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TOWN OF CORNWALL

PLANNING BOARD

APRIL 6, 2009

MEMBERS PRESENT: NEIL NOVESKY, CHAIRMAN
KENNETH BRODMERKEL
LED KLOSKY
WILLIAM GRABE
HELEN BUNT
MICHAEL LOBLANCO

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

ERIC DENEGA
PLANNING BOARD ENGINEER

LESLIE DOTSON
PLANNING BOARD CONSULTANT

GARY VINSON
BUILDING INSPECTOR

ABSENT: WYNN GOLD

REGULAR_MEETING _____

MR. NOVESKY: I'd like to call the April 6, 2009 meeting of the Cornwall Planning Board to order. All are, present except for Wynn Gold who notified me that he's out at a seminar.

CORRESPONDENCE _____

MR. NOVESKY: We have some correspondence, Fran, which I'll forward over to you. One piece of correspondence relates to a request for an extension by Pat Brady for Brady Engineering that we require, Dominic?

MR. CORDISCO: This is in regards to the 10 lot Holloran Road subdivision, the board had previously granted preliminary approval for this application. They are still trying to obtain outside agency approvals and there have been no changes to zoning that would affect the preliminary approval.

MR. KLOSKY: Move we grant the extension.

MR. LOBLANCO: Second it.

ROLL CALL

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| MR. BRODMERKEL | AYE |
| MS. BUNT | AYE |
| MR. KLOSKY | AYE |
| MR. LOBLANCO | AYE |
| MR. GRABE | AYE |
| MR. NOVESKY | AYE |

DISCUSSION _____

MR. NOVESKY: Just a brief discussion requiring a vote of the board request for a field change for the construction of a we'll call it I guess temporary runway, we have some discussion. It's a temporary removable structure and there are no lights thus precluding the possibility of pole vaulting at night. Any questions? Comments? Do you want to say something about asking Gary to look at it?

MR. LOBLANCO: Just look into the use of the pressure treated wood but I tend to agree with you that seeing that it's going to be covered.

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MR. VINSON: I would think.

MR. LOBLANCO: Just check.

MR. BRODMERKEL: Dom, do you want a vote to approve this as a field change?

MR. CORDISCO: Yes.

MR. BRODMERKEL: So moved.

MR. LOBLANCO: Second it.

ROLL CALL

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| MR. BRODMERKEL | AYE |
| MS. BUNT | AYE |
| MR. KLOSKY | AYE |
| MR. LOBLANCO | AYE |
| MR. GRABE | AYE |
| MR. NOVESKY | AYE |

OLD BUSINESS

APPROVAL_OF_MINUTES_DATED_MARCH_10,_2009

MR. NOVESKY: Old business, approval of the minutes, everybody receive the minutes for March 10 as short as they might have been? They're the world's record shortest minutes. Questions on the minutes? Comments? Motion to approve.

MS. BUNT: So moved.

MR. LOBLANCO: Second it.

ROLL CALL

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| MR. BRODMERKEL | AYE |
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| MS. BUNT | AYE |
| MR. KLOSKY | AYE |
| MR. LOBLANCO | AYE |
| MR. GRABE | AYE |
| MR. NOVESKY | AYE |

JEFFERY_&_CHRISTINE_BAKER_LOT_LINE_CHANGE_#2009-02

MR. NOVESKY: Moving on, no public hearings tonight, project number 2009-01, I'm sorry, we're skipping one and moving to two first, the lot line change for Jeffrey and Christine Baker.

MR. EDEBOHLS: Greg Edebohls, I'm here on behalf of Jeff Baker, 12 Mountain Brook Road off Mine Hill Road and what he'd like to do is add a three car garage to the south side of his house and incorporate where the existing garage would essentially be turned into a family room increasing the size of the kitchen. So the reason I'm here is there's two reasons, there's the lot line change that would have to be done because the existing lot is too close so there would be a lot line change to make it in approval what he planned.

MR. NOVESKY: That will allow for setback from the property line?

MR. EDEBOHLS: Correct, so that's why this is there and for the viewshed really, I don't know if you had the opportunity to look through the correspondence here but--

MR. NOVESKY: The pictures were terrible by the way.

MR. EDEBOHLS: Sorry about that. The only location that you can see the addition work from a section on Angola Road for about an eighth of a mile from Jones Farm about an eighth of a mile right there and as you can see on that one elevation the north elevation it's just a little section that you'd be able to see and it would be in an earthtone color similar to what's there, in fact, identical to the timberline, I think it's called Earthtone I think is the name of the color. So that's really the only area that would be seen from anybody down in the valley. So that's the story.

MR. NOVESKY: Leslie, do you want to make comments?

MS. DOTSON: The only thing I wanted to point out for both of these is that the EAF incorrectly identified the zoning district, it's an RR, not R1 anymore, realistically, the lot line change makes sense to do first just because if you don't have the lot line change then you can't really approve the garage addition site plan. But there are really no problems, I think he's identified that fairly conservatively. I would have to say that if you're really looking at and noticing that tiny little wedge of additional roof line that would be sticking up then you're really probably going to wind up off the side of the road realistically so I don't see this being a problem. I suggest that you waive the hearing for both of them and we have prepared a negative declaration so you can take action.

MR. NOVESKY: Thank you. Eric?

MR. DENEGA: Mark didn't have any technical engineering comments for the most part referred to Leslie's planning comments and just asked if anything came up that we bring it back to him. That's all. Other than that, he took no exception to moving forward with this.

MR. NOVESKY: Thank you. Dominic?

MR. CORDISCO: In line with the board's other consultants, the board could waive the public hearings for both applications and proceed to approval tonight. I realize this is their first appearance but given the straightforward and rather minimal nature of the application and the fact that the garage, the approval of the special permit for the garage is only triggered by virtue of the fact that they're in the district and I think it's fairly clear that there's a minimal if any visual impacts which is the primary purpose of having the district in the first place. Given that the board would be in a position if it was inclined to grant

approval tonight, as I mentioned earlier, I did prepare resolutions but I have also neglected to bring them so if the board was inclined you could authorize the chairman to sign them, they are very straightforward, they adopt the negative dec that Leslie prepared on both applications and then they grant approval for both the lot line and for the garage.

MR. KLOSKY: I see no problem with it, with any of this, it's a very minor thing. The only comment I wanted to make was that usually we require a somewhat more thorough viewshed impact analysis in this district, it's something I remain very concerned about but in this particular case I don't think that that's called for. So I just don't want a future applicant to look back at this application and say that's the standard for a larger scaled project.

MS. DOTSON: The fact that this is existing also helps us because we're familiar with it and we can see what's there already so, you know, seeing the elevations helps a lot.

MR. KLOSKY: Some, yeah, so I'm in favor.

MR. LOBLANCO: I'm in favor, I don't see anything.

MR. GRABE: Nothing.

MS. BUNT: No problems.

MR. BRODMERKEL: It's a wonderful thing.

MR. NOVESKY: Okay, Dominic, then we should ask for a vote on the negative dec I suppose?

MR. CORDISCO: Yes, this will be the negative dec for the lot line change.

MR. NOVESKY: Do both or shall we do each separately?

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MR. CORDISCO: Separate would be best.

MR. NOVESKY: All right, I don't have anything I have to write on so I don't mind who makes the motion.

MR. BRODMERKEL: So moved.

MR. LOBLANCO: Second it.

MR. NOVESKY: This is for a negative dec related to the property lot line change. Any questions? All in favor?

ROLL CALL

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| MR. BRODMERKEL | AYE |
| MS. BUNT | AYE |
| MR. KLOSKY | AYE |
| MR. LOBLANCO | AYE |
| MR. GRABE | AYE |
| MR. NOVESKY | AYE |

MR. NOVESKY: This is for the garage addition, I'll take a motion.

MR. LOBLANCO: Make the motion.

MR. BRODMERKEL: Second it.

MR. NOVESKY: All in favor?

ROLL CALL

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| MR. BRODMERKEL | AYE |
| MS. BUNT | AYE |
| MR. KLOSKY | AYE |
| MR. LOBLANCO | AYE |
| MR. GRABE | AYE |
| MR. NOVESKY | AYE |

MR. NOVESKY: We have to waive the public hearing.

MR. BRODMERKEL: Motion that we waive the public hearing.

MR. LOBLANCO: Second it.

MR. BRODMERKEL: For both these items.

MR. NOVESKY: So there's a motion to waive the public hearing for both these items.

MR. LOBLANCO: Second it.

ROLL CALL

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| MR. BRODMERKEL | AYE |
| MS. BUNT | AYE |
| MR. KLOSKY | AYE |
| MR. LOBLANCO | AYE |
| MR. GRABE | AYE |
| MR. NOVESKY | AYE |

MR. NOVESKY: Is that it?

MR. CORDISCO: Now you need a motion to approve the lot line change.

MR. BRODMERKEL: So moved.

MR. LOBLANCO: Second it.

ROLL CALL

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| MR. BRODMERKEL | AYE |
| MS. BUNT | AYE |
| MR. KLOSKY | AYE |
| MR. LOBLANCO | AYE |
| MR. GRABE | AYE |

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MR. NOVESKY AYE

MR. NOVESKY: I'll take a motion to approve the garage.

MR. CORDISCO: As a special use permit.

MR. LOBLANCO: I'll make the motion.

MS. BUNT: Second it.

ROLL CALL

MR. BRODMERKEL AYE

MS. BUNT AYE

MR. KLOSKY AYE

MR. LOBLANCO AYE

MR. GRABE AYE

MR. NOVESKY AYE

MR. NOVESKY: And you have to authorize the chairman to sign these things.

MR. CORDISCO: That's already in the minutes.

MR. NOVESKY: Thank you.

HUDSON_VALLEY_VIEW_ESTATES_#2009-03

MR. NOVESKY: Next is Hudson Valley View Estates.

Mr. John Russo appeared before the board for this proposal.

MR. RUSSO: John Russo from Lanc and Tully Engineering. I'm here from Hudson Valley View Estates, the applicants and owner Sharon VanKeepingham, she couldn't make it tonight, she broke her knee, she called the office today, was going to be here and the story that I received was that she broke her knee. The parcel, she actually owns two parcels, tax parcel lot 16 and lot 18, lot 16 being 38.2 acres and lot 18 being 2.42 acres, which is actually this parcel located in the center of lot 16. Lot number 18 actually is accessed off Valley View Lane which is a private gravel drive and there's easements across lot 16 for lot 18 to access that. At this time, what we're looking to do is create a five lot subdivision, the road does have 50 foot access along the cul-de-sac on Mountain Brook Road based upon what the surveyor found and also has access from Valley View Lane which is a private road. The property is in the AA or ARR zone, the agricultural rural residential which requires a minimum usable area of 3 acres for a lot. So more or less what they are looking to do is break this up into five lots, there's an existing residence on what's proposed as lot number 2 that's currently occupied on existing tax lot 18, there's an actual cabin that's not in use and there's also a pond on that which is on the federal wetlands. We aren't planning anything with regards to any disturbance in the area of that pond, we're actually staying out of that area. On this map you can actually see the existing tree lines that are on the property, everything in front we're proposing the roads and the house is actually open field area right now, there's a slight encroachment on proposed lot number 5 into the tree line for the house, otherwise, everything else has

been pulled forward out of the tree line and away from the steep slopes. All the lots have a net usable area of 3 acres or greater and the lot sizes range from 3.77 acres up to 18.42 acres which would be lot number 3. We're proposing, we have met with the consultants, we're proposing a private road off of Mountain Brook Road and on your zoning your private road is allowed to be six times the lot width, the lot width in this zone is 250 feet as I said you can have six times the lot width for the length of the private road which would be 1,500 feet right now we have 1,150 feet as measured from the intersection of Mountain Brook Road and Sky Drive so we have 850 feet just for the private road off the town road. Currently, the existing residence and the cabin as I said before accesses Valley View Lane which is the private gravel drive. Based upon the new layout, the existing home would actually occupy the new private road and only the proposed lot number 1 would access onto Valley View Lane and we would actually be eliminating a section of Valley View Lane and reducing its current length. More or less we're here tonight to get your input as far as the layout. We know we're in the ridge view, we'd like to see what the board is going to require, I mean, this is this area up here is uphill of us, we're downhill of this entire, nobody up here.

MR. NOVESKY: Okay, Leslie?

MS. DOTSON: Basically, my one concern was with the question about the ownership of the new proposed private road, the one coming in from Mountain Brook there seems to be a space that's unspoken for between the outside edge of the road itself and the Bambino property line. I'm not sure.

MR. RUSSO: My understanding from what occurred in the consultants' meeting Mark has been looking for a right-of-way actually over these roads.

MS. DOTSON: No, I understand that but the question is the way the code reads right now someone needs, there has to be a right-of-way, yes, but someone needs to still own that and I was not really clear.

MR. CORDISCO: Whether it was a separate parcel.

MS. DOTSON: It almost looked like a separate parcel, may just be where the lines are being dashed but it wasn't really clear to me who owned that and I was just uncomfortable because I wanted to make sure somebody owns it. Anyway, and I can see what you're doing to Valley View and I appreciate that, I know that that's what was asked for. I understand that this is just a preliminary plan, I was still somewhat concerned about grading specifically in the vicinity of the end of Mountain Brook Road because it's really steep off the end of that road to get to this property, it's like an eight foot grade difference if you're standing there it's taller than your head. So I wondered how you were planning on doing that.

MR. RUSSO: We'll probably have to cut into that area a little bit to grade it out but we can come up with a grade up into the proposed private road.

MR. CORDISCO: So it would be like a retaining wall supporting it?

MR. RUSSO: I'm not sure exactly what will happen, there may have to be a slight retaining wall on either side.

MS. DOTSON: Because you don't have that much space.

MR. RUSSO: We have a little over 50 foot as far as road frontage.

MR. KLOSKY: He's got to have a reverse grade where he meets the circle otherwise the water is going to pour

in there and ice up.

MR. RUSSO: That's something we have to take a look at and we'll be looking at that but we're not that advanced.

MR. KLOSKY: But a retaining wall is almost going to have to be provided perhaps significantly.

MR. RUSSO: Maybe, maybe not.

MS. DOTSON: The next comment is comment 4 suggesting some things you could do to improve the plan layout, some of this actually my comment on shifting the house and the septic location for lot 5, may not make a difference because I realize you're going to have grading and ripping down some trees. I am concerned to save as many of the trees on the north property as we can because I do think that those help to screen the property.

MR. RUSSO: The ones between Bambino?

MS. DOTSON: Actually, no.

MR. RUSSO: Up by Baker?

MS. DOTSON: Yeah, those are the ones that I think screen you from Angola Road so as many as you can save.

MR. RUSSO: We'll take a look and maybe we can possibly flip that.

MS. DOTSON: You're going to be having a lot more work to do but that's my concern.

MR. BRODMERKEL: What was your concern? I didn't follow.

MS. DOTSON: See on the trees over towards the north

property line going towards the line of trees going towards Mountain Brook Road that helps to screen from the north which is Angola which is where it's going to be more likely to be visible because that's where Baker is visible.

MR. CORDISCO: This site is in the ridge preservation overlay.

MS. DOTSON: So I realize that everything that's built here is going to need special exception use and site plan approval but I think we also would be not doing our jobs if we weren't being careful to look to minimize.

MR. BRODMERKEL: I can tell you having been there there's a lot of trees there.

MS. DOTSON: I know but he's also going to be having to do a lot of grading.

MR. RUSSO: If we flip the house we may be able to minimize what we're doing, every house is proposed to be on well and septic, we have already done preliminary soil testing out there, septic, percolation rates range from 10 to 35 minutes. We have noted that we're looking at five bedroom dwellings, this way the septic will be designed large enough, that's not to say in the future they only put in a four bedroom.

MS. DOTSON: I can see that most of this you clearly showed everything that's there, I mean, there's no question that you have shown it all but there are just a few little things where I thought you could reduce the impacts. I was concerned questioning about the well on proposed lot 2 that has the existing house I wasn't sure if that well was failing or something or--

MR. RUSSO: No, we're showing in the future if this house does get removed we have a well and septic that

will work with them putting in a new house in the area without creating any problems and meets the required separations from all other septic and wells.

MR. BRODMERKEL: That existing house is fairly small.

MR. RUSSO: Yes, it's occupied.

MS. DOTSON: I was not sure whether you had any information about the Benvie parcel.

MR. RUSSO: Our applicant has contacted them and/or I should say has tried talking with them, the Benvies have not responded to her at all and at this point, Mike Donnelly is the applicant's attorney, he has contacted them so one way or another it will be resolved.

MS. DOTSON: I realize that's not your problem but you still--

MR. NOVESKY: What's the issue?

MS. DOTSON: If you look at the Benvie parcel that tiny little triangle it shows a well, it shows a really obvious encroachment from the propane tank, I'm just wondering where the septic is because it doesn't look as if they have a whole heck of a lot of land.

MR. NOVESKY: The Benvie encroaches on the Valley View Estates' property, correct?

MS. DOTSON: Yes, the propane tank certainly does.

MR. RUSSO: There's a paddock, there's a number of items that encroach where Sharon has actually gone to the Benvies to talk with them and they have been non-receptive to her, they won't even entertain here, so she's contacted Mike Donnelly as her attorney, he's in the process of contacting the Benvies because they

don't want to seem to work with Miss VanReepingham.

MR. NOVESKY: They seem to be right on.

MS. DOTSON: Well, it's because of the encroachments, it's become a potential legal issue.

MR. CORDISCO: As Leslie pointed out, the location of the septic is unknown.

MR. NOVESKY: As is their propane tank.

MS. DOTSON: And part of the paddock and part of a deck, it's substantially encroaching.

MR. KLOSKY: How long have the things been in existence?

MS. DOTSON: Long before current zoning regulations, that's for sure. I also had a question about the cabin cause I think you need to address the status of the cabin, what's going to be done with it? There's no septic system shown, I wasn't going to go poking around there too much.

MR. RUSSO: We'll have to find out, I think that's more than likely to be demolished as part of this project.

MS. DOTSON: Yeah, just--

MR. RUSSO: We'll put the disposition of what's proposed with those items on the plan.

MS. DOTSON: So that's it for me.

MR. NOVESKY: Eric?

MR. DENEGA: Relatively minor technical comments in nature, John said the plans are somewhat preliminary right now or conceptual layout, just in general some of

Mark's comments were septic, soils tests, as we already mentioned we'll wait to see those and Mark will review them when we get them and here's a letter, Mark's comments.

MR. RUSSO: Does your office also witness the soils tests?

MR. DENEGA: Yes, Mark mentions that.

MR. RUSSO: We did preliminaries just to see what we have as far as septic.

MR. DENEGA: Get in touch with Mark, he will arrange it. He mentions a couple notes, note number 4 indicates that soils data based on Orange County Conservation Service Mapping. Once we get the actual test results get rid of the note. And note number 8 he references to remove which is a technical comment. Any questions on that let him know. And again as Leslie said just some additional grading shown, roadway profiles, driveway locations and slopes, complete road detail showing the cross-section and whatnot. Mark did mention some concern about maybe adding a T turnaround.

MR. RUSSO: Right, for Valley View on the private road, what we're proposing is a small turnaround area. What Mark's saying it appears to be undersized, maybe a T turnaround would be more appropriate than trying to provide a full size cul-de-sac.

MR. DENEGA: Just some reference showing the limits of disturbance so we can quantify what we have to do for storm water management. We'll be reviewing the SWPPP, again number 3 reminds you about the witnessing the perc tests and dimensions of the scale and lastly number 4 Mark references review by the highway superintendent for the curb cut for the driveway opening.

MR. NOVESKY: Dominic?

MR. CORDISCO: Yes, as we commented before, this is in the ridge preservation overlay district so we're going to need applications for special use permit and also for site plan approval for these as well.

MR. RUSSO: Does that have to be done at this time or later on when each of them, because right now, the owner doesn't want to define exactly what's going to be built on each of these based upon your.

MR. CORDISCO: If they're only looking for subdivision approval at this point.

MR. RUSSO: We can add notes to the plan that three of the lots would have to come back before you because if we come up with houses, I mean, we're kind of limiting who we may be able to sell to somebody who may not like the house, the size, the colors, whatever else and would wind up back before the board to change it.

MR. CORDISCO: I think that is acceptable with one large caveat, however, is that we can't segment our review in a sense that looking at the visual impacts from this subdivision on a piecemeal basis, you know, so when you return to us I think you're going to need to provide us with some information so that the board can evaluate the visual impacts of the overall subdivision understanding that they don't, you don't need to apply and obtain the individual special permits or the site plan approvals.

MR. RUSSO: What items would the board be looking for to satisfy what you just discussed?

MS. DOTSON: What was done previously is to look.

MR. RUSSO: We're downhill of this area by 200 feet.

MS. DOTSON: Understood, although as you can see from the Baker subdivision that parts of that are still visible and there are portions of houses that are visible, just depends where they're looking so I think you can still look.

MR. CORDISCO: You're in the district so we're going to have to have some kind of visual impact analysis to show some proposed locations whether or not it's visible from Angola or other roads.

MR. BRODMERKEL: How would we go about judging that without any structure involved? Good question he said.

MS. DOTSON: You can look at specific parameters in terms of height, the maximum height of a box that's what you would typically do for us.

MR. RUSSO: Maximum building height in the area is 40 feet.

MR. CORDISCO: They can do a mockup.

MR. KLOSKY: Balloon tests. I'd like to comment at some point.

MR. NOVESKY: We'll get to the board also I just wanted--

MR. CORDISCO: That was all mine.

MR. NOVESKY: And Kenn, you can continue.

MR. BRODMERKEL: No, go ahead.

MR. KLOSKY: I guess we have required considerable and extensive review of houses not far from this particular location to include details of architectural details, elevations of roof lines, sight maps to show from multiple different locations what the view, what is it

called again, those cross-sections, sight line profiles and all that sort of thing. I don't think we need to know the specifics of, the specifics of the width of the structure, to do that, we have need to know things like the elevation of the roof line of the proposed structure, there might be, we might rationally impose some limits on that depending on the results of the impact, viewshed impact study.

MR. RUSSO: Doesn't your zoning already state what the size of the building can be?

MR. KLOSKY: It gives us considerable flexibility in terms of the visual impact.

MR. CORDISCO: It does but this is in the overlay district and requires the board to take a hard look at individual analysis.

MR. KLOSKY: So no there is not a strict number in the code which says within the visual overlay district exactly what ridge line elevation is allowed for the roof, in fact, on something like that, that's something we're supposed to look at, Dominic please stop me if I'm wrong, that's how I read the law.

MS. DOTSON: That's why I made some of the comments that I did because if you keep the houses lower, if you look to certain locations based on other homes that are there you can get an idea that a structure of a certain height or certain profile will not be likely to have an impact but that's why I made the comments that I did because I'm looking towards that.

MR. RUSSO: The other thing that I'm trying to determine I understand what you're saying you'd like some sight line profiles but nobody's told me from where.

MS. DOTSON: Angola Road would be if you look, I can

discuss with you the provisions of the code, but it's from state, county or interstate highways, Angola Road is your most likely candidate in this case.

MR. KLOSKY: But in past analysis we have seen views from multiple locations.

MS. DOTSON: Oh, yes.

MR. RUSSO: That's what I understand that's why I'm asking, I'd rather do what the board wants, if the board says I want it from Angola and from over here that's fine, I don't want to do 50 sight line profiles that I didn't need to do, the applicant doesn't have a lot of money to do this, she's not looking to spend an arm and a leg to get this done.

MR. KLOSKY: Right and I mean by limiting certain things like the locations of the building envelope and the elevation of the ridge line of the homes the applicant can allay our fears quickly, you know, I mean if the applicant wants to go with 45 foot roof line and five bedroom houses placed near where within the setbacks of the site now we have to do a very significant analysis to come to a conclusion on that. If instead we limit the area within which and this has been done on other sites if we limit the area within which the house can be placed we limit tree cutting, we limit elevation of the roof lines.

MR. RUSSO: That's what we're doing, we're limiting tree cutting, we'll take a look at flipping this, you can see we don't plan on disturbing anything within the tree lines, these are all an open area currently.

MR. CORDISCO: I think what we're driving at you need to put together an addendum to your EAF that sets forth the measures that you're proposing and provides some basis for the board to evaluate the visual impacts.

MR. KLOSKY: So the building envelope is usually shown on the plans, I'm sure the consultants can work with you, it's not a difficult requirement but will help us to be more comfortable.

MR. RUSSO: Mark explained it, either show the proposed location of the structure or show a building box which would be a box within where the house could be situated.

MR. KLOSKY: Obviously, storm water is going to be a major concern on this one, flipping the driveway on lot 5 I think will help you out in a number of ways by putting the driveway on the south side of the structure, plantings, probably some plantings to again alleviate visual impacts might be a good idea depending on the cross-sections, the last is that I don't know maybe I'll let you talk about something about a slide near here, is that true?

MR. LOBLANCO: There was a mud slide a number of years ago that took out a house.

MS. DOTSON: That was on Mountain Brook?

MR. VINSON: Sky Drive.

MR. VINSON: Two feet of water.

MR. RUSSO: A lot of the water that comes from there was the Larkin and Duell properties do drain down through here towards the Schempf and Balatto (phonetic) and Bambino property and we're looking to pick up a lot of that and take it in different directions so we're going to be improving the drainage that's coming to those residents right now.

MR. KLOSKY: But drainage isn't the only issue, there might be some slope stability issues if there's been an existing mud slide.

MR. NOVESKY: How long ago?

MR. LOBLANCO: Five years ago.

MR. RUSSO: Do we know which parcel?

MR. LOBLANCO: Allison's property.

MR. NOVESKY: It impacted lot 1.

MR. KLOSKY: Might be prudent to get--

MR. RUSSO: Right where a stream is.

MR. NOVESKY: What happened to Benvie during the mud slide?

MR. KLOSKY: I guess where I'm going it seems to me based on that there may be some unique engineering concerns that need to be addressed carefully. I say there may be some unique engineering concerns which need to be addressed carefully.

MR. DENEGA: I'll make a note about the grading, I know his comments are somewhat limited because it's preliminary, there wasn't an extensive amount of engineering especially grading so--

MR. LOBLANCO: That's it.

MR. GRABE: He knows what he's got to do, I mean, this isn't a workshop but and then the person does have an investment.

MR. NOVESKY: Absolutely.

MS. BUNT: I think they said it all.

MR. BRODMERKEL: We do have to be careful but I would

like to mention two facts about this location versus others that we have done rather rigorous homework on, the Larkin residence which was approved four or five years ago is approximately 200 feet higher and a very short span away and most of these houses are set back with two or three rows of houses between them and the real sharp cliff area so I don't think my anticipation although we have to be shown is that this is not going to be a major viewshed problem.

MR. NOVESKY: Kenn, I agree with that having been up there quite a bit.

MR. BRODMERKEL: But the stream concerns me.

MR. RUSSO: The stream is dry with the exception of during storm events but we do know that a lot of water does come off the top of this hill down this way and we're looking to redirect it away from the residents downstream.

MR. NOVESKY: Well taken points everyone, any other comments?

MS. DOTSON: It always does concern me because there are a lot of drainage courses that go from here from the top of the mountain all the way down to 32 that are dry except for when it's carrying water but I could stand in them and they carry water when they're wet so it is, they are serious and they do need consideration.

MR. KLOSKEY: Proposed dwelling on lot 1 is potentially in the bullseye of that.

MS. DOTSON: That's why I suggested that he shift that away from that.

MR. NOVESKY: Okay, thank you.

NEW_YORK_MILITARY_ACADEMY_#2009-04

MR. NOVESKY: New York Military Academy.

Mr. Richard DeKay appeared before the board for this proposal.

MR. DEKAY: Good evening, I'm Richard DeKay, land surveyor, I'd like to introduce people from New York Military Academy, Captain Watts is the Superintendent there, and this gentleman here is Robert McGowan, one of the trustees with the New York Military Academy, and also Ray Yannone who is the contract purchaser of the property and my son, also Richard DeKay. What we did here was submitted a preliminary plan after we went through the work session, we made up three maps hopefully with the idea that it could be understood better. Map number 1 shows the five parcels which are separate deed parcels that were purchased by many years by New York Military Academy.

MR. NOVESKY: That's the lot with the lot line going through the stone building, correct?

MR. DEKAY: Yes, but they own all the land and for many years, these houses have been here for 75, 85 years. So this shows the existing houses, the garage and the existing pavement that's been put in in prior years. The second sheet shows the proposed property line change and full note, the second house up the hill there by 218 across from NYMA it's on like a postage stamp lot, it's designated section 15, block 3, lot 2 and what we have done there, we have made that lot bigger. On the third sheet we show the bulk table where we tried to make--

MR. BRODMERKEL: Mr. DeKay, I'm not following which lot you're talking about.

MR. NOVESKY: Kenn, I think that would be lot 2.

MR. BRODMERKEL: Talking about lot 2?

MR. DEKAY: Yes, and what we did here, we show a 50 foot private right-of-way coming in where the existing travel way is now existing pavement. There's been a preliminary conversation with the Department of Transportation and they have tentatively okayed a new driveway to come in to serve the Donaldson house. The Donaldson house is used for--

MR. NOVESKY: Which one is that?

MS. DOTSON: That's the stone building.

MR. DEKAY: We realize there's going to be some modification, this is only the preliminary plan and there's going to be some modification to the driveway, to the parking areas that will serve that stone building and we do plan to use, to put in additional parking. I'm just giving you an overview here and what we're doing here, we're creating two new building lots, we designated them just to be, just so they stand out, they don't have to have this designation Parcel A and B but that's what we designated and they are large lots, much larger than the minimum that's required and they are, both will be served by water, public water and public sewer. But of course there's engineering details that have got to be worked out in the final analysis. And then we show the 50 foot right-of-way coming in with a cul-de-sac.

MR. NOVESKY: So that new right-of-way would serve the two houses?

MR. DEKAY: Yes, and there's, if you remember what map number 1 looked like there's an existing, there's a driveway that comes off that that serves the house that I mentioned before 15.3.2. Just to make it a little bit more complicated, the owner of, Walter Wood III

that owns section, block 3 lot 22, it's a small lot in the center of your plan on the bottom, his property lines only about 3 1/2 feet away from his house so there will be at some point the contract purchaser with NYMA would like to help him out, he wants little bit additional piece of land which won't affect the area that's reserved for Parcel B.

MR. NOVESKY: In other words, give him some setback from the property line.

MR. DEKAY: Give him a little room.

MR. NOVESKY: He needs 10, is it, Gary?

MR. VINSON: For?

MR. NOVESKY: Setback from the line?

MR. VINSON: For the house?

MR. NOVESKY: Yes.

MR. VINSON: Fifteen.

MR. DEKAY: Fifteen foot is the minimum on the side yard.

MR. NOVESKY: You're not asking for a lot line change at this stage?

MR. DEKAY: No.

MR. KLOSKY: Maybe later.

MR. DEKAY: That would be on the final plan when we worked it out with him, that's down the road a ways. I realize we've got to go back to the workshop session later on this month, Leslie raised some questions and she'll have to address them in her review.

MR. NOVESKY: If I might, what exactly are we doing here?

MS. DOTSON: This is basically just a sketch plan review, I'm assuming that you just want feedback from the board? I have given Mr. DeKay my comments which are really extensive, I think they're very much in support of and supplement some of Mark's comments.

MR. NOVESKY: I don't think we need to review Leslie's comments.

MS. DOTSON: You really don't want to go through four pages.

MR. NOVESKY: As long as Dick gets the comments with the board's consent, we ask that they be passed along.

MS. DOTSON: I would like an answer now for if you have it has any permission been given to the Wood parcel to access across this? Because they have been and seems to me like that's the only way that they can really access that.

MR. DEKAY, JR.: Doesn't have anything to do with the project.

MR. DEKAY: If you look at the plan, he built some retaining walls and that's the only way.

MS. DOTSON: His driveway and the Youman site if you look at sheet two or three see where it says porch, his driveway is on this side, the south side of the porch.

MR. BRODMERKEL: We don't have anything where the driveway is.

MS. DOTSON: The plans really ought to show the Youman Lane.

MR. DEKAY: Youman Lane is something that grew there, there's no distinct right-of-way that shows up on the tax map.

MR. DEKAY, JR.: It's a dirt traveled way.

MR. DEKAY: They have a deed that says you have the right to go in and out.

MS. DOTSON: There's some encroachment, there seems to be plenty of encroachment from that side.

MR. DEKAY: Well, the encroachment shall be movable, in other words--

MR. DEKAY, JR.: Yes, that's true.

MR. DEKAY: NYMA has been our neighbor for over 125 years and, you know, they are not gonna make, you know, they're like your next door neighbor, they aren't going to give you any trouble so the Youmans have been there forever.

MR. MCGOWAN: We don't mind a pile of logs, that's no problem.

MS. DOTSON: But it's to the point where I'm not sure whether the future owner if it's sold whether they're going to necessarily feel the same way.

MR. DEKAY: Well, at some point down the road a ways I think we can get this solved. He's very cooperative, he's a nice old man like me and he's out there, helps us around like as far as the property surveying goes.

MS. DOTSON: No, I'm just, you know, because it, when this goes through we can't guarantee that a future landowner is going to be quite as accommodating.

MR. DEKAY: I'd like to have him speak about that cause he's going to be contract purchaser.

MR. NOVESKY: That's work session material so why don't we move it along.

MR. DEKAY: It's really nothing as far as I'm concerned.

MR. NOVESKY: But it's nothing that can't be worked out with the consultants. Any general input for this from the board?

MR. KLOSKY: No, the most general is that these lots after all the smoke clears they need to be salable separately so that's one. Another is is that the site access coming in and out of the private road and in and out of the parking and on from the stone building would be of great interest.

MR. DEKAY: We show it on the plan.

MS. DOTSON: It's better from the stone building from the new one, it's the existing driveway that's proposed to be turned into a private road that concerns me even more I'm wondering how that sight distance--

MR. DEKAY: That's been there for over 75 years.

MS. DOTSON: I understand but it's going to be changed.

MR. KLOSKY: This proposal is for subdivision which will increase the use of the driveway and here's our chance to remedy it and make it right. The second is that I, the stone building has to have its own parking, I mean, if it's going to be--

MR. NOVESKY: Looks like they have it.

MR. KLOSKY: Yeah. But if they're showing seven spaces

and they're talking about a function of over 100 people and I don't know that there's a crosswalk there or anything to access other parking or I'm just, this is just--

MR. LOBLANCO: Gary, do you know what the capacity is?

MR. VINSON: Fire inspector's working on getting me that number.

MS. DOTSON: Well, the letter that NYMA sent said capacity is probably 100 people.

MR. KLOSKY: Just going off the number that came in the letter we saw so if we're going to limit the hall to 50 then we limit it to 50, make sure the parking's right and the fire code matches, Gary knows how to do it, I'm pointing out to the applicant that the parking as it's shown right now with seven spaces I guarantee is inadequate to the cause of 100 people having a function at that place so that's something that will have to be resolved that will have to be resolved as the application goes forward.

MR. CORDISCO: Mr. Klosky, Mr. Chairman, as long as we're on that topic we did receive a letter from NYMA from Captain Watts about this and it specifies what the building is used for and just so the board is aware we discussed during the work session that this building will exist on its own separate lot and potentially could be sold in the future to someone else and used for who knows what purpose. I think that it would be prudent as part of this approval or this application to require a formal declaration that gets recorded in the chain of title to specify that there's no independent pre-approved use for this particular structure so that anybody coming along--

MR. MCGOWAN: No problem.

CAPTAIN WATTS: We have no problem.

MR. MCGOWAN: We understand that it will be as a subordinate use to the New York Military Academy.

MR. NOVESKY: They have historically allowed the building to be used for several purposes nonetheless was the formation of the soccer club.

MR. DENECA: Mark has a similar comment indicating that there could be a parking deficiency, he's indicating in the same letter he's referencing.

MR. KLOSKY: These issues can be resolved.

MR. CORDISCO: Just alerting them.

MR. NOVESKY: Point well taken.

MR. GRABE: I've got a question. Military Academy is a campus and this building's part of the campus so I mean if West Point has a problem with parking at different buildings and they do bus people to different parts of the campus, I need to know since it's part of the campus do you have to conform to a parking capacity?

MS. DOTSON: I think that that's something we're going to need to look at because the letter that Captain Watts sent is I think a little confusing to me because it's saying that right now it's being used as overflow parking for employees and students during school hours. So, I mean, if that seems to suggest that it's already, that the campus is already inadequate for parking during certain time periods maybe there have to be some limitations on when the building can be rented out because as you can see from the the satellite photo that I had included there's already more parking there.

MR. BRODMERKEL: If they're using them that way the inverse is also acceptable, if this is being used and

there was overflow parking they can go across the street and park there.

MS. DOTSON: If there is.

MR. NOVESKY: We may get some input.

CAPTAIN WATTS: There's more than ample parking, maybe my words not have been proper, they use it because they don't want to walk from where there's plenty of parking, it's my staff and my business folks who those are closer to that so they park there and walk across the street instead of parking three buildings down, just a matter of, and we primarily have it for overflow, but the people choose to use it because it's closer but I have ample parking throughout the campus.

MS. DOTSON: Thank you, that helps.

MR. CORDISCO: Captain Watts' letter did go on that they understood the restrictions were going to be placed on it.

MR. GRABE: No, I just didn't feel they had to conform with parking.

MR. LOBLANCO: Nothing.

MS. BUNT: Nothing.

MR. BRODMERKEL: I'm good.

MR. NOVESKY: We're good, thank you.

MR. DEKAY: Thank you.

COMITO_BROTHERS_-_DISCUSSION

MR. NOVESKY: Comito Brothers.

MR. CORDISCO: It was Mark's letter to the Department of Health informing them that the board had indeed granted preliminary approval.

MS. DOTSON: To DOT.

MR. CORDISCO: DOT was granted.

MS. NOVESKY: Anything further. Motion to adjourn?

MR. BRODMERKEL: So moved.

MS. KLOSKY: Second it.

ROLL CALL

| | |
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| MR. BRODMERKEL | AYE |
| MS. BUNT | AYE |
| MR. KLOSKY | AYE |
| MR. LOBLANCO | AYE |
| MR. GRABE | AYE |
| MR. NOVESKY | AYE |

Respectfully Submitted By:

Frances Roth
Stenographer