CONCERNS AND WHERE HE FELT IT WAS INCOMPLETE AND NEEDED TO BE INCREASED IN REVIEW. ONE OF THE SUGGESTIONS THAT CAME OUT OF THAT PROCESS WAS CONSIDERING DOING A CONSTRUCTION SCALE, DESIGN SCALE ANALYSIS FOR ENVIRONMENTAL IMPACTS FOR THE FIRST FEW PHASES AND THEN DO A MORE GENERIC IMPACT ANALYSIS FOR THE FUTURE PHASES BECAUSE THIS IS PLANNED TO BE AT LEAST A TWENTY YEAR PROJECT SO THEIR THINKING WAS THAT IN TERMS OF ENVIRONMENTAL IMPACT IT MAY MAKE MORE SENSE TO TAKE A LOOK AT WHAT IS PROPOSED FOR PHASE I, TAKE A LOOK AT WHAT IS PROPOSED TO BE BUILT IN THE NEXT THREE TO FIVE YEARS, ADDRESS AND ANALYZE THRU SIGNIFICANT DETAIL THE POTENTIAL IMPACTS THERE AND HOW YOU ARE GOING TO DEMITAGATE THEM AND THEN FOR FUTURE PHASES OF THE PROJECT, PROVIDE WHAT IS CALLED A GENERIC ANALYSIS THAT WHEN WE GET TO PHASE 7 OR PHASE 8, THESE ARE THE CONCERNS THAT WE MAY FIX AND SET THRESHOLDS OF WHAT WOULD TRIGGER SUBSEQUENT ENVIRONMENTAL REVIEW. ON THE GENERIC PORTION OF IT, IF WE DETERMINE THAT THERE ARE SIGNIFICANT STEEP SLOPES OR SIGNIFICANT BED ROCK WHERE WE ARE PROPOSING THE DEVELOP PHASE 8, THEN THAT WOULD TRIGGER A GREATER ENVIRONMENTAL REVIEW FOR THAT PARTICULAR PHASE, IF THAT MAKES SENSE THAT IS KIND OF THE IDEA IN A NUT SHELL. IT DOES DO A NUMBER OF THINGS, IT PROVIDES US AS THE APPLICANT IN LOOKING AT THE ENVIRONMENTAL IMPACT A GREATER DEGREE OF FLEXIBILITY IN TERMS OF DESIGNING THE PROJECT BECAUSE IF WE HAD TO ADDRESS ALL OF THE ENVIRONMENTAL IMPACTS UP FRONT, TO THE FULL PROJECT BUILD OUT AS WHAT WAS IN THE ORIGINAL SCOPING DOCUMENT, WE WOULD HAVE TO COMMIT OURSELVES TO WHERE WE ARE GOING TO ACTUALLY PHYSICALLY LOCATE EACH FUTURE PHASE OF THE PROJECT ON THE PROPERTY. NOW JUST BY WAY OF EXAMPLE, LETS USE WETLAND AGAIN, WE WENT TO MEET WITH DEC TO DISCUSS THIS PROJECT WITH THEM AND UPDATE THEM UP TO SPEED, ONE OF THE THINGS THEIR WETLANDS EXPERT SAID WAS WETLANDS MOVE YOU ARE TALKING ABOUT A TWENTY YEAR PROJECT AND THEM MAY NOT BE WHERE THEY ARE TODAY SO WHY ARE YOU ANALYZING WHERE THE WETLANDS ARE TO THE PHASE THAT YOU ARE GOING TO BUILD IN TWENTY YEARS, WHICH WAS AN EXCELLENT POINT. HE ALSO POINTED OUT THAT REGULATIONS OF WETLANDS CHANGE, FOR AN EXAMPLE, AN ARMY CORP OF ENGINEER DELINEATION IS ONLY GOOD FOR FIVE YEARS AND THAT IS A RECOGNITION OF THE FACT THAT WETLANDS DO MOVE, REGULATIONS CHANGE SO THEIR QUESTION WAS WHY DELINEATE THE WETLANDS NOW WHEN IT IS ONLY GOOD FOR FIVE YEARS AND YOU ARE NOT GOING TO BE IN THAT AREA FOR AT LEAST FIFTEEN TO TWENTY YEARS ANYWAY, WHICH MAKES SENSE TO US. ALSO WETLANDS ARE REGULATED BY THE STATE AND FEDERAL GOVERNMENTS, WELL REGULATIONS ALSO CHANGE, SO FOR US IT MAKES MORE SENSE OR AS PRACTICAL SENSE TO

REVIEW THE FUTURE PHASES UNDER THE REGULATIONS AS THEY EXIST NOW IF THEY HAVE CHANGED FOUR TIMES BY THE TIME WE GET TO THAT PHASE, WE WOULD JUST HAVE TO REVIEW IT ALL OVER AGAIN SO WHAT WE PROPOSE IS AGAIN EXTENSIVE LEVEL OF DETAIL FOR PHASE I WE SHIFTED THE PROJECT FROM AN EIGHT PHASE PROJECT, WE ARE NOW PROPOSING THAT THE SCOPING DOCUMENT BE AMENDED TO A NINE PHASE PROJECT. PHASE I IN THE ORIGINAL SCOPING DOCUMENT WERE HAMLETS A, B AND C. THEY WERE THE FIRST AREAS TO BE DEVELOPED, THEY ARE ON THE NORTHERLY PORTION OF THE PROPERTY, JUST INSIDE THE BLUE LINE THE ACCESS ROAD IS GOING TO COME IN FROM GLENS FALLS MOUNTAIN ROAD, THE OLD MOUNTAIN ROAD AND THE HAMLETS ARE GOING TO BE RIGHT IN THAT VICINITY. WHAT WE HAVE DONE IS WE HAVE SHIFTED THAT SO THAT TO GO INTO HAMLET A WHICH IS GOING TO BE THE FOCAL POINT THE PROJECT IS GOING TO BE FIRST PHASE CONSTRUCTION IT'S GOING TO BE WHERE ALL OF THE MAJORITY OF THE COMMERCIAL RETAIL IS LOCATED, IT IS GOING TO BE WHERE THE HOTEL/RESORT IS GOING TO BE LOCATED, THAT IS PHASE I, THAT ALONG WITH THE ACCESS ROAD, BECAUSE CLEARLY WE CANNOT START WORKING ON THAT UNTIL WE GET AN ACCESS ROAD IN THEY HAVE TO GO TOGETHER, WE DO PHASE I AND BUMP HAMLET B AND C TO PHASE II AND END UP WITH A NINE PHASE PROJECT. THAT IS THE GENESIS OF WHY WE ARE HERE TONIGHT TO REQUEST THAT THE SCOPING LANGUAGE BE AMENDED BECAUSE WE JUST CALLED THE TOWN BOARD AND ASKED IF THEY WOULD CONSIDER AMENDING THIS FOR US AND THEY SAID THIS WAS ORIGINALLY A SUBJECT FOR A PUBLIC HEARING AND IF YOU ARE GOING TO AMEND IT, WE HAVE TO HAVE A PUBLIC HEARING, WE CANNOT HAVE A PUBLIC HEARING, CLOSE IT AND THEN AMEND THIS STUFF WITHOUT OPENING IT UP FOR PUBLIC COMMENT AGAIN IN THE FUTURE WHICH MADE PERFECT SENSE AND THAT IS WHY WE ARE HERE THIS EVENING, I AM HERE TO ANSWER ANY QUESTIONS THE BOARD OR ANYONE FROM THE AUDIENCE HAS TO THE BEST OF MY ABILITY AND THAT IS IT IN A NUT SHELL.

ATTORNEY THARP – I WOULD NOTE MR. SUPERVISOR THAT THE BOARD WON'T MAKE A DECISION ON THIS TONIGHT BECAUSE WE ARE ALLOWING ALL OF THE AGENCIES WHO EVALUATE THIS TWO WEEKS TO GIVE US WRITTEN COMMENTS AND WE WILL ACCEPT WRITTEN COMMENTS FROM ANYONE DURING THAT TWO WEEK PERIOD AND THEN THE BOARD WILL EVALUATE THOSE WRITTEN COMMENTS.

SUPERVISOR MERLINO- WE HAVE IT SET FOR MARCH 22<sup>ND</sup> 1:00PM, THEY ALL HAVE TO BE IN, WE WON'T CALL IT A WORKSHOP BUT A MEETING INCASE WE HAVE TO MAKE A DECISION THAT DAY.

ANDY BRICK – THAT IS FAIR BECAUSE I KNOW YOU HAVE CONTACTED ALL THE INTERESTED AND INVOLVED AGENCIES AND THEY ARE NOT

GOING TO RUSH OUT HERE TO QUOTE THEIR COMMENTS, IT IS ONLY FAIR TO GIVE THEM SOME TIME TO GET SOMETHING IN.

SUPERVISOR MERLINO – WELL I AM TRYING TO MAKE SURE THAT THE POPULATION OF THE TOWN BETWEEN THE NEWSPAPER AND EMAILS THAT WE SEND OUT EVERYONE IS GETTING NOTIFIED.

ANDY BRICK – JUST TO UPDATE THE BOARD, WE HAVE MET WITH OUR PROJECT ENGINEERS, DEPT OF HEALTH BECAUSE THEY ARE GOING TO IN CHARGE OF APPROVING ANY WATER SUPPLY, WE ALSO MET WITH DEC, REGION 5 WAS WONDERFUL WE WENT UP TO WARRENSBURG AND LITERALLY I THINK EVERYONE IN THE BUILDING THAT WORKS THERE CAME DOWN AND SAT WITH US AND WE WENT THRU ALL THE DIFFERENT DIVISION THAT THEY HAVE AND WE EXPLAINED THE PROJECT TO THEM AND IT WAS MORE OF AN INFORMATION SESSION TO EXPLAIN THE PROJECT AND THEY HAD SOME REALLY EXCELLENT SUGGESTIONS AND COMMENTS THAT WILL BE REALLY USEFUL AS WE GO THRU THIS PROCESS. WE ALSO MET WITH THE FIRE DEPARTMENT AND EMS AND THEY ALSO HAVE SOME GREAT IDEAS.

SUPERVISOR MERLINO- WE ALSO HAVE REPRESENTATIVES FROM CHAZEN, OUR ENGINEERS FOR THE TOWN, WOULD YOU LIKE TO GO OVER SOME COMMENTS.

CHRIS ROUND – MAYBE JUST TO EXPLAIN THAT WE DID RECEIVE THIS DRAFT BACK IN JUNE OF THIS PAST YEAR AND THAT IS WHERE WE HAD THE DISCUSSION ABOUT APPROACHING THIS IN A PHASE MANNER, THAT IS ANOTHER WAY TO LOOK IT, PHASING OF THE ENVIRONMENTAL REVIEW AS WELL AS PHASING OF THE PROJECT BOTH RUSS, YOU ATTORNEY AND I HAVE REVIEWED THE SCOPING DOCUMENT AND HAVE PROVIDED COMMENT ON THAT AND THE DOCUMENTS IN FRONT OF YOU TONIGHT ARE REFLECTIVE OF THOSE COMMENTS, SO MAKE SURE YOU UNDERSTAND THIS WAS JUST NOT SPRUNG ON YOU AND THE PUBLIC AND THAT WE HAVE BEEN PART OF THAT PROCESS. WHAT WILL HAPPEN IS THE COMMENT PERIOD WILL CLOSE, THE BOARD WILL ENTERTAIN WHETHER THOSE COMMENTS ARE OF VALUE AND IF THE SCOPING DOCUMENT SHOULD BE REVISED EVEN FURTHER AND THE BOARD WILL THEN CAN ACT ON IT AFTER THAT.

SUPERVISOR MERLINO – NOW I WILL OPEN IT TO THE PUBLIC, I AM ASSUMING THERE ARE SOME QUESTIONS OUT THERE.

THOMAS CONDON – THE QUESTION THAT POPS UP AS I AM LISTENING TO THIS, I REALLY DON'T HAVE ANY DETAILED INFORMATION, SOUNDS LIKE IT COULD BE A REAL PLUS TO THE COMMUNITY IF DONE RIGHT, MY QUESTION IS, IS THERE GOING TO BE ANYMORE OPPORTUNITY OR OPEN

TO THE PUBLIC COMMENTS REGARDING THIS PROJECT BETWEEN NOW AND THE TIME THE BOARD TAKES ACTION.

SUPERVISOR MERLINO – WE HAVE FROM NOW UNTIL MARCH 22<sup>ND</sup> AT LEAST.

THOMAS CONDON – WILL MARCH 22<sup>ND</sup> BE AN OPPORTUNITY FOR THE PUBLIC TO COMMENT?

SUPERVISOR MERLINO – YES ANYTIME FROM NOW UNTIL THEN.

CHRIS ROUND – I AM FROM CHAZEN AND WE ARE WORKING FOR THE TOWN, WHAT'S GOING TO HAPPEN, IS IF THE BOARD ADOPTS THE SCOPING DOCUMENT, THE DRAFT ENVIRONMENTAL IMPACT STATEMENT WILL BE PRODUCED, WE WILL AGAIN REVIEW THAT AND MAKE A DETERMINATION WHETHER THE APPLICANT COMPLIES WITH THE SCOPING DOCUMENT AND THEN THAT DOCUMENT WILL BE PRODUCED AND THERE WILL BE A PUBLIC HEARING ON THE PROJECT ITSELF DURING THE EIS REVIEW PROCESS. AND THEN FINAL EIS IS PRODUCED AND THEN AGAIN WHEN THEY GO THRU THE ACTUAL SITE PLAN OR SUBDIVISION APPROVAL AGAIN MORE OPPORTUNITIES FOR PUBLIC COMMENT.

THOMAS CONDON- THAT IS JUST A CONCERN BECAUSE OF THE SIZE OF THE PROJECT.

SUPERVISOR MERLINO – YES, IT WILL CHANGE CONSTANTLY, IF THEY HAVE QUESTIONS TO NIGHT THAT ARE VALID AND THIS MIGHT CHANGE LIKE THE ONE WE JUST GAVE OUT LAST MONTH ALREADY CHANGED.

SUSAN HUNTER – I LIVE RIGHT ACROSS THE STREET FROM YOUR PROPOSED PROJECT. I AM OF COURSE VERY CONCERNED ABOUT THE IMPACT OF THIS PROJECT ON MY QUALITY OF LIFE, BUT PUTTING THAT ASIDE, WHEN I CAME INTO THE TOWN OFFICES LAST WEEK TO GET THE SCOPING DOCUMENT I RECEIVED ONE THAT WAS RECEIVED IN 2007 SO I WENT THRU THAT AND IT SOMEWHAT SIMILAR TO THIS ONE AND IT RAISES MANY ISSUES IN MY MIND LIKE SOUND, TRAFFIC, POLLUTION I WILL BE SUFFERING FROM ONCE EVEN PHASE I OF THIS PROJECT IS COMPLETED. THE FIRST THING THAT I DID WAS TO GET ON MY COMPUTER AND GOOGLE UP THE NUMBER OF HOUSEHOLDS IN LAKE LUZERNE AS OF THE LAST CENSUS WHICH IS 1129, JUST TO GET A SENSE OF HOW BIG THIS TAIL THAT WAGS THE DOGS IS GOING TO BE. AND I LOOKED AT THE ROAD OUTSIDE MY HOME WHICH HAS NEVER HAD ANY SUBSTANTIAL IMPROVEMENTS BUT YET HAS EXPERIENCED AN INCREASE OF TRAFFIC DUE TO THE EVOLUTION OF 4WHEEL DRIVE THAT TURNS MY LITTLE COUNTRY ROAD INTO A FREEWAY EVERY MORNING AND AFTERNOON AS PEOPLE COMMUTE FROM LAKE LUZERNE TO GLENS

FALLS AND VICE VERSA, AND I WONDERED WHAT'S GOING TO HAPPEN TO THAT ROAD IN ORDER TO BE ABLE TO BARE THE SUBSTANTIAL AND HUGE INCREASE IN TRAFFIC THAT IS GOING TO RESULT FROM THIS DEVELOPMENT, HOW WIDE IS THAT ROAD GOING TO BE AND WHO IS GOING TO PAY FOR THAT ROAD. MY UNDERSTANDING FROM THE EARLIER SCOPING DOCUMENT IS THAT THESE FOLKS ARE RESPONSIBLE FOR THE ROADS AND AMENITIES WITHIN THE DEVELOPMENT AS IT IS PROPOSED BUT THEY ARE NOT RESPONSIBLE FOR THE COST OF THE ROAD THAT WILL ALLOW PEOPLE TO REACH THIS DEVELOPMENT. SO THAT'S QUESTION ONE. AS FAR AS THE NATURE OF PHASING, THE LOGIC OF PHASING YOUR ENVIRONMENTAL IMPACT ANALYSIS, I HAVE A NUMBER OF OTHER QUESTIONS. THE FIRST IS THAT WHILE I CAN UNDERSTAND YOUR INTEREST IN TERMS OF PHASING YOUR ENVIRONMENTAL IMPACT STATEMENT RELATIVE TO THE PHASES OF CONSTRUCTION MY CONCERN IS THAT THE ENVIRONMENTAL IMPACT WILL BE NOT JUST QUANTATIVELY DIFFERENT AS THE HAMLETS ARE PHASED IN BUT IT WILL BE QUALITATIVELY DIFFERENT. THE ENVIRONMENTAL IMPACT FROM 243 DWELLING UNITS, 60 UNIT HOTEL, AND 2000 SQ FT OF RETAIL COMMERCIAL SPACE IS BOUND TO BE QUITE DIFFERENT FROM A COMPLETE PROJECT THAT HAS TEN TIMES THAT CAPACITY, SO I BEG THE BOARD TO LOOK AT THE EXPONENTIAL IMPACT AND DEMAND THAT THE DEVELOPER AT LEAST COMPLETE A CONCEPTUAL ENVIRONMENTAL IMPACT STATEMENT OF THE PROJECT AS A WHOLE. EVENTUALLY, THIS PLACE IT GOING TO BE A SEPARATE TOWN, IT IS GOING TO BE AN ENORMOUS COMPLEX THAT CONTAINS AS RESIDENTS AS THE CURRENT TOWN OF LAKE LUZERNE. THE OTHER THING THAT CAUGHT MY EYE IN THE OLDER SCOPING DOCUMENT WAS THE IDEA THAT THE ENVIRONMENTAL IMPACT STATEMENT WOULD BE DONE ON THE BASIS OF A 19% OCCUPANCY RATE BECAUSE THIS PROJECT IS PROPOSED TO BE A SEASONAL OCCUPANCY. I WONDER IF IT ISN'T ADDRESSED AS FAR AS I COULD TELL FROM A QUICK LOOK AT THIS CURRENT DOCUMENT, IT WASN'T STATED IN THE CURRENT DOCUMENT THAT WOULD CONTINUE TO BE THE ASSUMPTION THAT WOULD BE USED IN THIS PHASE I ASSESSMENT, IF THAT IS THE MATH THE ENVIRONMENTAL IMPACT STATEMENT IS GOING TO BE DONE ON THE BASIS OF APPROXIMATELY 50 YEAR ROUND RESIDENCES, HOTEL OF COURSE CANNOT BE SCALED IN TERMS OF A SEASONABLE OCCUPANCY, BUT TO DO A DETAIL ASSESSMENT BASED ON SUCH A TINY PERCENTAGE OF EVENTUAL BUILD OUT IS ABSURD AND UNACCEPTABLE. THAT IS NOT ADDRESSED HERE, I DON'T KNOW IF THAT IS GOING TO CONTINUE TO BE THE ASSUMPTION THAT'S USED HERE. ALSO I WOULD BEG THE BOARD TO CONSIDER THAT 20000 SQ FT OF RETAIL COMMERCIAL SPACE AND 60 UNIT HOTEL, ETC, ETC, IS GOING TO TOTALLY VIOLATE THE CONCEPTUAL BASIS OF THE MASTER PLAN THAT THE TOWN ADOPTED SOME YEARS AGO IN A SENSE YOU ARE TAKING AN AREA THAT IS RURAL AND PROTECTED THAT IS RIGHT ADJACENT TO THE BLUE LINE PROTECTIVE PARK AND TURNING IT

INTO A SUBSTANTIALLY MORE ACTIVE AND DIFFERENT CHARACTER, THE FIRST OBJECTIVE OF THE TOWN'S MASTER PLAN WAS TO PROTECT THE BEAUTY AND UNIQUE CHARACTER OF THE TOWN. THIS IS NOT GOING TO ACCOMPLISH THE PRIORITIES SET FORTH IN THAT PLAN, IT IS GOING TO SUBSTANTIALLY CHANGE THE CHARACTER OF LAKE LUZERNE THAT I WOULD THINK YOU ARE GOING TO HAVE TO TRASH YOUR MASTER PLAN AND BEGIN TO LOOK AT A MASTER PLAN THAT SPEAKS TO HOW YOU ARE GOING TO INTEGRATE THIS WITH THE REMAINDER OF THE TOWN. AS I SAID, THIS IS A MIGHT BIG TAIL AND PRETTY SMALL DOG AND THE MANAGEMENT ASPECTS OF THIS HAVE TO BE ACCOUNTED FOR IN ANY TOWN THINKING. THE OTHER THING THAT I GOT TO THINKING WHEN I WAS LOOKING AT THIS PLAN IS THAT THIS DEVELOPMENT PROPOSES TO HAVE IT'S OWN WATER TREATMENT AND SEWAGE TREATMENT CAPACITY THAT I PRESUME IS AN ACTION THAT IS TAKEN TO STEP AROUND WHAT WAS THE PRINCIPAL ROAD BLOCK IN TURNING THIS PROJECT DOWN SOME YEARS AGO, HOWEVER, IF WE ARE TALKING ABOUT WATER TREATMENT AND SEWAGE TREATMENT, WE ARE TALKING ABOUT PHENOMENAL NEED FOR WATER, WATER TREATMENT AND SEWAGE TREATMENT TAKE A LOT OF WATER TO ACCOMPLISH, THAT IS LIKELY TO AFFECT THE WATER TABLE IN THE SURROUNDING REGIONS AND IT'S ANOTHER ARGUMENT FOR NOT BACKING OFF AND LETTING THEM DO A PHASE ENVIRONMENTAL IMPACT ANALYSIS. AS I SAID THE IMPACT ARE GOING TO BE EXPONENTIAL NOT ADDITIVE AND I THINK THE BOARD NEEDS TO TAKE THAT UNDER CONSIDERATION. THANK YOU.

ANDY BRICK – I COMPLETELY AGREE, THE DIFFERENCE BETWEEN QUALITATIVE ANALYSIS AND QUANTITATIVE ANALYSIS, ABSOLUTELY, ONE OF THE BENEFITS OF WHAT WE ARE PROPOSING IS QUALITATIVELY AND QUANTATIVELY BY PHASING IT, BY DOING A DEIS FOR PHASE I AND GENERIC FOR FUTURE PHASES. WHAT THAT DOES IS IT GIVES THOSE FUTURE PHASES, WHEN THEY COME UP FOR APPROVAL IN FRONT OF THE PLANNING BOARD AND EACH AND EVERY SINGLE ONE OF THEM IS GOING TO HAVE TO BE APPROVED BY THE PLANNING BOARD, WE NOW HAVE OUR DATE, RIGHT NOW IT IS VACANT LAND, ALL WE HAVE IS THE BEST EXPERTS IN THE BUSINESS ON BOTH SIDES, THE TOWN AS WELL, USING THE RECOGNIZED STANDARDS OF DEVELOPMENT TO SAY THIS IS WHAT WE SAY THE POTENTIAL IMPACT ARE, BUT WHEN WE GET TO FUTURE PHASES, PHASE 5 WE WILL HAVE THE BENEFIT OF THE ACTUAL DATA FROM PHASE, 1, 2, 3 AND 4 SO WHEN WE GO BEFORE THE PLANNING BOARD ON PHASE 5, THE FIRS THING THE PLANNING BOARD IS GOING TO ASK US IS WHAT'S BEEN GOING ON FOR THE LAST 15 YEARS, WHAT ARE YOU ACTUAL TRAFFIC COUNTS, HOW IS THE WATER TABLE, WHAT IS HAPPENED TO THE WATER TABLE SINCE 2010 OR 2011, SO WHAT WE'RE PROPOSING ACTUALLY PROVIDED A GREATER LEVEL OF QUALATIVE AND QUANTITATIVE ANALYSIS, BECAUSE IF WE DID IT NOW WITH JUST A FULL PHASE BUILD OUT WITH OUR DEIS AND IT'S PASSED, THEN IF THE

PROJECTIONS MADE AND THE NUMBERS DEMONSTRATED NOW DON'T HOLD TRUE, THERE IS NO WAY TO GO BACK AND READJUST THEM BECAUSE THE ENVIRONMENTAL IMPACT STATEMENT PROCESS HAS BEEN COMPLETED WHERE IN THIS, BY CREATING THRESHOLDS, BY SAYING WHEN YOU DO PHASE 2, WHEN YOU DO PHASE 3 YOU ARE GOING TO HAVE TO LOOK AT WHAT HAPPENED TO THE WATER TABLE, WHAT ARE THE TRAFFIC COUNTS, THAT'S ALL GOING TO HAVE TO BE DEMONSTRATED AS EACH PHASE PROGRESSES. IN TERMS OF THE VIOLATION OF THE MASTER PLAN, I AM NOT COMPLETELY FAMILIAR WITH THE MASTER PLAN THAT IS ADOPTED, BUT I CAN TELL YOU IN THE SCOPING DOCUMENT WE NEED TO ADDRESS IN THE DEIS HOW WHAT WE ARE PROPOSING COMPLIES WITH TOWN'S MASTER PLAN. WE HAVE TO DEMONSTRATE THAT IT DOES, IT IS THERE AND IS ONE OF RESPONSIBILITIES. IN TERMS OF TRAFFIC, YES DEVELOPMENT INCREASES TRAFFIC, WE NEED TO PROVIDE THE INFORMATION IN THE DEIS THAT SHOWS WHAT WE BELIEVE THE INCREASES ARE GOING TO BE, THE TOWN'S EXPERTS ARE GOING TO EITHER AGREE OR DISAGREE WITH WHAT WE SAY AND IF THEY DISAGREE, WE WILL HAVE TO COME BACK WITH ANOTHER NUMBER UNTIL THEY AGREE BECAUSE THEY ARE THE TOWN'S EXPERTS AND TOWN HAS TO AGREE WITH WHAT WE ARE PROPOSING AND THEN IT IS OUR DUTY TO SHOW LITIGATION THEN. OF ALL PEOPLE MS. HUNTER, YOU BEING DIRECTLY ACROSS THE STREET, YOU ARE THE PERSON WE HAVE TO DEMONSTRATE MITIGATION MEASURES TO IN THE ENVIRONMENTAL REVIEW PROCESS. MITIGATION BEING IF WE IDENTIFY ANY POTENTIAL ENVIRONMENTAL IMPACTS, THEN WE HAVE TO PROPOSE MITIGATION MEASURES TO MITIGATE THAT IMPACT ON YOU AS A NEIGHBOR ON THE TOWN AS A WHOLE. IN TERMS OF THE 19%, THE ORIGINAL SCOPING DOCUMENT WE SUBMITTED A MARKET STUDY ANALYSIS THAT WAS DONE BY A NATIONALLY RECOGNIZED FIRM, A REAL ESTATE MARKET ANALYSIS DETERMINED THAT THE MARKET FOR THIS PARTICULAR PROJECT WILL BE 19% FULL TIME AND 81% AS SEASONAL RESIDENTS TYPE OPPORTUNITY. WE PRESENTED THAT TO THE TOWN AND THEY DEEMED THAT STUDY VALID AND ACCEPTED 19%, BUT THEY WENT ONE STEP FURTHER THEY ACCEPT THAT BUT JUST IN CASE THEY ARE WRONG WE WANT YOU TO DO A LEVEL OF ANALYSIS AT 30% SO IN THE SCOPING DOCUMENT IT HASN'T BEEN AMENDED, WE HAVE TO DO A 19% FULL TIME OCCUPANCY AND A 30% FULL TIME OCCUPANCY ANALYSIS. IN TERMS OF SOCIAL BATH, THE NUMBER OF HOUSEHOLDS, A NUMBER OF THE ASPECTS OF WHAT WE ARE GOING TO BE DOING WILL ANALYSIS THE SOCIAL INFORMATION AND IMPACT AND FISCAL IMPACTS, IE..SCHOOL, HIGHWAY, FIRE, EMS, POLICE, ON A FULL BUILD OUT ANALYSIS THE REVISION AREN'T GENERIC FOR EVERYTHING, FOR EXAMPLE, THE FISCAL IMPACT, WE WILL PROVIDE A FISCAL IMPACT ANALYSIS TO THE SCHOOL, TOWN TO THE COUNTY, THE HIGHWAY DEPARTMENT FROM DAY 1 AS PART OF THIS DEIS. WHEN YOU GET TO FUTURE PHASES, WE ARE GOING TO HAVE TO ADJUST THAT IMPACT ANALYSIS, TRAFFIC ANALYSIS AND

EVERYTHING ELSE WE DID ON A FULL BUILD OUT BASIS FROM THIS DOCUMENT TO REFLECT THE ACTUAL DATA THAT WE ARE GENERATING FROM THE PREVIOUSLY PHASES SO I HOPE THAT ANSWERS ALL OF YOUR QUESTIONS AND AGAIN WE ARE JUST ASKING FOR THE REVISIONS IN THE SCOPING DOCUMENT, THE REAL PROOF IN THE PUDDING IS WHAT THE ENVIRONMENTAL IMPACT STATEMENT THAT WE'LL SEE. IT IS OUR OBLIGATIONS TO ADDRESS THE CONCERNS THAT YOU JUST RAISED.

SUSAN HUNTER – I WANT TO GET BACK TO THE 19 & 30%, IF YOU USE 19% OF PHASE I, YOU ARE BUILDING 243 RESIDENTIAL UNITS SO YOU ARE LOOKING AT THE IMPACT AS THOUGH ONLY 40 OF THEM ARE OCCUPIED YEAR ROUND AND IF YOU GO UP 30% THAT WORKS OUT TO 60 FULL TIME, I DON'T KNOW HOW IF YOU ARE BUILDING RESIDENCE LIKE THIS THAT ARE RIGHT BETWEEN A MAJOR CITY LIKE GLENS FALLS AND THIS TOWN, YOU ARE AGREEING THAT 19 & 30 % YEAR ROUND OCCUPANCY IS VALID. WHAT SEASON ARE WE TALKING ABOUT, YOU'RE BUILDING IN A DEVELOPMENT THAT IS ON THE BACK OF A SKI MOUNTAIN, ARE WE TALKING WINTER TIME SEASONABLE OR SUMMERTIME OR SOME PEOPLE LIVE THERE AND THEN RENT THEIR HOUSES, HOW CAN WE ACCEPT 19-30%, A BUILD OUT THAT'S HAPPENING IN WEST GLENS FALLS. THIS IS GOING TO BE FULL TIME OCCUPIED.

MR. RICCHARDI – WHY DO YOU FEEL THAT WAY, BASED ON WHAT INFORMATION, PEOPLE THAT PRESENT STUDIES DO THAT ALL OVER THESE ALL OVER THE WORLD. IF YOU LOOK AT THE DATA, YOU WILL SEE THAT THIS IS A VERY LOGICAL ORDER THAT THEY APPROACH THESE THINGS, THERE IS HUNDREDS OF PAGES OF RESEARCH GOING INTO THIS. I THINK IT IS BASED ON THE FACT THAT THE BABY BOOMERS ARE AGING AND RETIRING FROM AROUND THE REGION.

SUSAN HUNTER – WHEN THE BABY BOOM RETIRES TO A PLACE LIKE THIS THEY DON'T GO BACK TO NYC FOR 8% OF THE YEAR, THEY STAY HERE.

M. RICCHARDI – I JUST FINISHED A COMMUNITY IN SARATOGA WITH 160 HOMES IN IT AND 42 OF THOSE PEOPLE STAY FROM MAY TO NOVEMBER, THE REST OF THEM GO BACK DOWN STATE OR WHERE EVER THEY ARE FROM.

ANDY BRICK – IN TERMS OF THE REVISIONS WE ARE PROPOSING THE 19 & 30% WHICH HAVE BEEN ACCEPTED BY THE TOWN WOULD NOW BE APPLIED TO PHASE I. WHEN WE GET TO PHASE II AND WE ANNOUNCE WHAT WE ARE PROPOSING, IF IT TURNS OUT TO BE 60% OR 80% OR 10%, WHATEVER THE ACTUAL PERCENT IS FROM PHASE I IS, WE NOW HAVE IT TO APPLY TO OUR ANALYSIS FOR PHASE II.

SUSAN HUNTER – WHY NOT START WITH A HIGHER PERCENTAGE TO GIVE

SOME BENEFIT OF THE DOW TO CHANGING RESIDENTIAL HABITS FOR BABY BOOMERS AND CHANGING PATTERNS OF AGING IN PLACE. IT'S UNFAIR TO US AS A TOWN FOR YOU TO START WITH THE LOWEST POSSIBLE IMPACT, BECAUSE WHAT YOU ARE DOING BY USING 19 & 30% IS MINIMIZING THE RESIDENTS SO THE IMPACT MINIMIZED WHEREAS, YOU COULD USE 19 % BUT ALSO USE 60 & 80% BECAUSE THE RESULTS BASED ON 40 HOUSEHOLDS VS 243 HOUSEHOLDS IS GOING TO BE QUITE DIFFERENT IN TERMS OF QUALITY AND QUANTITY.

ANDY BRICK – ALL I CAN SAY IS THAT THE 19 & 30 % ARE WHAT OUR EXPERTS TOLD US HAVE BEEN ACCEPTED BY THE TOWN AND WE ARE NOT SEEKING REVISIONS TO THAT.

SUSAN HUNTER- MAYBE THE TOWN SHOULD SEEK THE REVISION TO THAT, MAYBE THE TOWN SHOULD TAKE IT UPON THEMSELVES TO RECONSIDER THOSE NUMBERS.

SEAN PRICE – WITH THE COMPLETION OF PHASE I, IF IT GOES UP CONSIDERABLY THERE ARE TRIGGERS TO MAKE THE ENVIRONMENTAL IMPACT MORE SPECIFIC. WITH EACH COMPLETION OF A PHASE, SAY THE OCCUPANCY RATE DOES GO UP, THE WATER TABLE DROP, SOMETHING IMPACTS THE SWAMP DOWN THE STREET, WHO SETS THOSE THRESHOLDS? ARE THEY REVIEWED BY THE TOWN, OPEN TO COMMENT, YOU SAID YOU HAVE TO GO BEFORE THE TOWN EACH TIME, WHO IS SETTING THOSE THRESHOLDS AND DOES A PERCENTAGE OF THEM BE REEMIT BEFORE YOU HAVE TO TAKE THE NEXT STEP AND DO A FULL BLOWN STUDY.

ANDY BRICK – WE WOULD PROPOSE THRESHOLDS AS PART OF OUR ENVIRONMENTAL IMPACT STATEMENT. THOSE PROPOSALS IN THE FIRST INSTANCE WOULD BE REVIEWED BY THE TOWN AND YOUR EXPERTS TO DETERMINE IF THEY ARE COMPLETE, THEN IF THEY ARE, THEY WOULD BE SUBJECT TO THE PUBLIC COMMENT PERIOD OF THE EIS WHERE YOU OR ANYONE ELSE CAN COME IN AND BLAST THEM AS BEING UNREASONABLE OR SAY THEY ARE TOO BURDENSOME BUT THE PUBLIC COMMENT PERIOD WOULD GET TO ADDRESS THE THRESHOLDS THAT WE PROPOSED, IT WOULD THEM BE UP TO THE TOWN BOARD TO ADOPT WHAT WE PROPOSE OR WHAT THEY HAVE HEARD FROM THE PUBLIC TO ALTER THOSE THRESHOLDS.

SEAN PRICE – SO YOU SET FORTH THIS IS WHAT WE THINK IS GOING TO HAPPEN, WHATEVER IMPACT YOU HAVE, ARE YOU WORKING WITHIN WHAT THE STATE OR FEDERAL GOVERNMENT MANDATES AND THEN ANY FUTURE THRESHOLDS THAT ARE MET IS UP TO YOU FOLKS AS FAR AS WE FEEL THIS THRESHOLD IS MET, WE FEEL WE HAVE TO CHANGE SOMETHING OR IS IT THE TOWN COMING TO YOU TO SAY THAT, OR IS

THAT SOMETHING ON THE STATE AND FEDERAL LEVEL OR ARE YOU WORKING SO FAR BELOW THAT THAT IS WOULDN'T MATTER?

ANDY BRICK – AT THAT POINT, IT WOULD LIKELY BE THE TOWNS PLANNING BOARD BECAUSE WE COME IN FOR SAY PHASE 6, THE TOWN PLANNING BOARD IS GOING TO SAY. UNDER THE THRESHOLDS THAT YOU HAVE CREATED IN THE ORIGINAL EIS, WHICH WILL BE CUMULATIVE BECAUSE WE CANNOT USE THE THRESHOLD FROM PHASE I IF WE ARE IN PHASE 6, THE PLANNING BOARD WILL SAY DEMONSTRATE TO US THAT YOU HAVE CONCEDED ANY OF THOSE THRESHOLDS AND IF YOU HAVE, YOU HAVE TO GO THRU A SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT WHICH IS THE ENVIRONMENTAL IMPACT STATEMENT PROCESS ALL OVER AGAIN. NOW IS IT POSSIBLE THAT WE WILL REACH A LIMIT OF THRESHOLDS WHERE THE TOWN MAY SAY, YOU HAVE TO REDUCE THE SIZE OF WHAT YOU ARE PROPOSING BECAUSE IT'S JUST NOT THERE ANYMORE, WHATEVER IT MAYBE OR THE TRAFFIC IS NO LONGER ACCEPTABLE AND YOU HAVE TO PROPOSE OTHER MITIGATION AND REDUCE THE SCOPE OF WHAT YOU ARE PROPOSING, THAT COULD HAPPEN AS SOME POINT DOWN THE ROAD.

SEAN PRICE – ARE YOU CHANGING IT TO A GENERIC INSTEAD OF DOING COMPREHENSIVE AS FAR POPULATION, WETLANDS MOVE, BEAVERS HAVE DONE DAMAGE, WHATEVER, WHAT ELSE HAS CHANGED OTHER THAN FISCAL FOR YOU FOLKS AS FAR AS TIME SETTING IT UP AND SAYING THIS IS ALL THE PROPERTY, IF THE TOWN AGREES TO THAT, WHAT ELSE HAS CHANGED ON THAT AS FAR AS YOU RESPONSIBILITY AS FAR AS WHAT WE SEE AS AN ONGOING ISSUE OR PERCEIVE ISSUES IN THE FUTURE.

ANDY BRICK – IN TERMS OF FISCAL IMPACT TO THE APPLICANT, WHAT WE ARE PROPOSING WILL RESULT IN GREATER ENGINEERING COSTS FOR THE 20 YEAR PERIOD BECAUSE HE IS GOING TO HAVE TO DEMONSTRATE EACH TIME, COMPLIANCE WITH THE THRESHOLDS OR MITIGATION, THE THRESHOLDS MAY CHANGE. IT WILL BE AN INCREASE IN COST BUT IT WILL BE A MORE REFLECTIVE ANALYSIS AS THE PROJECT PROGRESSES OF THE IMPACT FOR PHASES AND WHAT THEY ARE GOING TO BE BECAUSE YOU HAVE THE PRIOR KNOWLEDGE AND WITH THAT THE PLANNING BOARD CAN SAY, WHEN YOU PASSED PHASE 5, YOU EXCEEDED THE THRESHOLDS NOW YOU ARE AT PHASE 6, YOU HAVE TO DO SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT BECAUSE WHAT YOU DID 15 YEARS AGO IS NO LONG THE SAME GAME PLAN BECAUSE THE THRESHOLDS HAVE BEEN EXCEEDED.

SEAN PRICE – WITH SUPPLEMENT, IS IT JUST FOR THE ONE THING YOU EXCEEDED OR IS IT START FRESH AND THE PROCESS ALL OVER AGAIN IN A BROADER SCOPE FOR THAT PHASE?

ANDY BRICK – SUPPLEMENTAL GENERALLY IS IN RESPONSE TO IDENTIFIED POTENTIAL IMPACTS THAT WEREN'T PREVIOUSLY ADDRESSED. SO IF THERE IS 12 OF THEM, THERE WOULD BE 12. IF IT GOT TO A POINT WHERE EVERY THRESHOLD IS GETTING CLOSE TO THE MARGINS, THE TOWN WOULD PROBABLY HAVE THE AUTHORITY TO SAY THEY NEEDED ALL NEW DRAFT ENVIRONMENTAL IMPACT STATEMENTS ON ALL THE ASPECTS.

TINA CROKE – I NOTICED IN YOUR NEW STATEMENT, RALPH ROAD WASN'T MENTIONED AGAIN, THAT ROAD IS ABOUT A MILE FROM WHERE YOU PLANNING, YOU CANNOT GET OUT EITHER SIDE VERY WELL SO THE TRAFFIC ISSUE IS GOING TO IMPACT THAT. I WAS ALSO INTERESTED IN THE WATER TABLES BECAUSE IF YOU TAKE WATER FROM BELOW THE MOUNTAIN, WHAT IS GOING TO HAPPEN TO OUR WELLS ON THE TOP? THAT IS A BIG CONCERN FOR ME. HOW IS IT ZONED, YOU ARE TALKING ABOUT RETAIL, HOTEL SPACE, I THOUGH IT WAS ZONED COMPLETELY DIFFERENT, HOW IS THAT GOING TO WORK.

ANDY BRICK- THE EXISTING ZONING IS 3 DIFFERENT CLASSIFICATIONS BECAUSE THE PROPERTY CROSSES ZONING DISTRICTS. IT IS RURAL RESIDENTIAL, RESIDENTIAL COUNTRY AND I BELIEVE RESIDENTIAL TOWN. THEY HAVE TO DO WITH THE AMOUNT SPACED PER LOT. WHAT HAS TRIGGERED THIS TOWN BOARD AS BEING LEAD AGENCY UNDER SEQRA PROCESS IS THAT WE ARE SEEKING A PLANNED DEVELOPMENT DISTRICT DESIGNATION UNDER THE ZONING. WHAT WE ARE RALLY ASKING FROM THEM ONCE WE GET THRU THE ENVIRONMENTAL REVIEW PROCESS IS TO CHANGE THE ZONING THE ENTIRE PARCEL TO ALLOW FOR THE DEVELOPMENT IN DENSER AND SMALLER AREAS IN EXCHANGE FOR LARGER AREAS OF OPEN SPACE.

TINA CROKE - ZONING ONE HOME PER PARCEL.

MR. RICCHARDI - IT WILL BE 1800 HOMES IN A ZONE.

TINA CROKE - I THOUGHT IT WAS MORE LIKE 900.

MR. RICCHARDI - NO BECAUSE PART OF IT IS ONE ACRE ZONING AND PART OF IT IS THREE ACRES ZONING.

ANDY BRICK - THE NUMBERS WE ARE WORKING WITH IS FOR AN 1800 LOT SUBDIVISION NOW, REALISTICALLY, DUE TO SLOPES, WETLANDS ETC. COULD WE DO 1800, PROBABLY NO BUT 1200 YES. WHAT WE ARE PROPOSING IS THESE DEVELOPMENT ENVELOPES WHERE IN CERTAIN AREAS THERE IS GOING TO BE A VILLAGE LIKE VIEW BUT AS YOU GET OUT PAST IT THERE WILL BE SOME SINGLE FAMILY RESIDENCES. WHAT WE ARE PROPOSING NOW, PHASE 9 COULD BE RIGHT HERE AND THERE IS

A WETLAND THERE, IT CHANGES EVERYTHING BUT IF WE DO IT GENERICALLY, WHEN WE GET TO PHASE 9 AND THERE IS WETLAND THERE, WE HAVE ENOUGH ROOM THERE WHERE WE CAN PRESERVE THE WETLAND AND OPEN SPACE.

TINA CROKE - THE PLANS SEEM TO CHANGE A LOT, SO YOU CAN YOU KEEP CHANGING ZONING THROUGHOUT THE PROJECT.

ANDY BRICK - FOR WHAT WE ARE PROPOSING, THE EIS WILL SHOW HAMLET A, WHICH IS PHASE I , AND THE ACCESS ROAD FROM GLENS FALLS MT. ROAD, WE WILL SHOW AT SITE PLAN LEVEL DETAIL, WE ARE GOING TO SHOW THAT THIS IS WHAT IS GOING TO THE PLANNING BOARD. SO THAT WOULDN'T CHANGE. FOR PHASE 2 WHICH ARE HAMLETS B AND C, RIGHT NEXT TO A, WE HAVE MID LEVEL DETAILED PLANS WHICH SHOW THE LOTS, THE ROADS, SEWER, WATER SO THAT WOULDN'T BE ABLE TO CHANGE MUCH. THE FUTURE PHASES, THRU THE ENVIRONMENTAL REVIEW PROCESS, IS ANALYSIS AND ENVELOPE THE AREA A LITTLE LARGER THAN REQUIRED SO WE HAVE ROOM FOR ADJUSTMENT BUT IN THE EIS YOU WILL SEE THAT WE IDENTIFIED THE POCKET WITH THE ENVELOPES WHERE IT IS GOING TO TAKE PLACE. SHOULD THE PDD BE APPROVED WITH THAT ENVIRONMENTAL DOCUMENT IN PLACE WE'D BE LIMITED TO THOSE ENVELOPES AND IF WE WANTED TO GO OUTSIDE OF THEM IN THE FUTURE, WE WOULD HAVE TO OPEN THE SEQRA PROCESS ALL OVER AGAIN.

TINA CROKE - IF THIS IS SEASONAL, THE WATER IS GOING TO BE USED DURING THE SUMMER TIME WHICH IS THE LOWEST WATER TABLE.

ANDY BRICK - AS PART OF THE ENVIRONMENTAL IMPACT STATEMENT PROCESS AS IT IS IN THE SCOPING DOCUMENT, WE AND OUR EXPERTS HAVE TO DEMONSTRATE THAT THERE IS SUFFICIENT WATER THERE FOR THE AMOUNT OF PEOPLE THAT WOULD BE PROPOSED TO BE THERE AND THAT IT IS NOT GOING TO HAVE POTENTIAL FOR SIGNIFICANT IMPACT UPON ADJOINING PROPERTIES. THAT IS OUR OBLIGATION TO DEMONSTRATE THAT AS PART OF THE ENVIRONMENTAL REVIEW PROCESS.

TINA CROKE -IT ALSO CALLS FOR A PARK AND AMP THEATER THOSE WILL AFFECT THE WATER TABLE AND WHAT ABOUT PESTICIDES .

ANDY BRICK - ONE THE SCOPING DOCUMENT REQUIRES US TO SUBMIT AN INTEGRATED PEST MANAGEMENT PLAN WHICH REQUIRES US TO ADDRESS THOSE CONCERNS IN TERMS OF PESTICIDES, I DO NOT BELIEVE IT IS ANTICIPATED THAT PESTICIDES ARE GOING TO BE USED SIGNIFICANTLY ON THE PROJECT. MORE IMPORTANTLY , THE PROJECT ITSELF IS GOING TO BE SUBJECT TO A HOMEOWNERS ASSOCIATION SO ALL THE OPEN

SPACE AREAS WILL BE OWNED BY THE HOMEOWNERS ASSOCIATIONS SO AS THE PHASES DEVELOP, THE HOMEOWNERS ASSOCIATION WILL BE INCORPORATED SO ALL THE OPEN SPACE AREAS WILL BE OWNED, MANAGED AND REGULATED BY THE ASSOCIATION WHO WILL HAVE THE ABILITY TO SET GUIDELINES AND RESTRICTIONS ON WHAT WILL APPLY TO THE OPEN SPACE LAND BUT BECAUSE IT IS A HOMEOWNERS ASSOCIATION THEY ALSO HAVE THE ABILITY TO REGULATE WHAT IS GOING TO BE APPLIED ON THE INDIVIDUAL LOTS SO THRU THE ASSOCIATION PROCESS, MANAGEMENT, REGULATION AND RESTRICTION OF PESTICIDES OR ANY THREAT TO THE WATER IS EFFECTIVELY MANAGED. ALSO BECAUSE WE NEED A WATER SUPPLY PERMIT FROM THE DOH THEY WILL LET YOU KNOW WHAT CAN AND CAN'T BE USED.

TINA CROKE - ARE THESE LOTS GOING TO BE SOLD SUBJECT TO THE HOMEOWNERS.

MR. RICCHARDI - IN A FEW CASES, LESS THAN 5% WOULD HAVE A CERTAIN AMOUNT OF TIME TO SELECT BUILDERS, IT IS MORE MANAGED THAN AN CUSTOM HOME WOULD BE BUT THE REST WOULD BUY, YOU WOULD PAY A BUILDER TO COME IN AND BUILD. ONE IDEA ABOUT THE PESTICIDES, WE ARE NOT LOOKING TO PUT LAWNS IN, WE ARE GOING TO KEEP IT VERY NATURAL, SO THE AMOUNT OF PESTICIDES AND FERTILIZERS, WE ARE SENSITIVE TO THOSE ISSUES TOO, WE HAVE PEOPLE LOOKING INTO HOW TO HAVE THE LIGHTEST FOOTPRINT.

TINA CROKE - LIGHTS, WEST MT. YOU CAN SEE THAT LIGHT FOREVER PART OF LAKE LUZERNES' THING IS TO HAVE A BONFIRE AND LOOK AT THE NIGHTS SKY.

ANDY BRICK - THE TOPOGRAPHY OF THE PROPERTY ITSELF IS IT SETS DOWN WHICH IS IT'S OWN NATURAL MITIGATION, IT WILL BE MINIMAL LIGHTING FOR SAFETY ALL OF THOSE THINGS WILL BE INCORPORATED INTO THE HOMEOWNERS ASSOCIATION ALSO IT IS PART OF THE VISUAL ANALYSIS THAT IS REQUIRED BY THE ENVIRONMENTAL IMPACT PROCESS. FROM A MARKET STAND POINT, SOMEONE FROM NASSAU COUNTY ISN'T GOING TO BUY A SEASONAL HOME AND COME UP HERE AND HAVE AS MANY LIGHT IS IN NASSAU COUNTY, THE MARKETABILITY OF THE PROPERTY IS KEEPING THE COUNTRYSIDE, KEEPING THE STARS.

TINA CROKE - BUILDING, THIS IS GOING TO BE 20 YEAR PROJECT, DOES THIS MEAN EVERY DAY WE ARE GOING TO BE COMING HOME TO BUILDING, EVERY WEEKEND BUILDING.

MR. RICCHARDI - YOU ARE ON RALPH ROAD SO NO. THERE IS ONE AREA THAT IS ABOUT 500 ACRES PIECE BUT YOU ARE PRETTY GOOD DISTANCE FROM THAT ALSO.

ANDY BRICK - THE CLOSEST HAMLET IS C. PART OF PHASE 2, THAT COMES CLOSEST TO RALPH ROAD AND IT IS STAYING A WILDLIFE MANAGEMENT AREA BUT OTHER ONES ARE LOCATED MORE THE EAST OF THE PROJECT. ALL OF YOUR COMMENT ARE APPROPRIATE TO MAKE DURING THE EIS PUBLIC HEARING BECAUSE THOSE ARE THE THINGS THAT WE HAVE TO ADDRESS, THAT IS OUR RESPONSIBILITY TO ANSWER THOSE SUFFICIENTLY FOR YOU AND THE TOWN BOARD DURING THE PUBLIC HEARING FOR THE ENVIRONMENTAL IMPACT STATEMENT.

JOE COTOGIO - CORPORATE BAIL OUTS HAVE BEEN THE FORMATION OF OUR ECONOMY, I JUST WANT TO KNOW FROM THE BOARD, WHAT AGREEMENTS, MOUE'S, PROMISES, INCENTIVES, TAX ABATEMENTS OR WHATEVER HAVE BEEN OFFERED IN EXCHANGE FOR THIS DEVELOPMENT BECAUSE, I AM HEARING 19% OCCUPANCY FULL TIME, DON'T TELL ME ON MY LITTLE HOUSE ON THE RIVER, I AM GOING TO BE PAYING TWICE AS MUCH TAXES AS SOMEONE WITH A MILLION DOLLAR HOUSE BECAUSE HE COMES FROM WEST CHESTER AND CLAIMS TO LIVE HERE ONLY TWO MONTHS OF THE YEAR. WHAT IS THE TAX TREATMENT ON THESE PROPERTIES? ARE THERE ANY AGREEMENTS IN WRITING OR IMPLIED.

SUPERVISOR MERLINO -NOTHING, NOT ONE STITCH, THEY ARE NOT GETTING ANY TAX ABATEMENTS, IT HASN'T EVEN COME UP. THIS IS THE FIRST I AM HEARING OF THAT. I HAVE APPROACHED MR. RICCARDI ON EMS AND FIRE, HE HAS COME UP WITH A COUPLE OF IDEAS HE WANTS TO INCORPORATE INTO IT, EVEN WORKING ON RALPH ROAD, NOTHING WAS SPOKEN ABOUT REGARDING TAX ABATEMENTS.

JOE COTOGIO - WE ALREADY HAVE 7 UNIT FOR PROFIT MOTEL WITH A SWIMMING POOL WITH RIVER FRONTAGE DOWN THE STREET FROM ME THAT IS GETTING MORE FAVORABLE TAX TREATMENT THAN US IN OUR 1100 SQ FT HOME. SO I DON'T WANT TO HEAR ABOUT ANY OF THOSE THINGS.

SUPERVISOR MERLINO - WHAT IS IT GETTING SPECIAL?

JOE COTOGIO - ITS' ASSESSED VALUE, IT IS LESS THAN MY HOME.

SUPERVISOR MERLINO - THAT COMES FROM THE ASSESSOR, WE DIDN'T GIVE ANY BREAKS.

JOE COTOGIO - I DIDN'T GET A BREAK. SO THERE IS NOTHING ON THE TABLE NOW?

SUPERVISOR MERLINO - THERE IS NOTHING ON THE TABLE THIS HAS BEEN A PRETTY OPEN PROCESS, THIS IS GOING TO CHANGE THE TOWN AND

THEY HAVE BEEN WORKING ON THIS FOR 4 YEARS AND WE STILL HAVE NOT EVEN GIVEN THEM A LITTLE BIT OF AN OKAY.

ANDY BRICK - THE 19% SEASONAL OCCUPANCY IS 100% TAX LIABILITY, THESE PEOPLE ARE NOT GOING TO ONLY PAY \$19 PER \$100 BECAUSE THEY ARE ONLY HERE 19% OF THE YEAR, IF THEY PURCHASE A HOME IN THE COMMUNITY AND THEY CHOOSE TO LIVE IT ONLY A PERCENTAGE OF TIME THEY ARE STILL LIABLE FOR THE FULL TAXES FOR THE FULL YEAR WHICH IS A BENEFIT BECAUSE THE LOWER THE AMOUNT OF FULL TIME OCCUPANCIES, THE MORE TAX DOLLARS COMING IN BUT THE LESS IMPACT BECAUSE LESS AMOUNT OF PEOPLE. TAX LIABILITY IS FULL TAX LIABILITY FOR EACH INDIVIDUAL LOT, EVERY COMMERCIAL PARCEL, THE OPEN SPACE LOTS OWNED BY THE HOA WILL BE SUBJECT TO TAXES AND PAID BY THE HOA AND WE HAVE NOT SOUGHT ANY TYPE OF ABATEMENT OR ROLL ASSESSMENT OR SPECIAL FINANCE WHATSOEVER, WE JUST WANT TO BUILD THE PROJECT, WE THINK IT HAS THE MARKETABILITY TO STAND ON IT'S OWN, WE DON'T NEED IT.

ROBERT BALL - GLENS FALL MT ROAD - IT IS RIGHT ACROSS FROM MY HOME TOO, IS THAT YOUR WORSE CASE SCENARIO, THE 30%, IS IT NEVER GOING TO BE OVER 30%?

ANDY BRICK - THE 19% NUMBER WAS DERIVED FROM THE STUDY THAT WE HAD THE NATIONALLY RECOGNIZED COMPANY DO. THE 30% WAS APPLIED BY THE TOWN BOARD WHEN THEY SAID WE WILL ACCEPT YOUR STUDY AT 19 BUT WE WANT TO SEE 30 ALSO. BY PHASE 2, WE WILL HAVE AN ACTUAL NUMBER WE THINK IT IS GOING TO BE 19 OR LESS, IF IT IS 30 FOR PHASE 2 WE WILL HAVE TO APPLY THAT NUMBER BECAUSE THAT NUMBER IS GOING TO BE ONE OF THOSE THRESHOLDS IN THE GENERIC ANALYSIS THAT WILL TRIGGER THE GREATER REVIEW. SO IF IT TURNS OUT THAT IT IS 32% AND WE COME IN FOR PHASE 2 WE ARE GOING TO HAVE TO DEMONSTRATE BASED ON THE ACTUAL DATA FROM PHASE 1 THE IMPACT OF 32%, IF IT IS 15% WE WILL HAVE TO DO IT AT 15 AND WILL STILL HAVE TO IT AT 19 AND 30 WHICH IS THE ORIGINAL THRESHOLD BUT IF THE NUMBERS COME IN LOWER, WE ADJUST IT THAT WAY, BY PHASE 2 WE WILL HAVE A CONCRETE NUMBER BY PHASE 6, WE HAVE A CONCRETE NUMBER THAT IS CUMULATIVE FROM THE FIRST 5 PHASES, THERE IS THE POSSIBILITY THAT IF THE ECONOMY CHANGES, CIRCUMSTANCES CHANGE FOR WHATEVER REASON, IN PHASE 5 YOU END UP WITH A 45% FULL TIME, THEN AT THAT POINT, THAT IS THE NUMBER WE HAVE APPLY TO THE PHASES.

ROBERT BALL - I WOULD URGE THE BOARD TO RAISE THAT NUMBER ALSO, I AGREE WITH OTHERS THAT 30% IS LOW, IF YOU HAVE 500 HOUSES THE WORST CASE SCENARIO WOULD BE 100% , 500 FAMILIES, I DON'T KNOW HOW YOU CAN COME UP WITH JUST 30%. IF THIS EVER DOES GET

APPROVED, HAS THERE BEEN A STUDY ON HOW THE ROAD FROM THE BOTTOM OF WEST MT IS GOING TO HANDLED WITH MATERIALS COMING UP THAT ROAD BECAUSE THAT IS INSANE. I TRAVEL THE ROAD EVERYDAY AS OTHERS, MY KIDS TRAVEL THAT ROAD EVERYDAY, GOD HELP ME IF SOMETHING HAPPENS TO ONE OF THEM GOING DOWN THE ROAD WITH A TRACTOR TRAILER COMING UP, THAT IS A HUGE CONCERN.

ANDY BRICK - AS PART OF THE SCOPING DOCUMENT WE ARE REQUIRED TO PRESENT CONSTRUCTION PHASING, SEQUENCE OPERATION PLANS WE ARE ALSO REQUIRED TO DO A TRAFFIC ANALYSIS CONSTRUCTION TRAFFIC IS GOING TO BE A PART OF THOSE ANALYSIS WHAT I WOULD SUGGEST, HOLD THAT QUESTION UNTIL YOU SEE THE EIS AND AT THE PUBLIC COMMENT, SEE IF WE HAVE ADDRESSED IT SUFFICIENTLY BECAUSE I DO NOT HAVE AN ANSWER FOR YOU RIGHT NOW. I DON'T KNOW HOW THE ENGINEER IS PLANNING ON DOING IT, ALTERNATE ROUTES OR WHATEVER, BUT IT IS SOMETHING WE DO HAVE TO LOOK AT IN THE SCOPING DOCUMENT.

MR. RICCHARDI - WITH 300 HOMES IT WILL GO RIGHT THRU TO CALL STREET SO IT IS GOING TO COME ACROSS FROM THERE, BUT IN THE BEGINNING THAT IS GOING TO BE THE WAY TRUCKS WILL BE GOING UP THERE. WE ARE TRYING TO DO MORE OF A MODULAR TYPE HOME, SO LESS LIKE SHEETROCK TRUCKS ALL OF THE TIME, HEAVIER TRUCKS, WE ARE LOOKING INTO THAT TOO. WHEN WE SAY A 20 YEAR PROJECT, THAT IS 100 HOMES A YEAR AND I THINK THAT IS AGGRESSIVE IN THIS ECONOMY, MAYBE AT SOME POINT, BUT I THINK WE ARE LOOKING AT MORE LIKE 40-50 HOMES A YEAR FOR A WHILE. THAT IS A CONCRETE TRUCK ONCE A WEEK.

ROBERT BALL - IS IT JUST BUILDING OVER THE SUMMER?

MR. RICCHARDI - YOU CANNOT PUT FOUNDATIONS IN THE DEAD OF WINTER DUE TO POOR QUALITY, MOST OF THE HEAVIER STUFF EARLY APRIL TO MID DECEMBER, I WOULD THINK.

SUSAN HUNTER - RELATIVE TO THE ROAD, WHY AREN'T YOU BRINGING THE INGRESS OFF OF A ROAD THAT IS MUCH MORE SUBSTANTIAL.

ANDY BRICK - WE THINK THAT IS THE BEST MOST MARKETABLE PIECES OF THE PROPERTY AND BY USING THE EXISTING LOGGING ROAD THAT IS THERE WE ARE MINIMIZING IMPACT TO THE ENVIRONMENT BY USING THE EXISTING ROAD THAT IS ALREADY THERE. THE EXISTING ROAD THAT IS THERE, IS SUBJECT OF REVIEW AND APPROVAL BY THE APA , WE HAVE SUBMITTED PLANS TO THEM AND THEY WON'T TAKE ANY ACTION UNTIL THE ENVIRONMENTAL REVIEW PROCESS IS COMPLETED BY THE TOWN BUT WE DO NEED A PERMIT FROM THEM FOR THE ACCESS ROAD. WHAT

WE ARE DOING TO MINIMIZE IMPACTS IS UTILIZING THE EXISTING LOGGING ROAD THAT IS THERE.

MR. RICCHARDI - THE FIRST 3000 FEET OF THAT ENTRANCE, NOTHING WILL BE BUILT THERE.

SUSAN HUNTER - I WALKED UP THERE TO SEE IF ANYTHING ELSE HAS BEEN DONE, IT IS OBVIOUS WHERE YOU ARE GOING TO PUT YOUR MILLION DOLLAR HOMES. THAT LOGGING ROAD IS GOING TO HAVE TO BE STABILIZED CAUSE IT IS JUST A DIRT ROAD RIGHT NOW.

MR, RICCHARDI - IT'S NOT EVEN GOING TO REALLY BE THAT ROAD AS WE ARE TRYING TO TUCK IT UP IN THE WOODS AND THE OBVIOUS SPOT IS THE PARK AT THE VILLAGE CENTER, THAT IS REALLY THE CENTER AREA.

SUSAN HUNTER - SO THE VILLAGE CENTER IS GOING TO SIT?

MR. RICCHARDI - THE WESTERN OUTLOOK.

SUSAN HUNTER - WHEN YOU DO YOUR VISUAL ANALYSIS, I CAN SEE IT OFF MY PROPERTY, I AM ONLY ONE PERSON SO YOU PROBABLY DON'T SEE THAT AS A BIG PROBLEM, AND WHO ARE GOING TO BE THE CUSTOMERS FOR YOUR 20000 SQ FEET OF COMMERCIAL SPACE, WHAT DOES IT COMPARE TO, IS THAT AVIATION MALL.

MR. RICCHARD - THIS ROOM IS ABOUT 2500 SQ FT SO ABOUT 10 TIMES THIS, BUT ON A COUPLE OF LEVELS AND THAT IS GOING TO TAKE PROBABLY 10 YEARS FOR FILL BECAUSE IT IS A DESTINATION PLACE. WE WILL START WITH A CORNER STORE THAT WILL SERVE THE PEOPLE THAT LIVE THERE OTHER THINGS WILL TAKE TIME TO EVOLVE.

SUSAN HUNTER - DESTINATION AS IN OUTLET MALLS?

MR. RICCHARDI - NO, DESTINATION AS IN THIS IS THE ONLY REASON YOU ARE GOING THERE IS FOR WHAT IS THERE.

SUSAN HUNTER - WHAT ABOUT WHAT YOU HAVE TO DO TO THAT ROAD TO GET A MODULAR UNIT IN THERE.

MR. RICCHARDI - MATERIALS ARE BEING BUILT ON SITE, THEY MAY ALSO BE PANELIZED, ENERGY EFFICIENT.

SUSAN HUNTER - ARE THESE DESIGNED TO BE ZERO ENERGY BUILDINGS?

MR. RICCHARDI - ZERO ENERGY IS A BROAD TERM, WHAT WE ARE GOING FOR IS LEAD CERTIFICATION WHICH IS THE ONE STANDARD LOOKED

UPON ACROSS THE COUNTRY AS BEING THE MOST ENERGY EFFICIENT STANDARD, IT IS RECOGNIZED AS SUCH.

JOE HANLON - I HAVE BEEN UP LOOKING AROUND, BACK IN THE 1950'S MY DAD MOVED MY FAMILY TO HADLEY, I HAVE TO AGREE WITH SUSAN HUNTER ABOUT THE STATEMENTS OF ENVIRONMENTAL IMPACT. I HUNTED ALL OF THAT COUNTRY FOR YEARS, NOBODY ASKED ME WHAT IMPACT IT WOULD HAVE ON ME. YOU CAN'T HUNT THERE NOW. I DON'T THINK THAT ANYONE CAN STOP IT BECAUSE THEY MOVED UP HERE FOR PIECE AND QUIET LIKE WE ALL DO, BUT TO STOP PROGRESS, WE HAVE TO EAT SO I DON'T KNOW OF A SPOT TO DEER HUNT ON RALPH ROAD, WHEN I MOVED HERE RALPH ROAD WAS DIRT AND NOW YOU CANNOT GET OFF THE ROAD BECAUSE OF ALL THE HOUSES. EVERYBODY WANTS THEIR HOUSE BUT THEY DON'T WANT ANYONE ELSE MOVING UP HERE. THERE ARE SO MANY PEOPLE THAT CANNOT AFFORD THAT KIND OF LIVING AND AS MONEY COMING INTO OUR LITTLE TOWN OF LUZERNE, I DO NOT SEE WHY WE NEED TO TAKE A BACK SEAT TO QUEENSBURY OR ANY TOWN AS FAR AS MAKING MONEY, WE ARE A TOURIST AREA AND WE ARE HUNTERS, THEY CAN BACK ME UP, I BELIEVE THEY ARE ALL DRILLED WELLS THEY ARE PUTTING IN THERE AND THE TOWN OF LUZERNE NEVER HAS A WATER PROBLEM, WE HAVE DRILLED WELLS. WE ARE NOT WORRIED ABOUT WATER COMING OFF THE OLD RESERVOIR BECAUSE WE HAVE PROGRESSED, LOOK AT THIS TOWN HALL, WE ARE PROGRESSING, I THINK PROGRESSION IN A SYSTEMATIC MANNER SEQUENTIAL, STEP BY STEP, I THINK IT IS A GREAT DEAL FOR LAKE LUZERNE SO TO SUM IT UP I AM JUST HOPING THE TOWN BOARD THINKS ABOUT THE NEXT GENERATION OF PEOPLE, WE CAN EITHER STICK OUR HEAD IN THE SAND OR WELCOME GOOD CLEAN ENVIRONMENTALLY SOUND PROGRESS IN OUR TOWN.

TOM CONDON – I AM NOT A NEGATIVE THINKER ON THIS PROJECT, I DON'T KNOW ENOUGH ABOUT IT, I THINK THERE ARE SOME GOOD THINGS AND I THINK THERE ARE VERY GOOD CONCERNS. I ASK THE DEVELOPERS AND TOWN ENGINEER, DUE TO THE ELEVATION THE DIFFERENCE BETWEEN THE TOP OF THE DEVELOPMENT WILL BE UNFOLDING AND THE LOWER ELEVATION WHERE A LOT OF US LIVE, MY QUESTION TO THE TOWN ATTORNEY OR DEVELOPERS, WHEN A PROJECT LIKE THIS IS PERCEIVED THERE HAS TO BE SOME DETERMINATION AS TO FEASIBILITY BEFORE THE PROCESS GETS TO THIS POINT WHERE DEVELOPMENT IS HOPED TO BE STARTING SOMETIME SOON OR AS SOON AS PERMITTING IS APPROVED, IF APPROVED, MY QUESTION IS THE WATER CONCERN, THE ELEVATION AND THE AVAILABILITY OF WATER FOR A PROJECT OF THIS SIZE, EVEN THOUGH IT IS GOING TO BE PHASED DEVELOPMENT AND THERE ARE GOING TO BE DETERMINATIONS AS YOU GO, HAS THERE BEEN AN ENGINEERING STUDY THAT SAYS OVER AND ABOVE THE CONTAMINATION ASPECT, IS THERE WATER AVAILABLE FOR A PROJECT

OF THIS SIZE THAT IS NOW UNDER CONSIDERATION.

ANDY BRICK – THAT IS IN THE SCOPING DOCUMENT, ONE OF THE THINGS WE ARE REQUIRED TO DO IN THE ENVIRONMENTAL IMPACT STATEMENT IS TO SUBMIT A WATER SUPPLY OR MAP PLAN AND REPORT TO DEMONSTRATE THAT THE WATER IS OF SUFFICIENT QUALITY AND QUANTITY.

TOM CONDON – IT HAS NOT YET BEEN DETERMINED THAT THERE IS AN EXISTING OR A WATER SUPPLY THAT WILL FULFILL THE REQUIREMENTS OF THE PROPOSED PROJECT WITHOUT TAKING AWAY FROM THOSE WHO ARE CLOSE THE PROJECT OR PREVENTING FUTURE RESTRICTIONS.

MR. RICCHARDI – WE HAVE THREE WELLS NOW, THAT ARE IN PLACE AND HAVE GOTTEN SUFFICIENT WATER FOR OUR NEEDS ARE GOING TO BE, BUT THE ENGINEER THAT DOES JUST THAT TYPE OF WORK WILL DO A DETERMINATION TO THE BOARD TO THE TOWNS' SATISFACTION. THAT IS OBVIOUSLY A CONCERN THAT PEOPLE HAVE.

TOM CONDON – ONE OF THE THINGS THAT POPS OUT WHEN A DEVELOPER SUCH AS YOU GET INTO ONE OF THESE KINDS OF PROJECTS, YOU MUST HAVE DONE SOME PRELIMINARY STUDIES AND YOU SAID YOU HAVE EXISTING WELLS SO THAT WAS PART OF YOUR LOOKING AT WHAT IS POSSIBLE AND THE CAPACITY THERE HAS BEEN DETERMINED?

MR. RICCHARDI – YES

TOM CONDON – HAS THE TOWN ATTORNEY LOOKED AT THAT?

RUSSELL THARP – I RAISE CHRIS, ARE YOU SATISFIED THE SCOPING DOCUMENT IS GOING TO PROVIDE US WITH SUFFICIENT EVIDENCE SO YOU CAN ANALYSIS THE AVAILABILITY OF THE WATER?

CHRIS ROUND – THAT IS OUR GOAL.

RUSSEL THARP – ARE SATISFIED THE SCOPING DOCUMENT REQUIRES THAT INFORMATION.

CHRIS ROUND - THE DEVELOPER WILL DO SOME LEVEL OF DUE DILIGENCE, 'I'M PROPOSING A PROJECT IS THERE GOING TO BE WATER ON THE SITE. THE LEVEL OF DUE DILIGENCE ONE EXERCISES VARIES FROM INDIVIDUAL TO INDIVIDUAL, I DON'T KNOW WHAT INVESTMENT THESE FOLKS HAVE MADE IN EXAMINATION OF WATER BUT WATER IS A CRITICAL ISSUE, SO THEY HAVE DONE SOME LEVEL OF DUE DILIGENCE, THEY HAVE SOME LEVEL OF CONFIDENCE THAT THEY CAN SECURE THAT SOURCE, OUR SCOPING DOCUMENT NEEDS TO TAKE IT TO THE NEXT

LEVEL AND PROVIDE ACTUAL PUMPING TEST DATA, WITH RESPECT OF CONCERNS ON THE NEIGHBORS WELLS, IT WILL BE MADE SURE THAT SCOPING DOCUMENT DOES SPECIFY SOME LEVEL OF DETAIL TO MEET EVERYONE'S SATISFACTION THAT THE ANALYSIS THAT ARE GOING TO EVALUATE AND DEMONSTRATING TO THE BROADER PUBLIC THAT THERE WILL NOT BE A NEGATIVE IMPACT ON THE ADJOINING PROPERTY OWNERS. THE REGULATORY PROCESS ALSO INSURES THAT THERE IS GOING TO BE ADEQUATE WATER, THE DOH, WOULD HAVE TO ISSUE A WATER SUPPLY PERMIT.

TOM CONDON – WHAT KIND OF ENGINEERING STUDIES, HOW DOES ONE DETERMINE THE WATER AVAILABILITY PORTION OF THIS PROJECT AND DOES IT MEET ANY KIND OF CRITERIA THAT HAS BEEN PREDETERMINED BASED ON DEVELOPMENTS GETTING ADOPTED.

CHRIS ROUND – FORGET THE EIS PROCESS, IN ORDER TO PERMIT A RESIDENTIAL DEVELOPMENT ON SINGLE WATER SUPPLIES THERE IS A THRESHOLD OF 10 OR 25 HOMES, THE WATER SUPPLY IS CALLED A COMMUNITY WATER SUPPLY AND AS SOON AS YOU TRIGGER A COMMUNITY WATER SUPPLY, THEY MORE THAN ONE PERSON, THAT COMMUNITY SYSTEM NEEDS TO SUPPLY IN THEIR WATER SUPPLY PERMIT APPLICATION PUMPING TEST DATA, SUSTAINED YIELD TEST THAT DETERMINES YES A WELL IS ABLE TO PRODUCE QUANTITY AND QUALITY FOR A SUSTAINED PROCESS, THERE IS A SCIENCE BEHIND HOW TO MEASURE THAT AND THE OTHER THING THEY ARE LOOKING AT IS WILL IT NEGATIVELY IMPACT A NEIGHBORING WELL, SO DEPENDING ON THE TYPE OF WATER SOURCE, WHETHER IT IS CONSOLIDATED, UNCONSOLIDATED, BED ROCK OR SAND AND GRAVEL WELL THERE ARE DIFFERENT TESTS THAT APPLY TO EACH OF THOSE SYSTEMS AND SOME OF THOSE REQUIRE THAT YOU MONITOR ADJOINING PROPERTY WELLS OR INSTALL TEST WELLS IN PROXIMITY TO YOUR PUMPING WELL TO DETERMINE THE DRAW DOWN IS SO YOU CAN MAKE PROJECTIONS ON THE OVER ALL OPERATION.

TOM CONDON – IN MY MIND THE WOULD BE A VERY BIG FACTOR AS FAR AS THE DESIRABILITY, YOU WOULDN'T WANT TO TAKE AWAY FROM EXISTING PROPERTY OWNERS AND WHEN IT GETS TO A WATER STUDY IT IS MY PERCEPTION WITHOUT BEING IN THAT AREA, IT CAN BE A VERY COMPLEX UNDERTAKING. THERE MUST BE A PROPOSED TIME LINE THAT THE DEVELOPERS, ENGINEERS AS TO THE PROCESS WE ARE GOING THRU, OPEN MEETINGS AND DISCUSSION, YOU ARE SUBMITTING YOUR PLANS TO THE BOARD WITH PHASE I IDENTIFIED, WHAT IS YOUR OBJECTIVE, THERE MUST BE A TIME LINE OBJECTIVE AS TO WHEN YOU WANT TO START IF ALL IS APPROVE.

MR. RICCHARDI – WHEN WE WOULD LIKE TO START WOULD BE VERY DIFFERENT THAN REALITY.

TOM CONDON – YOU MUST HAVE AN IDEA.

MR. RICCHARDI – THE MIDDLE OF NEXT YEAR WOULD BE IDEAL OF US, BUT THERE ARE SO MANY VARIABLES.

ANDY BRICK – IN TERMS OF THE PROCESS, THE TIME LINE IS SET BY STATE REGULATION UNDER THE STATE ENVIRONMENTAL QUALITY ACT, ONCE THE SCOPING DOCUMENT IS ADOPTED BY THIS BOARD THEN THERE IS NO TIME FRAME, IT IS COMPLETELY UP TO THE APPLICANT WHEN THEY CHOOSE TO COMPLETE, FINISH AND SUBMIT THE DRAFT ENVIRONMENTAL IMPACT STATEMENT, AT THAT TIME A TIME LINE DOES KICK IN. THE TOWN HAS 45 DAYS TO MAKE A DETERMINATION ON WHETHER OR NOT WHAT WAS SUBMITTED IS COMPLETE, ONCE THEY DETERMINE IT IS COMPLETE, THERE IS A 14 DAY PUBLIC NOTIFICATION PROVISION AND THEN A PUBLIC HEARING WITH A 45 DAY PUBLIC COMMENT PERIOD ATTACHED TO IT, AFTER THE PUBLIC COMMENT PERIOD, IT IS OUR OBLIGATION AS THE APPLICANT TO SUBMIT A FINAL ENVIRONMENTAL IMPACT STATEMENT WHICH IS THE DRAFT PLUS OUR RESPONSES TO EVERY SINGLE COMMENT MADE DURING THE PUBLIC COMMENT PERIOD, THEN THE TOWN BOARD HAS A TIME LINE OF 15-30 DAYS TO DETERMINE IF THAT IS SUFFICIENT AND THEN THEY ADOPT THE FINDINGS STATEMENT AND AT THAT POINT THE SEQRA PROCESS WOULD BE COMPLETE AND THEN THE TIME LINE FOR ADOPTION OR CONSIDERATION OF THE PUD WOULD KICK IN WHICH IS 7 DAYS NOTICE A LOT LIKE WHAT MR. THARP DISCUSSED WITH THE HOTEL/MOTEL LOCAL LAW WHEN WE BEGAN.

TOM CONDON – THERE WAS A COMMENT MADE ABOUT AS PROPOSED THEY WOULD BECOME A SEPARATE TOWN, IS THAT A FACTUAL COMMENT?

MR. RICCHARDI- NO THAT'S A COMMENT THAT HAS BEEN KNOCKING AROUND BUT THERE IS NO INTENTION AND NEVER A CONVERSATION ABOUT THAT, THAT IS RUMOR.

TOM CONDON – IT IS AN IMPORTANT ISSUE TO ANYBODY LIVING HERE IN LAKE LUZERNE AND TO THE TOWN BOARD.

MR. RICCHARDI – THERE HAS NEVER BEEN A CONVERSATION AND WE HAVE NEVER PROPOSED ANYTHING LIKE THAT, THERE IS NO INTENTION OF THAT.

DICK BREDENKO – WHEN WE HAVE THE PUBLIC INPUT, CAN WE HAVE ALL OF THE DEPARTMENT HEADS HERE?

SUPERVISOR MERLINO – THAT IS A VERY GOOD IDEA, WE CAN HAVE THE

ROAD DEPARTMENT, FIRE, EMS, THAT IS A GREAT IDEA.

SUPERVISOR MERLINO – WE WILL CLOSE TO THE PUBLIC HEARING, WRITTEN COMMENTS CAN BE SUBMITTED THRU MARCH 22<sup>ND</sup>.

SUSAN HUNTER – I HAVE EXTENSIVE WRITTEN COMMENTS ON THE REVISIONS AND HAVE NEVER RECEIVED ANY ACKNOWLEDGEMENT THAT YOU RECEIVED THEM.

RUSSELL THARP – WHAT REVISION OF THE ZONING LAW ARE YOU TALKING ABOUT?

SUSAN HUNTER – THE ZONING REGULATIONS BEING DONE BY ELAN.

COUNCILMAN MCLAIN- YOU ARE TALKING ABOUT THE MASTER PLAN.

SUSAN HUNTER – I AM WONDERING IF I SHOULD WRITE DOWN WHAT I ALREADY TOLD YOU.

COUNCILMAN MCLAIN – THEY ALREADY HAVE IT, WE HAVE PUT OFF ANY MORE HEARINGS UNTIL SUMMER, IT IS ON HOLD.

SUPERVISOR MERLINO – WE DIDN'T WANT TO DO ANYTHING OVER THE WINTER.

SUSAN HUNTER – IS IT NECESSARY TO TAKE TWO HOURS TO WRITE DOWN WHAT I SAID?

SUPERVISOR MERLINO – IT IS ON TAPE, BUT IF YOU WANT TO COME UP WITH SOME IDEAS AND GIVE IT TO US.

RUSSELL THARP – IN MY OPINION, I ALWAYS PUT EVERYTHING IN WRITING EVEN THOUGH THERE IS A TRANSCRIPT.

SUPERVISOR MERLINO CLOSED THE PUBLIC HEARING AT 8:25PM.

RESOLUTION #35 OF 2010 – A MOTION TO APPROVE THE MINUTES OF THE JANUARY 19<sup>TH</sup>, FEBRUARY 8, & 19<sup>TH</sup> MEETINGS WAS MADE BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION #36 OF 2010 – A MOTION TO PAY MONTHLY VOUCHERS #10157-#10222 WAS MADE BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION #37 OF 2020 – A MOTION TO TRANSFER \$75,793.00 FROM PRIOR YEAR FUND BALANCE TO DA5130.2, EQUIPMENT, FOR A DOWN PAYMENT OF THE RECENTLY APPROVED PURCHASE OF 2010 WESTERN STAR TANDEM TRUCK FOR HIGHWAY DEPARTMENT WAS MADE BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

## **REPORTS**

NOTHING FROM THE ATTORNEY

TOWN CLERK – THE TAX WARRANT IS 71% COLLECTED AND FOR THE RECORD WE HAVE SUBMITTED OUR MONTHLY REPORT TO THE BOARD MEMBERS.

COUNCILMAN MCLAIN – WE RECEIVED A LETTER FROM THE LAKE GEORGE LAND CONSERVANCY ASKING FOR OUR TOWN SUPPORT FOR THEIR EFFORTS TO GET THE STATE OF NY TO BUY THEIR LAND, THEY BOUGHT THE LAND SEVERAL YEARS AGO FROM A PRIVATE LAND OWNER UNDER A HAND SHACK AGREEMENT THAT THE STATE WOULD TURN AROUND AND BUY IT FROM THEM, THEY ARE PAYING ABOUT \$44,000 A QUARTER, THEY DON'T HAVE THE MONEY, THE STATE DOESN'T HAVE THE MONEY TO BUY IT FROM THEM, THEY ARE LOOKING FOR OUR SUPPORT TO BUY THAT LAND.

SUPERVISOR MERLINO – THIS IS IMPORTANT AND IT WILL GUARANTEE THE CONNECTION FROM LAKE LUZERNE TO LAKE GEORGE WITH THE SNOWMOBILE CLUB. WE SHOULD SUPPORT THEIR CAUSE.

ATTORNEY THARP – THE CLOSING FOR THE SALE OF THE COURTHOUSE BUILDING WILL BE ON MARCH 15<sup>TH</sup> AND WOULD LIKE TO GO INTO EXECUTIVE SESSION IN REGARD TO REAL PROPERTY ISSUES, NO ACTIONS WILL BE TAKEN, JUST ASKING FOR SOME INPUT FROM THE TOWN BOARD AND WILL NOT HAVE TO RECONVENE.

**RESOLUTION # 38 OF 2010** MADE BY COUNCILMAN MCLAIN, SECONDED BY SUPERVISOR MERLINO TO SUPPORT THE CAUSE OF THE LAKE GEORGE LAND CONSERVANCY IN REGARD TO THE STATE PURCHASING LAND TO KEEP THE CONNECTION BETWEEN LAKE GEORGE AND LAKE LUZERNE. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

SUPERVISOR MERLINO SPOKE REGARDING THE AMOUNT OF BRUSH AND THAT DEC HAS STOPPED BURNING OF BRUSH AT THE LANDFILL AND WILL

WORK ON A SOLUTION FOR THIS, POSSIBLY CHARGING BY THE POUND AS A CHIPPING BUSINESS WOULD HAVE YOU CALL THEM IN ONCE YOU REACH A CERTAIN WEIGHT. THIS ISSUE WILL BE REVISITED AT THE MARCH 22<sup>ND</sup> MEETING.

AT THE APRIL MEETING THE COUNTY DPW WILL BE HERE TO GIVE A TALK ON WHAT WE MAY PROPOSE FOR MAIN STREET REALIGNMENT OF THE ROADS, THEY HAVE SOME DATA ON ACCIDENTS ETC. WE WILL NOT MAKE ANY DECISIONS YET, BUT THEIR ENGINEERS WOULD TELL US WHAT WOULD BE GOOD FOR THE CORNER OF BRIDGE AND MAIN.

WE WERE ASKED BY GOV. PATTERSON AND ALL OF HIS PEOPLE TO LET EVERYONE KNOW THAT IT IS A LAW TO HAVE A CARBON MONOXIDE DETECTOR IN YOUR HOME.

THE TOWN BOARD PERFORMED THE ANNUAL AUDIT OF THE FINANCIAL RECORD KEEPING OF THE COURT CLERK, TOWN CLERK AND BOOKKEEPER WHICH SHOWED THAT ALL RECORDS ARE IN GOOD ORDER.

WE HAD AUDITORS FROM THE NYS COMPTROLLER'S OFFICE IN HERE IN DECEMBER AND JANUARY AND WE JUST RECEIVED A LETTER STATING THAT THERE WAS NOTHING TO INDICATE THAT THE TOWN OF LAKE LUZERNE IS IN NEED OF ANY FURTHER SERVICES FROM THE NYS COMPTROLLER'S OFFICE.

**RESOLUTION #39 OF 2010** MADE BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL TO AUTHORIZE THE SUPERVISOR TO SIGN THE AGREEMENT WITH WARREN COUNTY FOR SNOWMOBILE CLUB TRAIL DEVELOPMENT, MAINTENANCE AND/OR PROMOTION. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

**RESOLUTION #40 OF 2010** MADE BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MCLAIN TO SURPLUS THE 1996 GREEN DODGE UTILITY VAN 1500 WITH INTENT TO PUT OUT TO BID. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE SUPERVISOR MERLINO, AYE.

**RESOLUTION #41 OF 2010** MADE BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MCLAIN TO ADVERTISE FOR BID 1996 DODGE UTILITY VAN 1500 WITH A MINIMUM BID OF \$200.00, TO BE SOLD IN "AS IS" CONDITION WITH SEALED BIDS TO BE RECEIVED IN THE OFFICE OF THE TOWN CLERK UNTIL NOON ON APRIL 5<sup>TH</sup> AND OPENED AT THE REGULAR MEETING OF THE TOWN BOARD THAT EVENING AT 7:00PM. VEHICLE CAN BE INSPECTED DURING BUSINESS HOURS, MON – FRI 9-4 AT THE TRANSFER STATION ON TOWNER ROAD. THE TOWN BOARD RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS. ROLL CALL VOTE: COUNCILMAN MCLAIN,

AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

**RESOLUTION #42 OF 2010** MADE BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL TO RESCHEDULE THE APRIL 12<sup>TH</sup> MEETING TO APRIL 5<sup>TH</sup>. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

SUPERVISOR MERLINO STATED THAT THE TITLE OF THE PARKS & RECREATION DEPARTMENT WOULD BE CHANGED TO BUILDINGS & GROUNDS TO BE CONSISTENT WITH OTHER TOWNS AND WARREN COUNTY.

**OLD BUSINESS:**

BOB SHERMAN GAVE A REPORT ON THE MILFOIL AND THE DEC PERMIT, CURRENT PLANS ETC. AND PRESENTED A BUDGET TO THE BOARD FOR THEIR REVIEW. SUPERVISOR MERLINO FEELS THAT A WORKSHOP ON MILFOIL SHOULD BE CONSIDERED.

CLINT FREEMAN INQUIRED ABOUT A NUISANCE ABATEMENT LAW, THE CITIES OF TROY AND EAST GREENBUSH HAVE ADOPTED A LAW. COUNCILMAN MCLAIN'S CONCERN IS THAT WHO WOULD ENFORCE IT, THEY HAVE THEIR OWN POLICE DEPARTMENT.

BILL EDDY – LAKE AVENUE, INQUIRED ABOUT THE SIDEWALKS.

SUPERVISOR MERLINO – NOTHING IS STARTED YET, WE HAVE TO MEET WITH THE HOMEOWNERS.

TOM CONDON – DAVERN DR – THANKED THE BOARD FOR PASSING LOCAL LAW #1.

BOARD MOVED INTO EXECUTIVE SESSION.

**RESOLUTION # 43 OF 2010** MADE BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL TO ADJOURN THE MEETING AT 9:15. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO.

RESPECTFULLY SUBMITTED,

LORRI HOLCOMB  
DEPUTY TOWN CLERK

