

February 5, 2007

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TOWN OF CORNWALL

PLANNING BOARD

FEBRUARY 5, 2007

MEMBERS PRESENT: NEIL NOVESKY, CHAIRMAN
JANE DEANS
KENNETH BRODMERKEL
WYNN GOLD
LED KLOSKY
DEKE HAZIRJIAN
WILLIAM GRABE

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

LESLIE DOTSON
PLANNING BOARD CONSULTANT

GARY VINSON
BUILDING INSPECTOR

REGULAR_MEETING

MR. NOVESKY: I'd like to call the meeting to order for February 5, 2007, all present on the board.

CORRESPONDENCE

MR. NOVESKY: We have a letter on the FOIL request. I have Mark's letter on technical reviews and I have a DEC letter on Vails Gate Business Center storm water

drainage stuff and I have a letter from the Department of Health.

DISCUSSION

CORNWALL_COMMONS

MR. NOVESKY: I also have a letter from Michele Babcock from Jacobowitz & Gubits related to request to the board to extend their approval period from March 5 to September 5, 2007 which we'll discuss under discussion and vote on that.

MR. BRODMERKEL: Make a motion.

MR. NOVESKY: That's good since we just moved into the discussion phase of the agenda.

MR. BRODMERKEL: Make a motion we grant the extension.

MR. GOLD: Second it.

MR. NOVESKY: Discussion? All in favor?

ROLL CALL

MR. BRODMERKEL	AYE
MR. HAZIRJIAN	AYE
MR. GOLD	AYE
MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. NOVESKY	AYE

APPROVAL_OF_MINUTES

MR. NOVESKY: Approval of the minutes, everybody get a copy of the minutes? I'll take a motion.

MR. KLOSKY: Move we adopt the minutes.

MR. HAZIRJIAN: Second it.

ROLL CALL

MR. BRODMERKEL	AYE
MR. HAZIRJIAN	AYE
MR. GOLD	AYE
MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. NOVESKY	AYE

RESOLUTIONS

MR. NOVESKY: Resolutions, do we have any resolutions tonight?

MR. CORDISCO: You do but in relation to David's Advance which I think you should table until you have that discussion.

MR. NOVESKY: We'll do that.

PUBLIC_HEARING

VAILS_GATE_BUSINESS_PARK_-_#2006-17

MR. NOVESKY: We then have a public hearing scheduled for Vails Gate Business Park, it's 7:34 and I'll ask the principles to stand up and give a brief five minute presentation. Are they here, Vails Gate, five minute presentation at which point we'll accept the public, please restrict your comments to three minutes or more after introducing yourself.

MR. BRODMERKEL: Or less.

MR. NOVESKY: Or less, thank you.

MR. DUPUY: I'm Tom Depuy with Depuy Engineering, we're the site project engineer on the proposed Vails Gate Business Center. This is basically old Tarkett factory area in which, which is Mr. Kessler's property looking to redevelop it. It will gain its access off Route 94 as did the original facility, will come in here, actually, three buildings on the site, the first building which was the older office, was the office building, it's going to be redeveloped into a self storage area. This building here which is about 224,000 square feet will divided into multiple use for warehousing and general processing and this building in the back will also be subdivided for the same type of uses. Basically, we'll be doing some site upgrading, giving multiple accesses in on the points of where the building has been subdivided giving both loading dock and access in about eight to ten spots around here. We have redeveloped, proposed to redevelop this parking lot area in here, we're going to provide parking in certain spots around the building itself in order to give access into each of the subdivided sections of the building. These areas also will have handicapped parking and each access point will also be able to be accessed by handicapped personnel. Additionally, we

have indicated that we're going to upgrade the access road to a minimum of 30 foot width all the way around for emergency vehicle and fire access into the building and additionally we'll also be developing some storm water ponds that's in order to meet the new New York State DEC water quality requirements. We'll be developing one up in this area here and one down in this area here in order to properly treat and detain the water prior to discharge to the adjacent wetlands. Additionally, at the access points here on 94 we'll be doing small upgrading area along the shoulder, be restriping in this area here and also we're looking to do whatever clearing and maintenance we can do on the right-of-way to help enhance the sight distance. Basically, we can meet the zoning requirements for parking on the site which we have delineated over the overall project site. Basically, that's on the exterior site work part of it.

MR. NOVESKY: Okay, very good. Thank you very much. Okay, at 7:38 I'll ask for any public comments. Please introduce yourself, name and address and keep your comments to three minutes or less if possible, give other people a chance. We can bring you back. Any public comments on this?

MR. BRODMERKEL: Make a motion we close the public hearing.

MR. KLOSKY: Second it.

ROLL CALL

MR. BRODMERKEL	AYE
MR. HAZIRJIAN	AYE
MR. GOLD	AYE
MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. NOVESKY	AYE

MR. NOVESKY: With that at 7:38.

MS. BABCOCK: If I can submit the affidavit of mailing and affidavit of publication.

MR. NOVESKY: I should of asked you that before, thank you, for the record, thank you, Michele. Okay, Dominic, would there be any action for tonight on that project?

MR. CORDISCO: No.

MR. NOVESKY: Okay, thank you very much. Any discussion from the board?

MR. BRODMERKEL: The only thing I wanted to bring up was the question Led raised prior the problem with for lack of a better term pollution or some kind of a site problem.

MR. KLOSKY: I was concerned about what materials might be stored out on the site in the past.

MR. BRODMERKEL: Am I correct?

MR. DEPUY: They're asking about the cleanup that's going on on the site.

MR. KESSLER: My name is Jeff Kessler. There's an ongoing environmental condition that exists on the southeast portion of the property where they had some outside drum storage and they're going to be doing further testing and whatever the DEC and the environmental consultant come to agreement as far as how they're going to remediate that area.

MR. BRODMERKEL: My question is the impact on what you're doing here.

MR. KESSLER: No, its way off the site.

MR. BRODMERKEL: Is it on this site?

MR. KESSLER: It's on the site but it borders, there's a wetland area and--

MR. BRODMERKEL: I understand, I'm not looking to make a problem. Mark, do we need to be concerned about this?

MR. EDSALL: Well, I don't have enough information.

MR. BRODMERKEL: Can you update our--

MR. EDSALL: We can ask for information from DEC or the applicant can ask that the DEC disclose to us any information.

MR. BRODMERKEL: If you can bring them up to date on what's going on.

MR. KESSLER: I thought I forwarded something. You never got anything on the environmental?

MR. EDSALL: I don't recall seeing anything.

MR. KLOSKY: I'd certainly be keenly interested to know what contaminants are present and what quantities and what the intended mediation plan would be.

MR. KESSLER: Okay.

MR. KLOSKY: I know that's a tall order.

MR. KESSLER: Just so you understand the location where it is doesn't affect the site or the traffic flow on the site or anything else.

MR. BRODMERKEL: Our concern is it is part of this site

therefore it is involved.

MR. KLOSKY: On the impact of the materials you're discussing really is part of our duty as a board to evaluate that information, so I appreciate your statement that it is not a difficulty but it's up to us to determine that and so we need sufficient information to do that.

MR. CORDISCO: If I may, I think information needs to be provided, we need to have an understanding of where it is on the site and that will feed into any discussion as to whether or not it impacts what you're proposing to do. We'd like to see what the status is in regards to the DEC oversight and cleanup if you have a consent order, if you're going through the ground fields program, that's all relevant information that should be provided.

MR. KESSLER: Just so you understand, this is something that the previous owner has to take care of, Tarkett.

MR. KLOSKY: Great, I'd be interested to know the details of that.

MR. CORDISCO: Right, if that's the case there should be some agreement or consent ordered with the DEC and Tarkett.

MR. KESSLER: There is, if you want, I can give you their work plan.

MR. NOVESKY: Thank you very much.

MR. CORDISCO: That will be very helpful, thank you.

MR. NOVESKY: Any other questions?

MR. CORDISCO: I believe your consultants had comments on Vails Gate.

MR. NOVESKY: Do you, Leslie?

MS. DOTSON: Yes, I do. They have been provided to the applicant. Basically, it just says that you can't really do anything certainly under SEQRA, Office of Parks, Recreation and Historic Preservation has asked for some additional information. I think my own personal belief is that some of the previous disturbance on the site is going to make it unlikely that anything will be found but because they have issued this comment it does need to be addressed under SEQRA, you can't even issue a conditioned negative dec for this because it's a Type I action so--

MR. NOVESKY: We haven't been asked to do that.

MS. DOTSON: You can't so--

MR. NOVESKY: Is that it, Leslie?

MS. DOTSON: Yes.

MR. EDSALL: Just touching on major items, the site parking, my only concern and I think this board's is that how you want it handled. Obviously, there's plenty of room for parking and when you do the storm water pollution prevention plan you limit the parking, however, you've got on the easterly parking lot I believe if I counted correctly 125 spaces being constructed then another 160 or thereabouts is undeveloped parking spaces. There's no such thing in the code. And if every site plan that comes in had a minimum parking requirement in the code and said well, we're going to give you 3/4 of them and we're just not going to develop the rest of them every site would be three quarters finished and my problem is I don't have any objection but it's a real snafu with the code either they have the parking requirements required by law or they don't. You can't promise something. So

it's an issue this board and the applicant has to resolve, if they truly believe that there's no need and they can demonstrate that, that's an issue for the ZBA to deal with.

MR. CORDISCO: But there has to be a demonstration.

MR. NOVESKY: They don't demonstrate to this board, it's to the Zoning Board.

MR. CORDISCO: But they have to show that the parking works and I think there's an open question as to that.

MR. DEPUY: Let me just ask a question. We show that we have the ability to do it on asphalt and graveled areas, now, is there a question whether we have to pave it all?

MR. EDSALL: Supposed to be finished paving, can't be gravel. I'm not saying I don't agree with you that those spaces may not be needed, if that's the case then maybe we're getting the relief. The board gets in a very difficult situation if they allow sites to build 75 percent of what the law requires.

MS. DOTSON: I thought you explained to me that the area existed, that it wasn't all paved currently, that some it was existing gravel.

MR. DEPUY: Yeah, it's, a large portion of it is existing gravel.

MR. BRODMERKEL: Question becomes whether or not gravel is acceptable.

MR. DEPUY: That's the question here.

MR. EDSALL: Could be a lesser paving, an oil and chip that's finished overflow but I just it's an issue the board has to make sure you resolve knowing full well

that you're setting a precedent if you go different than what you have determined in the past.

MR. BRODMERKEL: Code says what?

MS. DOTSON: Dustless surface.

MR. EDSALL: Which the board previously determined was a finished surface, be it paved or oil and chip as overflow but not just gravel or shale, those are not finished dustless surfaces.

MR. BRODMERKEL: We can determine or allow it if we wish.

MR. EDSALL: But I question caution you that you might be making that case for every application that comes before you.

MR. BRODMERKEL: I understand but it is a decision we can make, okay.

MR. EDSALL: Handicapped parking detail I still have to go over with Tom so that the information on the plan we'd get later from DEC advising they have to do a full SWPPP, fire protection, I got an update from Gary and New Windsor fire inspector that that's been resolved so this is a conclusion, and off-site traffic I understand was proposed but I would request that the detailed plans that are being proposed for submittal to the DOT be added in as part of the set just so we have the detailed plans on record with the town and that's it.

MR. NOVESKY: Thank you, Mark. Dominic, anything?

MR. CORDISCO: Nothing.

MR. KLOSKY: The lighting plan seemed to leave that portion of the parking lot which was most likely to see use dark, I mean, I don't know if I'm, if you look at,

Mark, SP6, I'm already concerned that the parking lot that people are going to be attempted to park illegally because the parking lot doesn't feed into the rest of the site, well, you have to reverse a significant distance to get to the main parking area.

MR. EDSALL: Which area are you concerned about?

MR. KLOSKY: See where it's marked area light pole 18, there's no, I mean, if you look, just look at the light contour lines, what's the right term here, lux lines?

MR. EDSALL: Isolux curves.

MR. KLOSKY: It doesn't show any.

MR. EDSALL: Near the parking?

MR. KLOSKY: Yeah.

MR. EDSALL: I wasn't sure what you were going to ask for so once you determine how much parking is required I'll look for them to add the proper amount of fixtures.

MR. KLOSKY: See where it says area light pole 18?

MR. EDSALL: Text is devoid of lighting, so I assure you that once I'm comfortable that I understand how much paving and parking has to go in I'll look for the parking to have a reasonable level of lighting. The way they covered around the building on the thoroughfare roads are fairly well so there can be access without trouble.

MR. KLOSKY: Are they showing drainage in that part of the parking lot which is as you termed it undeveloped?

MR. EDSALL: I don't know that they have finished their SWPPP and all their drainage as of yet.

MR. KLOSKY: So there's not a detailed drainage plan for that portion of the parking lot as yet?

MR. DEPUY: Sheet flow we're not changing anything out there so we're not going to develop any other drainage out there, it exists as it exists today is the same methodology that we're going to use what we upgraded is around the building and what's closest to the wetlands and we're going to treat that water prior to discharging to the wetlands, we'll have a detailed SWPPP as soon as we're done determining exactly what we're going to do.

MR. KLOSKY: If you do pave that area that's a change of conditions, might change the storm water requirements, right, Mark?

MR. DEPUY: Gravel and pavement under DEC rules has the same runoff coefficient, that's how they've interpreted it.

MR. EDSALL: Packed gravel.

MR. DEPUY: Yes, packed gravel.

MR. BRODMERKEL: The answer would be no.

MR. KLOSKY: That surprises me.

MR. EDSALL: If in fact it's already packed gravel, if they develop new areas then that's different consideration.

MR. KLOSKY: So take a look at what's currently packed gravel and what's going to be paved under it when you're done, okay?

MR. NOVESKY: Any other comments by the board? Okay, thank you very much.

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DAVID'S_ADVANCE_-_#2005-07

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. NOVESKY: Next we have David's Advance.

MR. SHAW: For the record, my name is Greg Shaw from Shaw Engineering and I'm representing Myra and Michael Blythe tonight. I believe this board in the latter part of 2006 approved a 4 lot subdivision on Jackson Avenue, 2 of the lots were in Cornwall in the SLR zone for a total of 4.8 acres. That subdivision plan was filed in the clerk's office and due to conflicts between information on the plan and in the field the Blythes retained me to do an amended subdivision plan and that's what I'm presenting before you tonight an amended plan to replace the drawings that were filed in Goshen.

MR. NOVESKY: Do you want to turn this around so we can see it?

MR. SHAW: The really only change, couple of changes to this plan is that we had to pull David's Road a little bit more into Cornwall to get it away from the existing pond and also the lots now are going to be serviced by municipal sewer, an agreement has been arranged between the Blythes and the Town of New Windsor for them to receive the sanitary sewer from all four lots and these lots will pump and tie into an existing sanitary sewer line on Bethlehem Road. So I'll defer to your consultants but what I believe I'm asking for tonight is an amended subdivision approval to allow the filing of these drawings to replace the previous ones.

MR. NOVESKY: Modified plan based on some misinformation in the plan, we understand we have discussed it and Dominic I'm going to defer to you.

MR. CORDISCO: Yes, as the board may recall in June of 2006, the board granted final subdivision approval to this project and as Mr. Shaw just indicated that plan is then filed in the Orange County Clerk's Office which creates these lots but because the applicant is now proposing to move the roads so that he doesn't have to bridge it across the bond and make some other improvements to the plans, they need to refile a plat in County Clerk's Office. You can't just make changes to a plat all on your own without planning board approval, so they're back before us on this prior application seeking basically an amended approval. Since there's no new lots that are created and the impacts could fairly be characterized as less significant than before, it would be appropriate in my opinion to rely on your prior negative declaration in this matter and you could move right to amending your prior conditional final approval.

MR. NOVESKY: On that basis, I will look to Kenn.

MR. BRODMERKEL: I make a motion we accept the revised plot plan.

MR. CORDISCO: Yes and I have prepared a resolution which states what I have just set forth and if your motion could authorize the chairman to sign it if you pass the motion.

MR. BRODMERKEL: I would make that motion.

MRS. DEANS: I'll second it.

ROLL CALL

MR. BRODMERKEL	AYE
MR. HAZIRJIAN	AYE
MR. GOLD	AYE
MR. KLOSKY	AYE
MRS. DEANS	AYE

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MR. GRABE	AYE
MR. NOVESKY	AYE

QUAKER_&_MAIN,_LLC_-_#2007-1

MR. NOVESKY: Next is Quaker & Main, LLC.

MR. HAZIRJIAN: I'd like to put on record that this is my project and I'm going to recuse myself from the board.

Mr. Joseph Minuta appeared before the board for this proposal.

MR. MINUTA: Good evening members of the board, my name is Joseph Minuta with Minuta Architecture representing Quaker & Main with regard to the re-use of this property. It's currently a single family residence with a tailor shop, you're all familiar with it. Proposal is just to create a restaurant that will serve organically grown beef burgers, local produce, et cetera, and bagels as well. The plan is to demolish a portion of the property of the existing buildings here and here and to reconstruct and provide a new addition here with a total footprint of approximately 4,400 square feet. We have existing egress into the lot this way and this is currently a paved area. The plan is to provide the egress through here as a one way, provide parking throughout the back and come through the front again all one way through this area. The plan we previously reviewed with the engineer and the building inspector changed slightly in the front for the egress out of the lot to provide a curbed area so we can locate the entrance and exit closer to the intersection located across the street, we think that's a better scenario as far as vehicular traffic is concerned. We currently have the parking configuration for total of 24 spaces and which would allow us a maximum occupant load of 72 people. The space on the second floor is proposed as an office administrative office for the facility and we're also proposing a basement on the underside which would be for storage of the goods, so the main floor would be primarily for occupants and

customers. There were some comments that I received with regard to that and just so that we're all on the same page the retention area located in the back was for snow, that's for snow removal, so there's an area for that. There's also an area here for the new CMP to connect to existing storm sewer that's approximately seven paces off the rear lot line and we'd require an easement through that property to connect into the existing storm sewer. The property primarily sloping to the rear of the lot makes it very simple as far as the drainage is concerned. We can provide those calculations as required and for your viewing pleasure we have a concept plan of what the exterior might look like, this being the existing, this being the new and we have, that's from the road entrance on Quaker and Main Street here. Then we have the rearview coming from the back of the lot which would be the second entrance, so actually two entrances, one in the front, one in the rear. And this would be the interior, we're planning on creating a post and beam type of building wood construction. That being the overall for the project. I would also submit to the board that although we do have parking requirements as far as the seating, we feel that a vast majority of the patrons would come from Cornwall Hospital and the local areas on foot traffic since we're located so close to the village, although the parking requirements would supersede the code I would ask that the pedestrian traffic also be included as a potential for the increased occupancy and that would not exceed the building code limitations 15 square feet per person.

MR. BRODMERKEL: Can you re-explain, if you're done, can you re-explain what you said about the traffic?

MR. MINUTA: Which portion, the flow?

MR. BRODMERKEL: The entrance exit, are you going to change the exit to coincide alongside of the entrance now?

MR. MINUTA: We would prefer to do that, we'd prefer to have the exit that the location, okay, that would bring this through and around so we'd snake the driveway around that way, that way we'd have a central location here, we feel that with the, although this may be fine on Quaker to be able to view forward and back when making a turn having someone across the street that's a third point of view that most drivers would not anticipate.

MR. NOVESKY: So Dominic, correct me if I'm wrong that you have an anticipated occupancy by code, there's supposed to be the relationship between the number of parking spaces and the number of patrons that the building can accommodate?

MR. CORDISCO: Yes.

MR. NOVESKY: You're asking for, what the applicant is asking for is a consideration that there's insufficient parking relative to the number of anticipated occupants, correct?

MR. CORDISCO: I'm sorry, I didn't hear the last part.

MR. NOVESKY: We're being asked to consider not having the same ratio of number of parking spaces to required or required parking spaces to the number of occupants in the property?

MR. CORDISCO: Yes, that's correct.

MR. NOVESKY: Does that have to go to the zoning board?

MR. CORDISCO: Yes.

MR. NOVESKY: That's not an issue that the planning board can consider, am I correct?

MR. NOVESKY: That's correct, your choices are either to show the required number of parking spaces or seek a determination from the ZBA.

MR. NOVESKY: But I think based on the rationale that there is a higher foot traffic rather than everybody driving to the place, do you understand what I'm saying, Kenn, that there's--

MR. BRODMERKEL: Yes.

MR. NOVESKY: That there should be fewer parking, is that what the applicant is asking?

MR. MINUTA: What we're asking based on the existing parking we can accommodate 72 people, the footprint of the property and the square footage of 15 square feet per person that's allowed by New York State Building Code would allow an increased use or an increased number of occupants, therefore, the parking would be insufficient at that point, so we would be reduced by the number of occupants by the parking rather than the building size.

MR. NOVESKY: How do we accommodate that Dominic or do we or can we, Mark?

MR. EDSALL: Well, the Zoning Board. But the other point is in effect, it doesn't matter what the New York State Building Code allows for seats, it's how many seats are called for on the plan. Right now, I see 80 seats plus the lounge and there's 72 permitted based on the number of parking spaces, so there's not a large variance. Let's assume that the State Building Code lets you have a 140 people, just because the state allows it doesn't mean the board approves 140. In the long run, you have to have the number of seats that this board approves, if that number needs more seats then the Zoning Board has to help out.

MR. BRODMERKEL: Is there different zoning on Main Street that allows calculations for off-street parking?

MR. EDSALL: There is a credit.

MS. DOTSON: If you're in the parking district, yes.

MR. EDSALL: This isn't in the parking district, you're right, there's credit given.

MR. BRODMERKEL: Because there is a parking district and the restaurant's in that area of town currently have to comply with the normal things and not get a credit.

MR. CORDISCO: If they're new plans, not if they're pre-existing establishments.

MS. DOTSON: The Zoning Board of Appeals also has made decisions in the past that parking requirements based on the existing requirements, in other words, recognizing the fact that they're existing buildings with existing parking restrictions, they just look to the increase in demand any use would impose, that keeps them from having to send someone to the ZBA every time a use turns over which can happen frequently downtown. So the whole point of this is that they could make some of the same arguments that existing businesses downtown can use but they have to make that argument to the ZBA. This board has no basis to consider it.

MR. NOVESKY: So Mark?

MR. EDSALL: I'm just going to ask because Dom and I are looking at how close they are and the two issues really become number one, what's the lounge used for and is the use there something that needs to have a seating or a parking requirement established for it and if it doesn't, it really means that there are two tables on this whole plan that are two tables too many,

so the question becomes are you looking at the inside and if in fact you think that if you just spread things out a little bit more room, do you really need those two tables. If you don't, they don't need the ZBA at all.

MR. MINUTA: We'll take that under consideration.

MR. NOVESKY: Duly noted, either it goes the ZBA or doesn't.

MR. EDSALL: Their interior use is what they have to refine.

MR. BRODMERKEL: Just a question, two separate kitchens is that what I'm seeing?

MR. MINUTA: They're two separate kitchens within the same space, it's a non-separated use, you'll have actually two occupants, this side will be the burgers and potatoes and organically grown items, this side will be the bagels and basically coffee. So it's going to have a dual use, morning traffic would be the bagels and coffee and lunchtime and possibly dinner time to be the latter.

MR. KLOSKY: So there will be seats and tables in the cafe lounge with fireplace?

MR. MINUTA: That's correct. The intent of the cafe lounge is to have some plush seating, if you will, chairs and possibly some couches, more of a living room type of environment.

MRS. DEANS: They're not going to serve food or anything there in the cafe lounge?

MR. MINUTA: Well, the way this is situated is that it's not fast food as you may think of it but basically it becomes a deli sort of situation where someone would

come in, they'd place an order and they'd go to be seated someplace within wherever they choose, there's no waiting type service.

MRS. DEANS: But it would be set up that they could eat in here?

MR. MINUTA: That's correct or drink some coffee or have conversation.

MRS. DEANS: And that's, you would go upstairs to get there? That wouldn't be very good for handicapped people.

MR. MINUTA: No, the upstairs is only to be used for office administration which would be for the owners. Everything on this level is ADA compliant or ANSI compliant.

MR. GRABE: Just wondering Deke's not cooking, right?

MR. HAZIRJIAN: Correct, I'm not.

MR. EDSALL: One issue if the cafe lounge was an area where you were not being served but you may in fact be finishing up and stopping and having conversing or waiting for a seat, then it doesn't enter into the calculation because it's not restaurant seating, it's more or less a very nice waiting area. So again you have to define for us what will occur in that lounge area cause that may mean we don't have the count.

MR. CORDISCO: Then you have to decide whether or not it's worth a trip to the ZBA for additional two tables.

MR. MINUTA: Agreed, we'll take that under consideration.

MS. DOTSON: You could pursue both avenues.

MR. MINUTA: Thank you.

MR. GOLD: No questions.

MR. BRODMERKEL: No questions.

MR. NOVESKY: I have no comments. So we're, we just basically have cleanup items?

MR. EDSALL: One critical issue we did discuss at the workshop the ingress egress and I did meet with Bob Conley, I think one of the real basic issues we need is a very good survey of Quaker Avenue and curb cuts and the striping and the sidewalk and elevations and then this property superimposed with it because that's going to be the decision making information as to where the curb cuts work and where they don't work. So that's probably of all the information we need to really nail down that access, we need that as soon as possible so I want to share that with you and Bob said until I have that he didn't feel comfortable deciding.

MR. MINUTA: We'll have that information prior to our next meeting.

MR. EDSALL: We'll meet with the applicant in advance and try to straighten that out with the board's permission.

MR. NOVESKY: You have permission of the board, right board? Thank you, board.

MR. BRODMERKEL: So granted.

MR. NOVESKY: Thank you.

MR. MINUTA: If I may, may we request a public hearing for the next meeting?

MR. NOVESKY: Dominic, is that--

MR. CORDISCO: I think they've gotten a number of comments from your consultants and seems like there are some cleanup items that need to be addressed and additional details should be shown on the plan prior to public hearing being scheduled.

MR. MINUTA: Thank you.

MR. CORDISCO: And as long as we're finishing that matter in terms of SEQRA this is an unlisted action, the only, unless there's ZBA approval that's required, the only approval is this board so there's really no need to circulate for lead agency, it's done automatically during uncoordinated review.

MR. NOVESKY: This is a commercial district, correct?

MS. DOTSON: Correct.

MR. BRODMERKEL: As of the last zoning change, this side of Quaker became for lack of a better term commercial.

MR. KLOSKY: Seems to me this is the sort of project which is nearly exactly envisioned in this zone.

MR. BRODMERKEL: It would appear.

MR. NOVESKY: Thank you.

MR. MINUTA: Thank you.

CHESTNUT_WOODS_-_#2003-18

Michael Donnelly, Esq. appeared before the board for this proposal.

MR. NOVESKY: We're simply being asked to accept the findings?

MR. DONNELLY: If you said you were going to sign it, I would would say nothing. Mike Donnelly, attorney for the applicant. A number of the members of the team are here, I don't need to introduce them all. I would like have Phil Greely to speak on a few things. There were only two items we took any issue with in the findings and neither were major, one is the mechanical item that is how do we set up the funding mechanism for the shortfall that was identified in the statement in terms of fiscal impacts. My suggestion is that can be better handled at the Town Board level with some kind of contractual arrangement. I therefore had proposed some language for Section G1 of the findings where that was found, I have sent it to your consultants. What it says is the DEIS projected net revenue shortfall, that's the language there, went on to say a condition of final site plan approval shall be that an agreement satisfactory to the Town Board establishing the formula and mechanics of the agreed to contribution be in place before any building permits are issued. I think Dominic agrees that's the best place to handle it, it may be they want to make a--

MR. BRODMERKEL: Which shortfall are we talking about?

MR. DONNELLY: Two identified and the most important was the ambulance corps generation and there is a number of ways to handle that, whether it's a per trip basis or some other method that better captures. The other was a shortfall in the water district and I'm not quite sure that that one might not go away depending on what improvements we make at the time of the site plan

so that needs to be worked out as well.

MR. NOVESKY: Would we have this handled by the Town Board?

MR. CORDISCO: There needs to be some mechanism to make sure those payments are made and that would be done outside the site plan approval process.

MR. NOVESKY: Standard operating procedure would be to defer this responsibility to the Town Board anyway.

MR. CORDISCO: Yes and all the commitment has already been made to make up for the shortfall and that was contained in the FEIS.

MR. NOVESKY: This is just who's monitoring.

MR. DONNELLY: Just the mechanism, when is the payment made, those issues should be contractual issues with the Town Board.

MR. NOVESKY: Do you want to do that?

MR. BRODMERKEL: Do what?

MR. NOVESKY: Monitor the stuff. No, he doesn't want to.

MR. DONNELLY: Other issue had to do with the possibility of an ongoing traffic study and if I can back up one moment and remind you we were hopeful ourselves that we would be able to convince the DOT that a traffic light at our entranceway would be approved and it is not approveable, Phil will address that in a moment. It's far off the warrants, they won't let us have it and we agreed instead since we want to make traffic move that we would do far more than what we need for our project and we'd widen the shoulders on the road to provide turning lanes at a

greater length than anything that we would impact. The Hannaford's study is going to phase out at some point in time, as I pointed out, there were good reasons for the Hannaford study, it was a big project, difficult to assess where those trips were going to go and what the impact would be and that roadway and what tweaking might be needed. We're a very different situation, we're not that big a project and our impacts are rather certain and despite our best efforts at lobbying the DOT we can't have a light. But if it's helpful to the town just to get a handle on where this is so that if there are other projects before you we're willing to agree and I have mentioned this to the consultants that at some juncture and I would suggest at the 80 percent occupancy of the project we would do a study of our entrance driveway and Jacqueline to see how the actual counts in that area compared to our projections as well as whatever other additional traffic might have been generated from other sources, so that you will have an updated study at that juncture so you can take stock of where we are. I would like Phil to explain briefly again one last time what the proposals are to improve those shoulders. Certainly one of the issues that came up I think was when that work would be done it's our intention to do it as part of the basic site work and the DOT of course will require because we need this highway work permit an access driveway access permit that that work be done before there's full utilization of the driveway, not to say depending upon what season it is, whether some part of it might be bonded to satisfy the DOT but the intention and the requirement the DOT permit is that the work be done before the driveway is utilized but if I can just ask Phil to explain what was proposed here.

MR. GREELY: Good evening, Phil Greely, John Collins Engineers. Just to kind of recap what Mike was talking about, just the plans that were submitted as part of the application for reference which are Hannaford's driveway as we head south this is our proposed access

and then we come down to Jacqueline Street. As part of the initial traffic study, we identified the need to extend the widening to rebuild the shoulders to excavate them and put in full depth pavement, widen the road to create a third lane, so essentially the cross-section that you have near Hannaford's you would extend that further to the south that would accommodate our access and the uses right from that vicinity. That's what was required also by the DOT in addition to some drainage improvements to deal with some of the existing problems along that section of Route 32. As part of the public hearing and concern about Jacqueline Street, we looked at the potential of extending that widening and the idea was because the signalization of any intersection especially on a two-lane highway that has very heavy through-volumes such as this has a better chance of getting a signal if the infrastructure in terms of the turning lanes are there. So what we did was we had looked at the Hannaford traffic study which they had I believe they had three monitoring periods that they had to do, they have done two of those and it shows that the volumes don't meet the warrants for signalization. However, the proposal now is, and some considerable expense to the project, instead of terminating the widening just south of our access, the widening would extend so that you have a continuous center turn lane down to Jacqueline Street. So if I'm driving in the rush hour and I want to turn into Jacqueline Street, I don't have to worry about being in the through-lane anymore. So I would be in a protected area to make that turn into Jacqueline Street. Inherently, that does provide a little bit of length when people are leaving because they have additional acceleration area when they make a left turn going to the south. With that said, if this intersection or our site intersection which DOT has said they wouldn't allow a signal at this time but let's say the generation is there, what we have proposed is that when we reach and we used 80 percent occupancy because by then you know what your traffic

generation is and you don't want to wait till 100 percent occupancy because sometimes the project never gets to 100, it gets to 97 or so, we proposed at 80 percent we'd do another monitoring of not only our access because that will tell us what we're generating, we would also do the monitoring study for Jacqueline Street. Now what that allows is conditions to be monitored to see what actual traffic flows are there but what this plan does by extending this widening and having the three lane section if it ever did meet warrants for a signal, it could be installed, the geometry here is actually the more expensive part of this, a traffic signal in round numbers can range anywhere from 85 to \$100,000, to put in the additional costs we have estimated to extend this widening is over 150,000 additional dollars of what was proposed here and once the infrastructure is there, the turn lane is there, there's a better likelihood if the volumes are even close that DOT would allow a signal to go in because they don't want a signal on a two-lane roadway without a turn lane because what happens is on a two-lane roadway with a signal someone stops to make a left turn and it creates some havoc, especially when you have the types of through volumes on Route 32. So this is a good plan in terms of planning, it's the building block approach of extending the road widening and then it can be addressed in the future as we occupy the development.

MR. NOVESKY: Thank you, Phil. Consultants?

MR. DONNELLY: With that in mind, what we have proposed for the language of E3 which was the finding that we took the slight bit of issue with it would read as follows, your consultation, the EIS recommended that after completion of development the intersection should be monitored for possible signal installation. A condition of final approval shall therefore be the funding and delivery to the planning board of an updated traffic study of the entrance intersection and

the Jacqueline Avenue intersection conducted at 90 percent of occupancy of the senior housing portion of the project.

MR. BRODMERKEL: Gentleman before said 80 percent.

MR. DONNELLY: I meant to say 80, 80 percent, thank you.

MR. NOVESKY: Okay, thank you. Okay, Leslie?

MS. DOTSON: I have no objection to those conditions and to be fair the only reason that the signalization had been in there is cause it had been identified and suggested in the EIS the original DEIS so it's--

MR. NOVESKY: Any comments Mark?

MR. EDSALL: I have coordinated with Leslie and have been built in with her EIS.

MR. CORDISCO: Yes, I have reviewed the SEQRA findings statement as well and have incorporated my comments and I have agreed with everything that counsel for the applicant has stated. I wish also to add that the FEIS I believe was adopted in December of 2006 at the December meeting and the timeframes for adoption of SEQRA findings statement is no sooner than ten days following the FEIS but no later than 30 days following the filing of the FEIS.

MR. NOVESKY: So we accept or object. Okay, comments board?

MR. KLOSKY: I think both of the comments made by the applicant in terms of amending the findings statement seem to make a lot of sense. So I agree with Leslie on that one. The only question I have, let's say that the new study takes place, you reach 80 percent occupancy and the new study finds some difficulty, what's then

the mechanism for dealing with that difficulty once it's found?

MR. DONNELLY: Well, I don't know what you mean by difficulty, but the anticipated event might be that suddenly there are warrants for a light. We're convinced that the only scenario under which that could happen is some other project coming along be to the generation, we're that far off the warrants that no matter whether our senior citizens do a lot more driving than we anticipated or not, the warrants aren't going to be there. If there's another project I think that's who you should look for to fund it, I wouldn't rule out further cooperation from us, some kind of a fair share, but we have taken all of the money we would have put into the light and then some to try and improve the area as best we can and I think in fairness to require us at this juncture until we know more and what our share would be to contribute towards the light which I don't think is going to happen anyway would not be appropriate.

MR. KLOSKY: I agree with your assessment. I also for the record think that the southbound traffic on 32 making that left into Jacqueline is going to be greatly assisted by the improvements that you're proposing. That's a bad choke point, if you're headed south trying to make a left onto Jacqueline, it's a problem. Mark, if I'm understanding this will relieve much of that trouble by allowing people to have a center lane to hide in to make the left?

MR. EDSALL: Absolutely all the movements off 32 into those side roads will be terrifically enhanced.

MR. KLOSKY: That was my, that's all I have.

MRS. DEANS: The state owns enough property now to make this lane?

MR. GREELY: Yes, there's enough existing right-of-way, the plan that's been submitted shows the right-of-way to allow the widening to take place within the existing right-of-way or the lands under our control at the entrance of course.

MR. GRABE: I didn't hear you mention the sidewalks.

MR. GREELY: I believe what we had proposed is there was another plan that we have a sidewalk extension from our access I believe there was a separate drawing talking about the sidewalks on 32, correct?

MR. GRABE: Right.

MR. GREELY: What we proposed as part of our plans was to develop a sidewalk from our access up to Hannaford's and that was presented on a plan drawing SK1 and that would pick up as our access and then allow extension up to Hannaford's and I believe that's been incorporated into the plans.

MR. GRABE: That still exists?

MR. GREELY: Yes.

MR. BRODMERKEL: It has to be approved by the DOT.

MR. GREELY: Correct.

MR. GRABE: What if it isn't?

MR. DONNELLY: We can't do it.

MR. GRABE: Widening has been approved but the sidewalks hasn't?

MR. GREELY: Widening has been approved conceptually because now we're into the final design cause there's drainage improvements, the sidewalk is something that

the DOT will look at as part of those final plans because they haven't made a determination whether they want the sidewalk or not. But if the town which the understanding is that the town wants that that would be part of the consideration by DOT as part of their final permits.

MR. GRABE: I understood that the three lanes would relieve the traffic going in but I didn't see how it was going to relieve the traffic coming out of Jacqueline.

MR. GREELY: The only thing that it does, it's not going to relieve the traffic coming out of Jacqueline totally but what it does is when you have the third lane when someone accelerates out of Jacqueline you have additional distance that the vehicle is traveling so you have picked up speed to get into that through-lane, so you do get a little bit of a gap, what we call a gap credit when you have a median such as this because you have that additional distance before you're into the southbound through-lanes, so it's not going to help in terms of the through traffic northbound but if there was a gap in traffic southbound the vehicle exiting would have more time to accelerate to get into that lane so there's a light benefit to it.

MR. GRABE: Okay, that's one way to look at it.

MR. GREELY: Well, that's how it's bottled and that's how DOT looks at a three lane roadway.

MR. GOLD: Nothing, my issues have been covered.

MR. HAZIRJIAN: Have we gotten any further with or still waiting to hear from the Zoning Board in terms of the--

MR. DONNELLY: We can't go until you issue the findings.

MR. HAZIRJIAN: Still don't know how many units?

MR. DONNELLY: We don't until we complete that, they're also an involved agency, unless you issue their findings, they'd have to issue their own, so the application's ready to go as soon as these finding are done we'll make it a part of the application and be off and running to them.

MR. BRODMERKEL: I have no further questions.

MR. KLOSKY: I had one other thing I wanted to ask Leslie, the timing of the improvements of the roadway versus actual occupancy of the apartments, how do we, the findings address the timing or would that be addressed in the site plan or how best do we go about making sure that those improvements happen before people are trying to use them?

MR. CORDISCO: That would be a condition of site plan approval, it's at the time of site plan approval, not so much for SEQRA finding because it doesn't have to provide a schedule.

MR. DONNELLY: And the DOT permit will have a scheduling.

MR. NOVESKY: Basically fundamentally we can accept the findings or not accept them, correct?

MR. CORDISCO: Or accept them as modified as suggested with the changes or with any additional changes that you might have.

MR. BRODMERKEL: Make a motion we accept the SEQRA findings statement with the modifications suggested.

MR. DONNELLY: And your consultants have the language.

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MR. CORDISCO: Yes.

MR. GOLD: Second it.

ROLL CALL

MR. BRODMERKEL AYE

MR. HAZIRJIAN AYE

MR. GOLD AYE

MR. KLOSKY AYE

MRS. DEANS AYE

MR. GRABE AYE

MR. NOVESKY AYE

MR. DONNELLY: Thank you very much.

WINDING_CREEK_-_#2005-14

Michele Babcock, Esq. appeared before the board for this proposal.

MR. NOVESKY: We're going to cut right to the chase on this one. There are, the board has questions regarding the ownership with one certain road, so can we cut right to the chase and find out what the story is?

MS. BABCOCK: We have, I believe you're speaking of Cottage Street?

MR. NOVESKY: Correct.

MS. BABCOCK: We have done research and we cannot find who owns Cottage Street. We have agreed to work with the town to contact the property owners along that street to see if they'll give the town a quitclaim deed, of course we can't speak for the Town Board as to whether they want that road, we're getting initial feedback that they would. We can't speak for the town highway superintendent but we have agreed as part of this application to go out there and to ask the property owners if they'd be willing to do so.

MR. BRODMERKEL: If I can summarize my feelings, I think there's several on this board that agree that unless Cottage Street is a town road, becomes a town road we're probably not going to be in favor of accepting this development.

MS. BABCOCK: Phil can speak in more detail but we have provided an alternative plan which provides for signage along that area of course all the upgrades to the surrounding roads are going to be completed under this plan which I can let Phil Greely speak to you in more detail.

MR. GREELY: Well, the proposal is and hopefully we'll

be able to get this section of Cottage Street as a town road to upgrade that because it's in disrepair and we would like to upgrade that, resurface it, fix the shoulder areas, fix the drainage in order to not only improve access to our site but for the area and also to provide additional emergency access to the area. The alternative and I guess from this project's standpoint we're committed to pursue that and get that done but if there's a problem, we had an alternative design that would still upgrade Ferguson, all this work would still be done, the access to the project is in this area and that we would if we weren't able to use this section of Cottage Street we would through a series of signs and other treatments in that area restrict traffic from using Cottage Street. But again our proposal is regardless of that would be to upgrade all of Ferguson Street, actually extend all the way out to Willow Avenue and there's also some upgrades along Secor but our proposal is to pursue this with the town to get, and there's benefit to the people that live on Cottage, you know, you drive that with your car especially after like a storm we've had it's rutted, it's really not safe, so it would be some benefit to them.

MR. BRODMERKEL: A negative would be improvement of lots, more traffic and the benefit would be improvement of the road.

MR. GREELY: Our design here is still to direct traffic away from that section and one of the things to consider here and I understand the board's concern, we have another access to Mailler Avenue further to the north, it's laid out so that it distributes traffic to the different access points. We have access to Route 9W, so if this didn't exist, I think we'd have a much more difficult time in terms of the amount of traffic that uses Cottage. If you look at it from the standpoint of traffic that would be going to the north the bulk of the units that we have, this is a shorter path and a faster travel time than working back coming

out here and then doubling back to Cottage. So the layout of the project itself makes a lot of the traffic, keeps a lot of the traffic away from Cottage Street to begin with. You follow me? And then for these units in this area, we do have the access to 9W and we have designed this, we still would like to be able to restrict traffic, no left turns out of the driveway, although it's an enforcement issue but we have moved this as far away from Cottage as we can to discourage any traffic use on Cottage Street. Now clearly there will be some use if we upgrade the road but you're not talking tremendous numbers of vehicles. If I look at the, we have 52 units, if I look at peak hour traffic for the number of units that are in this part of the project, it's probably less than ten vehicles in an hour that would use that road even if it was upgraded.

MR. BRODMERKEL: If I could, Mr. Chairman, Mr. Gold mentioned something to me last meeting and it rang rather loudly in my mind, if you're coming north on 9W and at certain times of day, you've got Lee Road School, Lee Road School is directly opposite your Mailler Avenue entrance there and in addition to the concern with Cottage Street, there's the concern of that cut-through now other than that school being there it might not be a major concern but the school is there and there's a lot of kids involved and parents are constantly picking kids up back and forth, this would seem to be a very convenient cut-through so my question to you would be what are you going to do to cut that down?

MR. GREELY: Okay, well, just the layout of some of this road, some of these jogs in here are to discourage speed and through-traffic. We did identify that we provided to the board the opportunity and we have used these in other developments and not only on private roads but on town roads what's called a speed table and a speed table it's not a speed bump, it's not a speed

hump, it's spread out, what it does is reduces speed, it calms traffic down, it's called a traffic calming device and what it is is it's about, it ranges from about 15 feet to 20 feet total length, part of that is a ramp up, the height of it is anywhere from three to four inches in height, so if you think about it it's almost like a ramp up and ramp down type of situation, it's called a speed table, it's in the New York State DOT Design Manual now as something that on local streets can be used, it's tied into the amount of volume that uses roadways but there are many municipalities that have now used them, they like them because the school buses don't get really affected by it because of the spread of the axle spread on a school bus as opposed to a speed bump or even a speed hump which is you know kind of the progress is the hump is two feet weighed, the hump is 6 feet wide and these are even longer but they do bring the speeds down, they calm the traffic and they have been successful and also from a snowplowing standpoint doesn't create havoc with snowplowing.

MR. BRODMERKEL: What are they constructed out of?

MR. GREELY: Asphalt, it's relatively simple construction now, I think we have provided a detail to your consultant from the Federal Design Manual so that could be used here if there was a problem typically you would space several of them within the development so it's not just one, you may have for example on a section of roadway like this we just finished one in the Town of Yorktown on a town road that in a stretch of about 1,500 feet there are three speed tables and they have been very successful in terms of controlling speeds.

MS. DOTSON: As a matter of fact in the negative declaration that's one of the things that we were suggesting that not only that they be considered but that the actual locations be designed and approved on

the plan as an option so that if the homeowners wanted to install them cause we felt that the homeowners there would probably be the most interested in cutting down any speeding traffic or any undesirable cut through traffic cause they're the ones whose families and well-being are most affected that way the option would be there they're already designed and all they have to do is agree to do that and implement it.

MR. BRODMERKEL: Now that you described them, I've seen them in use, they do slow traffic down.

MR. NOVESKY: Leslie?

MS. DOTSON: I don't know how you want to proceed, you want to read this?

MR. NOVESKY: No, I don't. Just do a brief summary since everyone received it.

MS. DOTSON: If anyone has any questions or alterations.

MR. NOVESKY: That's a good way to do it. Anybody have any questions on this from Leslie's comments? Basically, all we're looking at tonight is whether or not we're going to approve a negative dec or a conditioned negative dec, am I correct, Dominic?

MR. CORDISCO: Yes, that's correct, discussions of conditions can be very interesting and very sort of philosophical because many negative declarations contain what are in essence conditions, I mean, in terms of requirements to mitigate impacts like those aren't technically conditions but there's a difference between a negative declaration that has conditions in it, I mean any negative declaration has conditions in it, the fact that you have to build a project according to a specific plan in order to mitigate your impacts like that's a condition if you understand another form

of condition is what's called technically a conditioned negative declaration, that's really where that's more appropriate where you don't know that a negative declaration is appropriate because there might be one or more outstanding questions and for instance like a question regarding cultural resources there might be an archeological study that you don't have in hand.

MR. NOVESKY: What about the ownership of a road?

MR. CORDISCO: Ownership of a road, I mean, I don't think in this particular instance I don't think ownership of a road is necessarily a condition because the applicant has demonstrated exhaustively that the ownership cannot be determined. I think it would be appropriate in these circumstances to have what I was trying to describe as a condition that's already within a negative declaration, in other words, make your negative declaration but one of the conditions may very well be that Cottage Street has to be improved and to the standards where it could be dedicated to the town that would be up to the applicant to do and if they don't do it and/or if they can't do it well then they're going to have to come back here prior to final approval and get the board to approve a different scenario.

MR. NOVESKY: Is it determined that the town will accept the dedication of the road?

MR. CORDISCO: It hasn't been officially determined.

MR. NOVESKY: Or can it without establishing ownership?

MR. EDSALL: We can let the attorneys work at the mechanism to have it occur legally but I have had a meeting with the Supervisor and highway superintendent and they both have described to me the level of improvement that would be needed and with that occurring they both indicated they would support

accepting the road to become a town road.

MR. BRODMERKEL: Do you know when that meeting is going to take place?

MR. EDSALL: It already happened, it was to the extent of I didn't want to waste my time pursuing the discussion with the applicant unless I understand what level of improvement both Bob Conley and the Town Supervisor would require to have this thing become dedicated.

MR. BRODMERKEL: Bring it up to town standards is the level of improvement?

MR. EDSALL: But that becomes difficult bring it to town standards, full width that's impossible because it's not very likely we can get a 50 feet right-of-way, do we have to put curb and sidewalks where none of the roads at that point have curb and sidewalks, those issues were what I needed addressed and the answer was is that it did not have to have all the accessory items that a new town road would have but the pavement structure has to meet the town specs so it doesn't become a maintenance problem and we have to address drainage as it comes down the hill so we're already starting to work on those issues so I get the clear indication that it didn't have to meet all the requirements of a new town road as if it was just being built today but it's clear to me now what structure has to be provided to make it function as a town road at minimum equal or better than anything near it so that meeting was held just so that we'd get an indication if there was any hope of this moving forward cause I knew it was a desire of the board to have it addressed so we met with Bob Conley and the Supervisor.

MS. DOTSON: To be fair, this proposed negative declaration does address the alternative if nothing happens it states that the proper road improvements

that will be appended to the plan we have a miniature drawing appended to the declaration, I'm sorry, is something that they're offering, they're incorporating as part of their site plan. Obviously, you can't control that, that's subject to the approval of the Town Board and the highway superintendent. Mark's already addressed what they've said so far. As part of that action the Town Board also would be requesting quitclaim deeds to be submitted, if that doesn't happen to have the other alternative which is what they had originally proposed and what it states this a combination of signage, pavement markings and other treatments would be developed to address the alternative that would reduce the likelihood of people coming and using Cottage Street. But it does state that the road improvements coupled with the town assumption of Cottage Street is your preferred alternative.

MR. KLOSKY: These improvements we're really seeing the details have been emerging over a relatively short period of time and I'm disappointed that they don't include pedestrian access to either Willow Avenue or Mailler, I mean, we're moving forward rather rapidly with this portion of the project, we have been talking about these improvements and we have been--

MR. BRODMERKEL: There's sidewalks on Mailler.

MR. KLOSKY: So is the internal flow, I guess this is the question for Mark then, is the internal flow going to allow for access of children who are walking from the development because they'll use Cottage absolutely, a kid who's walking from this building right here these kids right here are going to jump right through these trees and over whatever fence we put there, they're going to go down Cottage.

MR. EDSALL: Or Secor.

MR. KLOSKY: That's how they're going to get to school or up this way and they're going to get to Willow or Lee Road or the middle school or whatever and so I think to me that's the capper that says we've got to make a proper improvement along Cottage Street cause the kids are going to use it. I don't care what signs you put up, you can put a barking dog on a leash it wouldn't matter, they're going to use that piece of Cottage Street. I'm with Kenn, we've got to resolve not only traffic access along Cottage but also how we're going to safely move pedestrians who are likely to be children to that intersection with Mailler. I don't think we can obligate the applicant to hang sidewalk all the way from their place to Lee Road School and I'm not proposing that but I think they need to see them moved out into Mailler.

MS. DOTSON: How do existing children who live on Ferguson Street or Cottage get to school?

MR. KLOSKY: I'm not going to ask the applicant to solve problems of the existing residents along Ferguson but they'll be generating, people are going to be walking down to Lee Road area, that's the center, if you want to talk about the cultural center of that area of town, that's it, that's where they're going, so I don't know how the rest of the board feels if I'm out on a limb, I'll step back.

MR. BRODMERKEL: I think what you're proposing is a nice idea, I don't know if we can still be comfortable trying to demand it from the applicant sidewalks improvement of the street absolutely without question and that would be an improvement of an area for the kids to walk on and recently, Mark, how long ago were sidewalks put in on Mailler?

MR. EDSALL: We just finished putting the sidewalks down to 218.

MR. BRODMERKEL: There were no sidewalks there previously.

MR. EDSALL: Town generally has had probably a 10, 12 year plan that we have been working with them on getting sidewalks on major thoroughfares, we just finished Mailler last year, Willow has been a project that we did over several years, there wasn't always usable sidewalks on Mailler, we re-did Main but the side minor roads as they're classified where they're serving just the individual residences there's very few roads in town that have sidewalks and candidly, I don't know that the Town Board would want them because that's more to maintain.

MR. NOVESKY: Didn't we require sidewalks on the development that went into Quaker?

MR. EDSALL: The larger new projects do require one sidewalk.

MR. HAZIRJIAN: This project is giving us internal.

MR. EDSALL: Bringing sidewalks up to the main entrance on Mailler.

MR. BRODMERKEL: Mailler connects, there's a sidewalk right there.

MR. KLOSKY: But they're not connecting their entrance to anything so the sidewalk would just stop there as it's planned right now.

MR. BRODMERKEL: Correct.

MR. GREELY: What we have proposed just getting back to Cottage Street as you said the shortest path that people would use in addition to the pavement upgrading to handle the traffic we are proposing to upgrade the shoulder areas. Now I know that's not a full sidewalk

but the idea here is that it would allow for a pedestrian or bicycle to use that as part of the road upgrade so it's not just to get the pavement for the vehicles but again under the proposal on this plan would be to provide that area.

MR. KLOSKY: But I think that really, Kenn, you and I are agreeing that this Cottage Street has to be dealt with because even if we don't get a lot of vehicular traffic through signage we're going to get pedestrian traffic.

MR. BRODMERKEL: The point that Wynn had made last month on the drive-through traffic just to take a second I didn't realize what they were called, didn't realize what they were used for but these platforms up and down they use them in France, possibly you've seen it or anybody else that's been there at least in the little towns that I was in they had some of them and they definitely they do work, I didn't know what the heck they were for except that I had to go slow so they worked. So at firsthand that makes me feel more comfortable about people cutting through there but I'm not at all comfortable with the ownership of that road.

MR. GOLD: My issue was less about the speed through there than the volume of traffic through there that may make the increased traffic through there drive more slowly but I don't think it's going to stop people from driving through there and I still am, my concern about that access road to 9W still remains.

MR. BRODMERKEL: If it's uncomfortable to drive through then they tend not to.

MR. GOLD: Okay, my experience is if they can avoid stop signs by driving a different route they're going to but I'm still concerned about the access to 9W and I don't see that that's been adequately addressed other than to tell us that the speed limits actually 55

rather than 45 which we knew.

MR. GREELY: The other part of the access to 9W is that we have proposed some improvements there in terms of sight line improvements and when we talked to the state about the speed they said it has to be a petition from the town and we have tried to advance that as far as we could but regardless of that we have proposed sight line improvements along the Route 9W within the right-of-way to deal with the safety issues, so that's part of our plan and that's all part of our permitting with the DOT which would be a condition as you move forward to your site plan of course.

MR. NOVESKY: Okay, any other comments from the board? Dominic, we have a couple alternatives, one is the negative dec, two is the negative dec condition, three is a positive dec and four, what else do we have?

MR. CORDISCO: I think those are your options.

MR. NOVESKY: Board, are you ready to consider any of those options?

MR. BRODMERKEL: I would propose a negative dec with the stipulation or proper term here, Dominic can help me with that, Cottage Street be brought to a position where it's acceptable to the town for dedication.

MR. CORDISCO: That certainly has been identified in the draft negative declaration that Leslie prepared as the preferred alternative.

MR. KLOSKY: I don't know about preferred.

MR. BRODMERKEL: We need a second before discussion.

MR. GRABE: Well, is it a question on that motion, is that a conditional negative dec?

MR. BRODMERKEL: Yes.

MR. CORDISCO: Actually, it's a negative declaration with that condition, I mean, that's getting back to the discussion, the philosophical discussion I was having earlier.

MR. GOLD: I'll second it.

MR. NOVESKY: Discussion?

MR. KLOSKY: I don't understand exactly what preferred means, does that mean that they can go forward with the project without improving or--

MS. DOTSON: That means you can't control other agencies' actions, SEQRA does not change the basic authorities and purviews of any boards so you can't demand that the Town Board do something and you can't demand that the property owners along Cottage Street offer quitclaim deeds.

MR. BRODMERKEL: Very quickly what I said and meant to say was that it is brought up to that standard, I didn't say it was dedicated to the town, I said it was brought up to a standard, maybe we should modify that brought up to a standard acceptable to the town for them to maintain it.

MR. CORDISCO: And that would address the issue of whether or not the Town Board would be obliged to accept the dedication of that portion of Cottage Street but what it would not do that, this board once again is powerless to compel and the applicant is powerless to compel the property owners along Cottage Street to consent to those improvements. Now as a practical matter in terms of common sense you would think that people who live along Cottage Street may very well want to see their road improved and also even one step further beyond that that it's actually dedicated to the

town because then it would become a town road and the town would be responsible for maintenance in the future, I mean, that seems to be a rationale basis to proceed and certainly that's the preferred alternative but in terms of requiring it or compelling it I mean we're going to get hung up in language.

MR. BRODMERKEL: We can't compel people to do the things that we don't have the authority but we can say as an end result this is what we want to approve the project.

MR. KLOSKY: Right because my temptations if we can't resolve it is to not approve the project.

MR. HAZIRJIAN: Not the way it stands.

MR. EDSALL: We're discussing here that clearly the board has at this point difficulty in accepting being concluded unless this is the alternative, if another alternative is going to come up you may want to rethink how the project traffic is distributed. My suggestion would be is to not reference it as preferred alternative but reference that as what's presented to you at this point if they can't accomplish it then you have to revisit it.

MR. NOVESKY: That's a very reasonable suggestion.

MR. EDSALL: That way they have a goal and we all hope that's what we get. If we don't, then we have to re-evaluate what alternative is available.

MS. DOTSON: So I can change that then to read if the Town Board and highway superintendent did not, do not opt to accept these improvements or the Cottage Street landowners to not provide quitclaim deeds then the project must be reconsidered.

MR. CORDISCO: Yes.

MR. NOVESKY: Will be reconsidered.

MR. EDSALL: Really should be Town Board, not just Supervisor.

MR. BRODMERKEL: I will make a motion we accept the motion as amended.

MR. GRABE: Second it.

ROLL CALL

MR. BRODMERKEL	AYE
MR. HAZIRJIAN	AYE
MR. GOLD	AYE
MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. NOVESKY	AYE

MR. BRODMERKEL: We just accepted the change to the motion. Further discussion, I have a concern, generally, Mark, I'm not comfortable because we don't know the answer of what the town's going to accept or not accept on this road and occasionally I see this kind of thing comes up and it's something that to me we have the authority and we have the jurisdiction to determine or understand at least before we accept things so I'm a little concerned that some of these decision are made outside of our involvement.

MR. EDSALL: It wasn't a decision, I was trying to set a minimum standard as to what, so the applicant will understand the minimum standard that would be needed to get support from the Supervisor and highway superintendent, whatever off-site improvements are worked out as part of the application God knows this one has plenty that you've worked out with them, you can still ask for and that can be conveyed back to the

Town Board that you're concerned about pedestrian traffic as well but I then playing devil's advocate said what are you going to do about Secor, how many local roads can we add sidewalks to and does the town as an entity want to add more maintenance to their burden? So that's just some of the things I threw back and forth.

MR. BRODMERKEL: I don't have any problem with what you were trying to accomplish, I think it was a good thing.

MR. EDSALL: We tried to come up with cul-de-sacs, all kinds of alternatives to stop the traffic from going through and nothing fit so grasping for straws as we were that's why when they offered we can do something on Cottage maybe we can make the problem go away, that's when I said let me try and get an idea what at minimum has to be done, that's why the meeting was held, wasn't that done to circumvent and not provide input from this board.

MR. BRODMERKEL: Right now I'm not sure what the Supervisor and yourself and Bobby were deciding.

MR. EDSALL: We weren't deciding anything, they said--

MR. BRODMERKEL: Conceptually you understood what you were looking for.

MR. EDSALL: For us to support this to move forward as what's brought back to them yes or no when you take this to town road, these are at this point in time what we establish, what we believe is the minimum requirement, it's still going to be developed, it isn't final, the detail isn't done, the board hasn't approved it but we need, I wanted to try to get a feel from both boards, I knew you wanted something now I know what they want.

MR. KLOSKY: If the kids are walking on Ferguson and

Secor right now they're not walking with that traffic from the new development impinging on their safety so I guess that it doesn't bother me so much that they're walking now and we won't, you know what I'm saying, that the sidewalks, there's no warrant for a sidewalk but the added traffic from this development does to some degree make it less safe for whoever is coming out of the property labeled Hoerup that kids are not facing any traffic so when a new development comes in that kid will have traffic behind him, I worry about the safety of those kids.

MR. BRODMERKEL: If I can speak to the other point of view if that road was improved it probably they'd probably be safer than they are now, even with the increase in traffic, there's a lot more houses there than are being added.

MR. NOVESKY: Okay, well, we have a negative dec or conditioned negative dec?

MR. CORDISCO: Did you take a vote because with all the discussion.

MR. BRODMERKEL: We amended it, we proposed it, we seconded it, we amended it and we approved the amendment to the motion. We have not voted on the motion.

MR. NOVESKY: I will take a motion as we speak, would you make the motion to accept?

MR. BRODMERKEL: Been made.

MR. GOLD: Second it.

ROLL CALL

MR. BRODMERKEL AYE
MR. HAZIRJIAN AYE

MR. GOLD	AYE
MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. NOVESKY	AYE

MR. CORDISCO: Now that the application is complete in the sense that there's already been a public hearing and you just made a determination under SEQRA, I would ask the applicant to waive timeframes to make a final decision on the plans since there are a number of things that have to be done in terms of outside approvals, not the least of which of course addresses Cottage Street. Need more than a nod.

MS. BABCOCK: I was just making sure you were done. Yes, we agree.

MR. NOVESKY: Thank you, Michele. I will have a motion to go to executive session to discuss litigation.

MR. GOLD: So moved.

MR. BRODMERKEL: Second it.

ROLL CALL

MR. BRODMERKEL	AYE
MR. HAZIRJIAN	AYE
MR. GOLD	AYE
MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. NOVESKY	AYE

(Whereupon, the board went into executive session.)

(Discussion was held off the record)

MR. NOVESKY: Motion to go back into regular session.

MR. GOLD: So moved.

MR. BRODMERKEL: Second it.

ROLL CALL

MR. BRODMERKEL	AYE
MR. HAZIRJIAN	AYE
MR. GOLD	AYE
MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. NOVESKY	AYE

MR. NOVESKY: Motion to adjourn.

MR. KLOSKY: So moved.

MR. BRODMERKEL: Second it.

ROLL CALL

MR. BRODMERKEL	AYE
MR. HAZIRJIAN	AYE
MR. GOLD	AYE
MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. NOVESKY	AYE

Respectfully Submitted By:

Frances Roth
Stenographer