

January 9, 2007

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TOWN OF CORNWALL

PLANNING BOARD

JANUARY 9, 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

LESLIE DOTSON
PLANNING BOARD CONSULTANT

GARY VINSON
BUILDING INSPECTOR

ABSENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

REGULAR_MEETING

MR. NOVESKY: It's 7:36, call the meeting to order very quickly. All present, Mark Edsall, our consulting engineer is excused, absent with the sickness that he obtained from me apparently last month so he's sick.

MR. BRODMERKEL: It's nice to share.

CORRESPONDENCE

MR. NOVESKY: I will slip over to you some of the correspondence, most of which relates to the scoping which we'll deal with and address when the Cornwall Commons is discussed.

DISCUSSION

MR. NOVESKY: We're at the stage of reorganization, I'll accept nomination for vice chairman.

MR. HAZIRJIAN: I nominate Mr. Brodmerkel.

MR. GOLD: Second it.

ROLL CALL

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

MR. NOVESKY: Motion for Chairman, anybody else wants it they can have it.

MR. BRODMERKEL: I'd like to nominate Mr. Novesky.

MRS. DEANS: I'll second it.

ROLL CALL

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

APPROVAL_OF_MINUTES_DATED_NOVEMBER_14_AND_DECEMBER_4,

2005

MR. NOVESKY: Approval of minutes, everybody receive the November 14 and December 4 minutes? Any questions or need for discussion? Everybody received them, correct? Thank you, Fran.

MRS. DEANS: Yes.

MR. NOVESKY: I'll take a motion to accept those two minutes.

MR. BRODMERKEL: Which one?

MR. NOVESKY: November, November 14, I'll take a motion to accept those minutes.

MR. GOLD: So moved.

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

MR. NOVESKY: We have no resolutions, am I correct?

MR. CORDISCO: No resolutions.

CHESTNUT_WOODS_-_2003-18

MR. NOVESKY: Then we can move right into Chestnut Woods. I have a letter from Chestnut Woods' attorney, Mr. Donnelly, asking for a change, some basic change in the findings statement, I'm going to ask for a recommendation from the board that in light of the fact that we received this letter at 4 o'clock that we defer extension discussions of this until next month. Anybody?

MR. GOLD: So moved.

MR. BRODMERKEL: What are we talking about?

MR. NOVESKY: Talking about a letter that I received from Mr. Donnelly, I will allow you to speak, Mr. Donnelly, making some requests for some changes in the findings statement, correct?

MR. CORDISCO: That's correct, two changes in particular.

MR. NOVESKY: And it should take this board a little bit of time to digest such things that I have asked for a motion to defer discussion until next month on this. We have a motion from Mr. Gold and a second from?

MR. HAZIRJIAN: From me.

MR. NOVESKY: Do you want to have some discussion, Kenn?

MR. CORDISCO: Before you move on to a vote, may I suggest that you allow the applicant to speak?

MR. NOVESKY: It's open, okay, Fred.

Mr. Fred Doneit appeared before the board for this proposal.

MR. DONEIT: For the record, Fred Doneit, planner for the applicant, for Chestnut Woods and we just wanted to thank the board this evening for allowing your consultants to forward a copy of the draft findings statement for our review and having the opportunity to review that statement. We believe that it is a complete and accurate statement with the exception of two minor things that we'd like to bring to the board's attention and I did bring a copy of our attorney's letter to the board tonight but it sounds like each of you may have that letter at this point.

MR. CORDISCO: It was just distributed to them now because it came directly to the consultants.

MR. BRODMERKEL: We received it about a minute ago.

MR. DONEIT: There were just two items in the findings statement that we had an issue with, the first being fiscal shortfalls, the applicant had indicated in the DEIS that he would fund both the ambulance district and the Firthcliff water district to counter that negative fiscal impact for those two districts and I don't object to that offer of making a physical contribution, however, we believe that your attorney suggested that the mechanics of how those districts are funded be taken up with the Town Board and we agree with that and I would appreciate the board deferring to the Town Board in determining how the mechanics of that funding would ultimately work.

MR. CORDISCO: That's correct, I think that obviously the offer has been made and it's acknowledged as included in the findings statement appropriately but the mechanism of how that payment is actually going to work is something that remains outstanding. And there's a number of different options that they can explore and I think that language itself needs to be refined to give them some flexibility to choose different paths or alternatives. One alternative might

be a developer's agreement with the Town Board but that assumes for instance that the Town Board would be willing to enter into a developer's agreement. It remains to be seen and I would be hesitant to include a condition in the findings that that would require them to enter into a developer's agreement where perhaps the Town Board might not be willing to enter into a developer's agreement. So I think we have to take a second look at that language and refine it a little bit further but it's not a question of whether or not they're going to be making those payments, it's just how.

MS. DOTSON: Well, I would even go farther than that because some of the numbers, there's a revenue short fall that had been projected for the water district, that number was taken from the DEIS and that was simply carried over but the more I looked at that the more I wondered and I know that the applicant's attorney was doing the same thing, wondering how valid that number really was, so the way this is written even speaks to the amount and the manner and calculation because first of all to be fair to the applicant the numbers were based on a unit count so even if you assume that all the numbers from the DEIS were totally valid there's some pro rata issue involved.

MR. NOVESKY: I have a motion on the floor to defer until next month for further discussion so you guys can clarify some of these issues amongst yourselves before we bring it for full discussion to the board. I do have a motion on the table, do I have a second?

MR. HAZIRJIAN: Yes, I will second it.

ROLL CALL

MR. BRODMERKEL	AYE
MR. HAZIRJIAN	AYE
MR. GOLD	AYE

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

MR. NOVESKY: So well you can feel free to discuss the item with the attorney related to the wording and so forth. We haven't had an opportunity to read it in depth, okay?

MR. DONEIT: Thank you.

MR. NOVESKY: Thank you.

CORNWALL_COMMONS_-_2006-19

MR. NOVESKY: In light of the fact that we have a request to defer Winding Creek and Vails Gate Business Park for, we're waiting for the traffic engineer to arrive, he's delayed, we'll move directly to Cornwall Commons. We do have a lot of correspondence from the general public related to the scoping outline comments. Mr. Jacobowitz, you had an opportunity to review them?

MR. JACOBOWITZ: Yes.

MR. NOVESKY: I think that procedurally it may be appropriate to ask that and the board agree or disagree to ask the applicant to address comments that they received from the 18th or so before we discuss it amongst ourselves. Any comment on that?

MR. BRODMERKEL: How did you want to proceed?

MR. NOVESKY: Have Mr. Jacobowitz address issues raised in the scoping comments received by the public submitted by the public rather to us.

MR. BRODMERKEL: Before we discuss them?

MR. NOVESKY: So we can gain some input in terms of what their feelings are.

MR. KLOSKY: I'd like to ask Dominic's opinion about a couple of these.

MR. JACOBOWITZ: Hopefully, I'm going to be able to. Gerry Jacobowitz representing Cornwall Commons. And as the chair has so aptly put it we're here tonight to try to finalize the scoping outline for the SEIS for Cornwall Commons, specifically lot 10 but also with respect to the entire project as it relates to the issues that we discuss as part of lot 10. We received a scoping outline from your consultants that they put

together based on everything that was submitted, we have reviewed that and for the most part we can accept pretty much everything that's in this scoping outline that you have received from your consultants. I do have I think three comments that we wanted to talk about, I think three things that are in here so--

MR. BRODMERKEL: Gerry, which outline do you have cause I'm confused as to which one?

MS. DOTSON: This is the one takes in my comments.

MR. BRODMERKEL: It's the one contained within your comments.

MS. DOTSON: Yes.

MR. JACOBOWITZ: Dated January 9, 2007 and then it's I think 7 pages is the one that we have. Actually, there's three items but I have six comments altogether so--

MR. BRODMERKEL: Leslie, the one marked draft?

MS. DOTSON: It would be covered by my comments, just a paragraph that says Cornwall Commons and then it, then this draft.

MR. BRODMERKEL: Got it, okay.

MR. JACOBOWITZ: Cover page is the transmittal to you folks then there's three pages after that that have at the top draft and then go on from there. Roman numeral 1 through Roman numeral 6.

MR. NOVESKY: Okay.

MR. JACOBOWITZ: Everybody ready?

MR. NOVESKY: Okay.

MR. JACOBOWITZ: In Roman numeral 3, the DEIS is to address the development of lot 10 in detail, we understand that, but should also consider the cumulative effects of developing the remaining site on a generic basis. We have no problem with that. The only question that comes to mind is that the, that's what we already did once in the GEIS for the entire property, now we're doing that with respect to lot 10 but also with respect to the remaining site on a generic basis we have no trouble with that, we just want to reinforce that when we come in with lot 6 or 4 or 9 we hope we're going to be able to just then refer to the EIS and the SEIS that will have been done by that time and that we're not going to have to go through another SEIS just with respect to a lot because of unless--

MR. KLOSKY: Unless the use is different.

MR. JACOBOWITZ: Unless we come within the terms of the regulations which clearly outline what is the requirement for an SEIS and I think Dominic Cordisco gave you that, he dictated that to you three months ago, the standard is still the same. We hope that's the standard in six months, nine months, 12 months, three years when we come back with the other lots. So yes, we're going to deal with the remaining site on a generic basis to make sure that we have covered things that are different, changed or whatever you want to characterize.

MR. KLOSKY: So if I may ask a question then, you would contemplate for instance having a grading plan or storm water plan in the Supplemental Environmental Impact Statement which covers not only the lot under consideration but the entire site?

MR. JACOBOWITZ: No, it will have the storm water plan but not the grading plan, the grading plan will be a

subject of your review when we come in, annual review, that grading plan in light of what we have in the findings in the EIS and in the SEIS and as long as we come within those we don't have to do another SEIS, that's the point, okay, that's very important to us because frankly we didn't think we had to do an SEIS now but we don't want to argue about it, we're going to do it but I do want to have on the record that we don't think that that's the way we should be proceeding in the future because if so just think about it, no one is ever, ever, ever going to do a GEIS.

MR. GRABE: Why are we thinking about it now, we can't change our way of thinking?

MR. JACOBOWITZ: You can change your way of thinking and there may be facts with reference to another lot that generate the basis for you to ask for more information.

MR. GRABE: You're not here tonight to discuss the other lots, you're just here to discuss lot 10?

MR. JACOBOWITZ: Except for what's in this outline which says but should also consider the cumulative facts of developing the remaining site on a generic basis and we're willing to do that and we hope that's going to help you in the future so that we don't have to do another SEIS, that's the point I'm trying to make.

MR. BRODMERKEL: Point of question. Dominic, Leslie, we had specific agreement on storm water management that we would have an overall plan.

MS. DOTSON: That's correct.

MR. BRODMERKEL: For the whole site at once and I'm sure that's nothing new, we have agreed with that, specifically were there other things that we noted to

the developer that we wanted covered for all 10 lots within this thing other than--the only other one that can jump to mind the traffic and viewshed.

MS. DOTSON: Traffic and there were some additional viewshed comments that were raised.

MR. BRODMERKEL: Those should cover all 10 as I remember it.

MS. DOTSON: To the extent that you can without a site specific plan for that it's difficult to pin that down for some of these issues, what I may simply do is point out where depending on whatever grading information we do have to see how far you can see into that site. For example, if that becomes an issue, traffic will be a big one, water use cumulative but the water use and the sewer use will be based on projections of what the use will be. By carrying over this calculation the information already exists, this can just be checked when that lot comes in to determine whether it's greater than or whether it's less than that amount.

MR. BRODMERKEL: Along with that, our purpose here with this scoping is to get into areas that we have that we're concerned with beyond what was done already or so to start the process all over.

MS. DOTSON: Not to start the process all over. What I am envisioning with this that even insofar as the storm water plan goes is that there will be more site specific information available to implement some of the original SEQRA findings, for example, there was some SEQRA findings that related to setbacks from streams and so forth because you don't really have detailed site plan information, you don't have that again to carry this over in the context of site planning for each of these lots I think will be important, most of this information already exists.

MR. BRODMERKEL: That's why I'm asking a lot of, it seems very redundant.

MS. DOTSON: That's what as I understood was agreed with the county that they were going to be deferring the study to the site specific study of lot 10 that they were going to be revisiting some of this stuff.

MR. KLOSKY: I haven't yet seen for instance a plan which shows a site wide storm water plan of the type we contemplated at least shows here's one way that it could work and that's to me--

MR. BRODMERKEL: That's what we're going to be asking for.

MR. KLOSKY: That's why I'm concerned about the idea of not having any specific grading plan for any of the other sites other than lot 10 because I'm not sure how we'd layout the storm water system for the entire site without contemplating some grading plan for the rest of the site.

MS. DOTSON: Lot 10 is the bulk of the site, however.

MR. KLOSKY: It is but at the same time if we're going to be locating storm water handling facilities on lots other than 10 we have to at least have a rough idea of at least demonstrate to me that it is possible to have a site wide storm water plan and to do that you have to show at least one contemplated grading, that doesn't lock you into a particular grading five years from now when you sell lot 6, but it does say that I have showed you that it can work and that the, at least there's one configuration that I know for sure will work and that to me would seem the minimum boundary of proof.

MR. JACOBOWITZ: We're going to get that.

MR. KLOSKY: That's why I'm saying I'm not saying a

grading plan, saying this is it, that's what we're doing for all 10 sites, I understand that's not the reality of it but to have at least one plan which shows here's how we're going to grade it, here's the fill balance that comes out of that so I can guarantee I'm not sending 3,000 dump trucks over 9W to make it happen, those are the sorts of site wide concerns that I'm interested in seeing.

MR. JACOBOWITZ: If we come in just using a number lot 6 and we do have to do all that, you get the opportunity to review that and I want to make that clear I'm not saying that you're going to be precluded in any way from doing your job on every time we come in here with a plan, that's not what I'm saying. What I'm trying to make, there's a distinction between that and requiring and SEIS, that's all I'm trying to do with this first comment. We're not trying to say don't do your job, we're just trying to say that an SEIS isn't the only way for you to do your job, okay, and it's set out.

MR. KLOSKY: I agree with that.

MR. JACOBOWITZ: That's the point I want to make because the fact that we're agreeing to look at more stuff in part is because we want to do a good plan, we want to be a good developer and we also want to avoid going through this again in six months from today when we walk in with parcel 6, that's the only point I'm making. You're going to do your job, nobody's going to try to keep you from doing your job but an SEIS is something that is very particular, it's regulated and there are rules for it and we chose not to fight with you about it this time because we didn't want to, okay, and we just want to try to make it clear to you there's ways for you to do your job and not impose that upon us because it costs a lot of money and time more important time, okay, and that's important to us. That's all I'm trying to say.

MR. GRABE: Our attorney can tell us the same thing you're telling us so if we're going to be doing something wrong, I'm sure he's going to tell us.

MR. JACOBOWITZ: You're not doing anything wrong, sir.

MR. GRABE: You're dictating to us what we might want to do or might want to do.

MR. JACOBOWITZ: No, I'm not.

MR. GRABE: Seems like it is.

MR. JACOBOWITZ: I apologize to you if that's the perception.

MR. GRABE: We have a staff to tell us what we're doing right and wrong.

MR. JACOBOWITZ: You'll listen to his advice, not what I tell you but please don't take what I'm saying as a poke in your eye, that's not really what I'm trying to say, okay.

MR. GRABE: Let's get down to our business for tonight.

MR. JACOBOWITZ: Thank you. On page 2 (b)(1)(d) and no easements, fee ownership of utilities on the site are private agreements that may affect the proposed use of the site that weren't in the EIS, we have done nothing to the property since that time that would trigger us having to do that, we'd like you to delete it. In the next one Town of New Windsor Town Board, they are no longer involved, we think they should be deleted, however, you should add the Village of Cornwall-on-Hudson because they're the source of water.

MS. DOTSON: I was not sure whether New Windsor needed to be in for any sewer related reasons.

MR. JACOBOWITZ: No.

MS. DOTSON: That's why there's a question mark.

MR. JACOBOWITZ: Nothing to do with it but Village of Cornwall-on-Hudson should be added to the list.

MR. CORDISCO: Given the proximity of the project to the New Windsor border, New Windsor will have to be notified.

MR. JACOBOWITZ: Yes. Then on page 3 (b), excuse me, Roman numeral 4 (b).

MR. NOVESKY: Excuse me but board this is for consideration, this is not a final decision, just so you know. Okay, sorry, go ahead.

MR. CORDISCO: Right, this is the first time we're hearing about their requested changes to the document that Leslie has prepared.

MR. JACOBOWITZ: Roman numeral 4 (b)(1) nothing's changed since the EIS, we don't see the need to spend paper and words again to describe that.

MR. NOVESKY: Talking about soil geology?

MR. JACOBOWITZ: Yes, nothing's changed, we haven't done anything there since the EIS so we don't see the need to burden this SEIS with more information. Somebody's got to read it all and the longer it is the longer it's going to take to read it. If you're reading something that you already read twice before it doesn't make sense. So that's our request.

MR. NOVESKY: Duly noted.

MR. JACOBOWITZ: Then under on page 5 (d), waste water

management, the first two sentences are okay, the last sentence addresses any treatment plant capacity limitations, INI study and consider impacts on, we don't believe that's our responsibility in any way, we have an agreement with the town that gives us preferential treatment to have a reserve capacity of capacity for this project, we have paid the town, we're obligated to pay and paid so far in part \$200,000 as our mitigation contribution and we have a preferential reserve capacity and so whatever it is that may affect Chestnut Woods, Willow Woods, anybody else is really not relevant to our application so and for us to have to tell the town about their own sewer plant I think is kind of presumptuous on our part. And I think page 7 under J, community services 1(a) school district question mark. I'm interpreting that to mean you want to hear the benefits to the school district from the project because there are no detriments so I just would like to make sure that that's what was meant there.

MR. KLOSKY: Where?

MR. JACOBOWITZ: Page 7, community services.

MS. DOTSON: Well there may still be.

MR. JACOBOWITZ: Under public services number 1 then A, school district we have no children and so I don't know what we're going to talk about.

MS. DOTSON: There may actually be children there, possibly, there may not be that many but there may still be.

MR. HAZIRJIAN: Impact on the libraries.

MR. JACOBOWITZ: That's down further.

MS. DOTSON: My thought is that if there are children there then it does create a question.

MR. NOVESKY: There's not supposed to be children.

MR. JACOBOWITZ: Only if under the Federal Fair Housing Act there's a qualified child, it's possible there could be a disabled child there or child tending a parent who's disabled.

MS. DOTSON: And the reason that I bring it up is because if the child is within an area where school buses can't go then because they are private roads then that does create an issue, it may not be a significant one but it deserves some consideration, I think.

MR. NOVESKY: We can discuss that.

MR. JACOBOWITZ: You have in here about public transportation access so that would be a bus.

MR. NOVESKY: May or may not be an issue.

MR. JACOBOWITZ: What I need is clarification, in other words, she's clarified it that we should talk about the few kids who may be here who are disabled and how they'll get to school, is that it, Leslie?

MS. DOTSON: Yes.

MR. JACOBOWITZ: D, other town facilities, that's a very broad generic, I have identified four, library, police, garbage and fire, garbage and fire.

MS. DOTSON: Town Hall, general governmental facilities.

MR. JACOBOWITZ: You mean the Town Hall whether it's big enough?

MS. DOTSON: Yeah.

MR. JACOBOWITZ: I think that's been covered, I think that the police and the garbage and fire were all covered in the EIS, those were all in the EIS and unless there's something different.

MR. BRODMERKEL: Town Hall impacted by these people is a little crazy, I think that's excessive, Leslie.

MR. NOVESKY: I agree.

MR. KLOSKY: Munger Cottage.

MR. JACOBOWITZ: That's in C, that's covered in C.

MR. BRODMERKEL: Munger Cottage is not getting used as much as it used to be.

MR. JACOBOWITZ: Last item is K, energy consumption, incorporation of green building, I don't know that we're going to do any green buildings so we'll address that in it but landscape designs and site layout in relation to energy consumption, I don't know what that all means, I don't know what landscape design would do to help us save energy.

MR. HAZIRJIAN: Reuse of gray water perhaps.

MR. JACOBOWITZ: We don't have any gray water, all your sanitary sewage goes to the town system and they dispose.

MS. DOTSON: Depending on who you have, you orient the buildings or how you screen and landscape it can either enhance or dis-enhance your entire use, absolutely, if you have trees to the north where the wind comes or the passive solar.

MR. BRODMERKEL: I would think this is a stretch again.

MS. DOTSON: This was something that was raised by the

public, I put it in there, you don't have to--

MR. NOVESKY: All up for discussion, this is not, the board is making its decision and the board's comments will be integrated into or taken out of this and that's how it's going to work.

MR. JACOBOWITZ: Yeah, I'm raising this because it's something that, you know, I'm not sure what we're going to talk about and if that's it, there's really nothing that we're going to be able to say about it other than--

MR. NOVESKY: No green buildings, there's nothing in the Town Code that says you have to build green buildings.

MR. JACOBOWITZ: I understand what that is, I understand what that is and we'll address that one way or another. But how landscape design and site layout will affect energy consumption is something that I thought was beyond what we would be able to address but anyway those are the only comments, the rest of it we can live with and we can try to provide you with all of that information that's been identified.

MR. NOVESKY: So, Gerry, now, let's see what we can live with and we'll integrate, I'd like to discuss the comments that were received in writing by all the board members and I assume, Gerry, you guys received these comments?

MS. BABCOCK: Yes.

MR. NOVESKY: And see what the board, I'm sure the board has had an opportunity to review and absorb at great expense of time the comments and many of the comments were I think were very well relevant and very interesting and Gerry and Michele, Gerry, and whomever I'd like to see how those would be integrated into the

scope. So does any board member have any comments on specific letters of input from the public? Okay, Led, I'll start with you.

MR. KLOSKY: I guess the first thing that I concur with the general idea of many of the letters which is that the site has, could be contemplated as a whole, this is to the applicant's advantage in that it makes the possibilities of future studies that the better job we do up front as contemplating the site up front less chances of these future studies taking place if we do a good job on this Supplemental Environmental Impact Statement, we'll have a lower chance of having to have further EISs along the line. I believe that path, both the viewshed impact and the storm water impact needs to contemplate at least one complete buildout of the entire site, not just lot 1 but all 10 lots at least one contemplated, here's what it might look like, that's something that I've had a hard time getting my arms around as we've gone forward. And I think it's appropriate at this stage, Dominic, you'll stop me if I'm saying something which is outside the bounds but one plan which shows us how the site might be graded that plan would include fill balance across the site because that's a big piece of the construction impact is fill balance and additionally where the storm water storage facilities could go, that doesn't necessarily mean they must go in that location but it means if we're going to handle the thing from a site wide point of view this is one way it could work. So I think that part of what they're saying I'd like to see done additionally the viewshed impact can't really be taken piecemeal, the project will, when it's built out include 10 lots, not one and so the viewshed impact should contemplate all at least one potential buildout of the site and then if a future site plan, very significantly from what's done in the SEIS we'd take that viewshed impact separately at the time in the future, not necessarily through an SEIS but through individual consideration of each viewshed impact. But

the better job we do right now of guessing what that is going to look like the better chance we have of not having to undertake those studies in the future when the next use is contemplated. There was a lot of discussion about trees of one kind or another, I believe Leslie I was going to ask a complete tree inventory was done as part of the Environmental Impact Statement or wasn't it?

MS. DOTSON: No, it was not done at all and that's one of the things that really needs to be done.

MR. NOVESKY: Is that--

MR. KLOSKY: But that's contemplated in this scope?

MS. DOTSON: Yes.

MR. CORDISCO: Yes.

MR. KLOSKY: And I think a number of the letters that we received from the public concerned impact on trees and vegetation in the area and I think that those comments are well taken. I wasn't sure and I wanted to ask Dominic what the exact role was of the planning board and this one applicant in the overall problem of our sewage treatment plant. There's been some recent difficulties which have come to the surface, I don't know if that's the way--

MR. BRODMERKEL: They're not recent, I can tell you from firsthand experience, they have been going on for 15 years.

MR. KLOSKY: I'm not sure what the legal implications of one applicant and the plant and what Mr. Jacobowitz said earlier I wasn't sure if maybe you can help to illuminate that a little bit.

MR. CORDISCO: You're getting a technical issue more

than a legal one in a sense that if there's the capacity there to handle this project and you're seeking an outside user agreement with the town, I believe.

MR. JACOBOWITZ: No, we're in the district, we have been in the district for a long, long time.

MR. CORDISCO: My mistake.

MR. KLOSKY: So I guess that it seems to me that that would put the onus on the town to provide service that they promised to do.

MR. CORDISCO: Yes.

MR. KLOSKY: Rather than allowing the developer to make some study of that facility.

MR. CORDISCO: If they're in the district they're entitled to service, simple as that.

MR. KLOSKY: A number of the letters concerned the developer having some input on how the sewage treatment plant will be upgraded or doing studies on that and that seemed to me something that would fall to the town.

MR. CORDISCO: Yes because they're within the district, that's correct.

MR. BRODMERKEL: Town is about to start a project to accomplish that.

MR. KLOSKY: That's the main things that I had comments on.

MRS. DEANS: The one thing and I've got my letters out of order but one of the letters that we received mentioned that it was illegal to do lot 10 and not tell

us or show us what they expect to do.

MR. CORDISCO: The letter, I'm quite familiar with the letter that you're referring to and the word that was used was segmentation, which is a buzz word in SEQRA, SEQRA does have a provision that says that segmentation is contrary to the intent of SEQRA, it's not necessarily forbidden, it's not illegal and it's not forbidden but the important point here, all of that said is that this is not segmentation in any form, there has already been a Generic Environmental Impact Statement that's looked at the overall site, this would be segmentation if forget about the generic for an instance, let's say just suppose that the generic did not take place at all and the applicant was coming in and was proposing the same development and only wanted you to look at the residential component of it and let's worry about the rest somewhere later down the line that may be segmentation, it might be warranted, SEQRA doesn't say you can't do it but you have to explain your reasons for it, but that's not this case at all, you have to realize that you have already conducted a full generic environmental review and what you're doing now is updating it because no longer do you have conceptual plans, you have site specific plan or will have a site specific plan for lot 10.

MRS. DEANS: Okay I just didn't want us to be doing anything illegal.

MR. CORDISCO: I wouldn't want you doing anything illegal either.

MR. GRABE: Not right this second, no.

MR. GOLD: My issues have been covered already.

MR. HAZIRJIAN: I will go through some of the letters as well I think Led covered a lot of it. Certainly, the waste water infrastructure, the fact that I think

it's sometimes up to 5 million gallons per day that was discharged I mean this something that has to be looked into by the town how this applicant affects this situation. Obviously, has to be remedied in some way because we're polluting the Moodna with this, that's where it's going, isn't it?

MR. JACOBOWITZ: No.

MR. HAZIRJIAN: Where is the 5 million gallons going?

MR. JACOBOWITZ: Hudson River.

MR. HAZIRJIAN: How does it get there?

MR. BRODMERKEL: In a pipe.

MR. JACOBOWITZ: By pipes.

MR. HAZIRJIAN: When it overflows.

MR. NOVESKY: Let me pursue that statement but it says that standards to, during heavy rains sometimes 5 million gallons per day which is three times the permitted discharge so how--is the town being fined for that?

MR. BRODMERKEL: No, the discharge and I'm speaking because I have again firsthand experience with that.

MR. NOVESKY: Ex-supervisor.

MR. BRODMERKEL: The discharge is raised but if you have 50 pounds of raw sewage and you put it in a thousand gallons your particles per million is so much, if you have 50 pounds of raw sewage and you put it in 5 million gallons your particles per million is a heck of a lot less and when they say that the discharge is 5 million gallons they mean all the collection off of the roads and everything comes down through the sewage

system.

MR. CORDISCO: This is a Town Board issue.

MR. BRODMERKEL: It is a Town Board issue, it's absolutely a Town Board issue, these people have an agreement with the Town Board, they have bought capacity, the Town Board has to step up to the plate and take care of it, not us.

MR. CORDISCO: It's not an issue for our environmental review.

MR. KLOSKY: Hopefully, the town will use some of the money that they're collecting from the developer.

MR. HAZIRJIAN: Number 2, again about water quality and ground water, part of the set design long term maintenance some of the issues that we're concerned about certainly landscape and pesticides, use of herbicides, road salt, that's also something that we're all concerned about, we're on the, we're close enough to the Moodna that obviously those are the things we'll be looking at. The tree survey as mentioned which hasn't been done but needs to be done. We're hoping and assuming we're not going to clear cut many of the old growth that's there. I know we're, we're hoping for a bigger buffer than I saw on that map that we were given, I'm sure we'll get into that at some point. I think I only saw, seemed to me that you were--well, we'll get into it.

MR. BRODMERKEL: An inch.

MR. HAZIRJIAN: Little less than an inch, we had a good buffer but the other two points it's almost right on the edge, I don't know, 20 feet, that's not exactly what we had assumed the buffer would be, significant buffer.

MR. KLOSKY: Moodna Creek side?

MR. HAZIRJIAN: Right.

MR. KLOSKY: There's the railway berm.

MR. HAZIRJIAN: We're hoping that we'll get into that, we're hoping we're not that close to the cliff where you don't have enough buffer.

MR. BRODMERKEL: My calculations showed that it would be 200 feet and where that last picture, closest picture was taken which was at the bottom of right on the Moodna 200 feet horizontal a hundred feet up from there.

MR. HAZIRJIAN: That's how far in from the cliff?

MR. BRODMERKEL: I didn't, I would have to re-measure to give you an answer on that, we'll see that in part of our procedures.

MR. KLOSKY: Viewshed impact will carry that information in it.

MR. HAZIRJIAN: Also at the integrating the plan and the idea behind realizing that NYMA which is really the hole in the doughnut in this plan at this point I don't know what consideration will be given but something ought to be at least discussed because we could be setting ourselves up for a bit of a mess if that large parcel that NYMA is planning to develop is not integrated with this piece.

MR. NOVESKY: Well, they have an easement on that site to go through, Leslie, I guess that goes to you.

MS. DOTSON: There is on page 3 under--

MR. CORDISCO: It's in the scope.

MS. DOTSON: Show and discuss connections to NYMA property.

MR. CORDISCO: Well, the access but this is a much broader issue that Deke is bringing up that somehow Cornwall Commons needs to evaluate the impacts of potential development on the NYMA property which of course they have no control over.

MR. NOVESKY: Nor perhaps responsibility for.

MR. CORDISCO: Of course not.

MR. HAZIRJIAN: Understood but even if a preliminary discussion could be had so that I'm just saying it's a disaster waiting to happen.

MR. BRODMERKEL: You may have missed a meeting that I think we discussed in length the fact that NYMA and Cornwall Commons are meeting and trying to work out and agreed to plan but they haven't come to an agreement regarding this access.

MR. CORDISCO: Regarding access.

MR. JACOBOWITZ: So far I have been talking to myself, it's been a very intelligent conversation.

MR. KLOSKY: Led, have you come to any conclusions?

MR. JACOBOWITZ: I think there's five phone calls that my office has made to try to get a sit down, we haven't achieved it yet so we'll keep trying.

MS. DOTSON: It just seems inappropriate to ask them to address anything more than the question of connections because that's really that's not impact that's--

MR. HAZIRJIAN: It may be inappropriate but it may save

this community a lot of headache in the future so if they'll at least make a phone call it may help.

MR. CORDISCO: Once again, there's two issues here, one is providing the access that they have to provide under the easement and second one is studying potential future development of the NYMA parcel.

MR. KLOSKY: We can't ask for number 2 but number 1 I think we can ask that they show at least a notional connection that works right, I mean, cause the connection to NYMA as I understand it is entitled to a connection where that connection is still uncertain what it looks like, how wide it is, whether it's paved or not, all those things are still up in the air, I think it would make sense for a generic look at this SEIS to contemplate at least show me one connection that does work so that we know that it can work. And then if there's another connection that works better in the future or works as well in the future we can make that change, certainly we're not locking you into anything by asking you to just show us one way that it could work that gets back to the same basic concept as the storm water and viewshed plan that a site wide look that shows how it could possibly work I think is necessary.

MR. HAZIRJIAN: Recreation facilities, I know that's something that we'll probably have a lot more to comment when we get more site specific but making that site more user friendly in terms of hiking and walking and trails and somehow connecting it to the community we think is an important aspect of this, we're talking maybe 1,000 people, is that what we're adding to the community?

MR. JACOBOWITZ: One point eight per dwelling unit.

MR. HAZIRJIAN: Point eight?

MR. KLOSKY: How do they contemplate to the proposed PIPSI Moodna thruway?

MS. DOTSON: It asks the greenway, it does ask that that be analyzed.

MR. KLOSKY: Because it would make tremendous sense to connect the pedestrian traffic if there's 1,000 people back there, seven or eight hundred people back there to be able to connect that to the greenway makes a lot of sense.

MR. JACOBOWITZ: We don't want the greenway people to connect to this property.

MR. NOVESKY: This is a gated community.

MR. JACOBOWITZ: Our plan is going to have trails, we understand what you want, I think Leslie's J (1) (c) recreational facilities and then consider affects on town owned senior citizen but recreational facilities and I think at the last meeting we talked about how many tennis courts we're going to have, are we going to be using the ones at the Town Hall, so I think we know what you want to hear about.

MR. HAZIRJIAN: One other letter that I actually have a question about and that's about possible archeological site on the--is that something--

MR. JACOBOWITZ: There's been a, I don't know is it a Phase 2 at least?

MS. DOTSON: Phase 2.

MR. JACOBOWITZ: We dug holes all over the place and it's been submitted to state and the state has signed off on it and that will be attached to our I think Leslie even mentions attaching the cultural resources report.

MS. DOTSON: You had actually submitted that as part of the application for the special exception use permit.

MR. JACOBOWITZ: We have addressed all that.

MS. DOTSON: That's already been addressed, we're aware that that exists because this is a comprehensive look, it deserves to be reiterated to make it complete.

MR. GOLD: Can we go back to the issue of schools for a second and some of the action on this predates my membership on the board, so this may have been answered before. I understand that in concept this will not add any children to the school district because it's an age restricted community, has any study been done about the impact on the remaining single-family houses in the community and how their turnover is going to impact? Is that in any of the studies?

MS. DOTSON: Actually, there has been some study done to that effect, I'm trying to remember where I had seen it but--

MR. JACOBOWITZ: But I don't quite understand, say it again.

MR. GOLD: My wife and I no longer have children at home, we sell our house and move into the Cornwall Commons and sell our house to somebody with two kids that go into the school district, that's illustrative, are there any statistics available to try and determine the impact on the school district on the overall community, not just directly from the population in Cornwall Commons.

MS. DOTSON: The important thing to remember is that they're not just selling to people within the Cornwall community.

MR. GOLD: I understand.

MR. NOVESKY: I never even thought about that, that point is interesting.

MR. GOLD: I don't know that it is possible but it's a question that has crossed my mind on several occasions, you have got 500 units in there, if 50 couples like my wife and I buy houses in there, you're going to add whatever statistic of school aged children to our district because we're going to sell our houses to people with school aged children. I don't know that you can project that out but it's something that I'd like to be looked at.

MR. NOVESKY: You need not respond to that.

MR. JACOBOWITZ: Which, one I'm sorry?

MR. NOVESKY: The issue about if you want to buy his house but for people buying houses from people who are moving into the community those buying the houses have two children just to potential I think that would be a peripheral impact but nonetheless, I don't know how you would do that because it's hard to contemplate how many people in the community would be selling their houses in Wynn's case.

MR. JACOBOWITZ: How many will sell to people with school aged children that are going to attend Cornwall?

MR. GOLD: That's why I said I don't know how you answer it but it's an issue to be raised.

MR. NOVESKY: There's a follow-up question?

MR. HAZIRJIAN: The volunteer ambulance corps that has written the planning board and it's a letter that we just got but we'll share. Should we submit for next time since it's new?

MR. NOVESKY: You can raise the issue with Mr. Jacobowitz.

MR. HAZIRJIAN: What they're saying is we have 100 percent volunteer organization and they're over capacity now, they can't raise enough volunteers, they know that by adding more seniors that we're going to be at a point where we will not be able to, they will not be able to adequately provide ambulance service to the entire town. It's a sobering analysis from them because none of us are getting any younger and I just think it's something that obviously we'll need to discuss further, it's an obvious impact from having more seniors in the community as well as obviously the obvious police and fire issues this seems to be more than any, the most significant impact because of the age of the residents.

MR. NOVESKY: It's a good point.

MR. HAZIRJIAN: These statistics have come, this letter came from the volunteer ambulance corps to our attention for that specific reason.

MR. JACOBOWITZ: Did they copy us on it so that we get it?

MR. HAZIRJIAN: No, we'll get it to you.

MR. NOVESKY: You can have that letter.

MR. JACOBOWITZ: Do they give the information how many calls they have?

MR. HAZIRJIAN: Yes.

MR. BRODMERKEL: Regarding that letter they didn't copy the Town Board on it either which I thought was rather interesting. The volunteer ambulance corps is set up

as a tax district, one of your tax lines goes to pay for their needs, okay, and Margaret, if you could, I was quoted as saying that they're not having trouble getting any volunteers, I did not say that.

MARGARET: You checked with the Town Board and the Town Board's position was that there wasn't a shortage of staff.

MR. BRODMERKEL: No, I didn't say that, you can check the minutes, I didn't say that. What I said was the Town Board feels that the tax district and the income from the tax district will be able to handle the problems in the future.

MR. NOVESKY: That's the tax district being formed specifically?

MR. BRODMERKEL: Not being formed, there's a tax district for the ambulance corps, okay, if you look at your tax bill on there there's ambulance corps tax bill.

MR. NOVESKY: What I'm saying is the taxes paid at Cornwall Commons will include payment.

MR. BRODMERKEL: Right, they're in the ambulance tax district.

MR. GOLD: Will they be volunteers?

MR. JACOBOWITZ: No, they'll be paid drivers.

MR. NOVESKY: So the income will be sufficient to cover, that's what you're saying.

MR. BRODMERKEL: They feel it will be enough income to handle the situation, I didn't get a reading or any answer on what the situation change or no change might be.

MR. NOVESKY: But Leslie in her scoping recommendations includes that as something they'll consider, correct, Gerry, in your scope?

MR. JACOBOWITZ: Yes, actually, I think we did it in the EIS but since it came up so many times already we figured just easier to try to address it again.

MR. BRODMERKEL: As we discussed before with the sewer system this is a tax district, it's a town responsibility, it's a service they provide just like police and sewers tax for it, town will have to find a way to provide it.

MR. NOVESKY: Anything else?

MR. BRODMERKEL: I had a chance to read all of the letters a number of them made some points and I went back and checked through it, the scope that was handed to us in the draft or the one we got tonight and went through again and I think that just about everything is covered in the scope that was mentioned by any of the input personnel and there's one question I have that I'm not sure of is there a, you knew, traffic study was just done?

MR. JACOBOWITZ: Yes, we submitted it with our application for lot 10 and that will be the basis of providing everything in item G, I think G or H that Leslie has I think there's one.

MR. BRODMERKEL: There was, it was a little technical so unfortunately Mark's not here to help us with that but--

MR. JACOBOWITZ: One of the questions that we'd like to ask is for doing the buildout date we're going to use 2010 cause when we project things we're going to try to project based on what we can anticipate between now and

2010 and we could say 9 or we could say 11, 9 is too soon and 11 is too long so we're going to use 2010 as the year cause I think Leslie you asked that first question in Leslie's scoping outline is the year that we'll use.

MR. BRODMERKEL: The last thing I'd like to just confirm and I think the board needs to confirm in their minds on an overall scope there's three things that we want to see coordinated with all lots which was consistent in the letters from the public, the view, the traffic and the storm water management they have to be.

MR. KLOSKY: Can we add at least a notional grading plan to that list for across the entire site?

MR. BRODMERKEL: It was not something that I had been considering more than I heard mentioned a lot if the board wants to include that, that's fine. But those three things were brought up a number of times by us as a group and I think that's what the board wants to hear then we should let them know.

MR. NOVESKY: Which ones?

MR. BRODMERKEL: These three things have to be addressed as an overall, overall lots, what I mentioned was the view impact, traffic, storm water management/grading.

MR. KLOSKY: Yeah, I would like to emphasize grading because I believe that the grading is a significant challenge and it seems like I know it's a down in the weeds technical detail but to be able to demonstrate that there's a way to do fill balance properly on the site and bring it all about.

MR. BRODMERKEL: I don't know how you're going to go about this but before we conclude this evening we

should say to the developer what items we expect to be covered on an overall 1 through 10 lots, the whole project scope.

MR. NOVESKY: Right.

MR. KLOSKY: I have one other detail before we go into it cause I think we have to go through it by each on the scoping and say what we're going to do in the end, right, at least on the ones that Mr. Jacobowitz mentioned in detail say whether or not we're going to include them but last thing I wanted to mention one of the letters specifically from specifically from Palisades Interstate Park Commission Poughkeepsie talks about PIPSI has recently entered into cooperative effort with Scenic Hudson to create a greenway linking properties along the lower Moodna Creek as this will parallel Cornwall Commons and benefit all the residents of Cornwall request an SEIS include an assessment on this greenway, I concur with that, I would like to see that addressed in the supplemental. I also would like to very much commend PIPSI for pursuing this, I think that the time is now development is upon us if we're going to make a greenway along the Moodna which seems a very logical thing, I think it's a commendable effort, I hope they'll have every success with it.

MR. NOVESKY: If the scope is completed, if the developer completes their work and we consider certain aspects of that to be inadequate or incomplete can we toss it back to them and they would have to round it out and complete it or address it more adequately?

MR. CORDISCO: Talking about the scope or talking about the studies that are done after the scope is adopted?

MR. NOVESKY: Talking about the studies that are done after the scope is adopted.

MR. CORDISCO: Talking about adding new issues.

MR. NOVESKY: Not new issues, fully addressing the points that are contemplated by, for example, subject to the changes that are made or agreed to or disagreed they complete this, they do the work speaking in normal English we feel that specific issues are not fully addressed can we toss them back?

MR. CORDISCO: Yes.

MR. NOVESKY: As long as it's covered in this outline that if we should accept it then we can have it addressed more thoroughly if we don't feel it's adequately addressed.

MR. CORDISCO: If I may Leslie has done a very admirable job in putting together a more complete scope that really sets out the level of detail that's going to be expected for the supplemental. And of course just like any other EIS you'll have the ability to review it for completeness and you're going to be able to review it and determine whether or not it adequately meets all the issues that were outlined in the scope to the level of detail that you're satisfied with. And it won't be determined complete and ready for public hearing until you do.

MR. NOVESKY: On that basis then I think the significant discussion has to be held with regard to the portions of the site, whole or in part that are addressed in the scoping of the project that's, I agree wholeheartedly with what Led was suggesting in that there should be a full at least buildout, a plan so that the board has a fair understanding of how the issues that Leslie pointed out relate directly to an overall site development plan, at least it can be relatively hypothetical buildout plan but has to be shown and demonstrated that the site in fact can be completely built out in consideration of all the issues listed in here.

MR. CORDISCO: I'm glad you mentioned the word theoretical because as Mr. Jacobowitz mentioned before what's only been applied here of course is for the residential, the other 9 lots all the commercial development that was previously studied on a conceptual basis in the generic remains conceptual at that time so I suppose it's possible that the supplemental can consider an update to those conceptual plans but they remain conceptual.

MR. NOVESKY: They're conceptual but at least we can view it as a full buildout, I think that citing one of the comments that we received pursuant to the August 7 meeting that we had here it was agreed and I think Michele was representing the developer at that point that the contemplation was going to be for the full 10 lot subdivision rather than simply the one lot number 10 and I think that somehow that has to be fully reflected in the SEIS, not necessarily as a final site plan approval but at least in a conceptual basis so that we see what the impact's going to be on all of these issues on the overall site plan.

MR. CORDISCO: My only concern about that statement is that there has already been a generic and this is just--

MR. NOVESKY: I believe the August 7 meeting was post acceptance of that preliminary GEIS, am I correct?

MR. CORDISCO: Of course the generic was done several years ago.

MR. NOVESKY: I should say that the plans scoped SEIS as including the entire site, that meaning all 10 subdivision parcels, the applicant's attorney then was asked to acknowledge this and accept it in two separate questions and she answered to both questions at that point, I infer that they recognize that you recognize

that there's a, at less a full 10 site plan conceptually being developed at least if I'm wrong correct me.

MR. CORDISCO: I think it's really if I may it's a question of implementation and how you actually prepare the supplemental in the context of the, where they're in the process. It would be wrong in my opinion to suggest that this is a do-over, that this is a re-evaluation of whether or not because certain things have happened, you know, apart from the fact that you have already concluded a generic, the zoning has been put into place and in fact a special use permit has been granted specifically allowing this use at this site.

MR. NOVESKY: Say that again.

MR. CORDISCO: Let me ask you, you said this use at this site?

MR. NOVESKY: Yes.

MR. CORDISCO: The Town Board after your recommendation granted special use permit allowing this use at this site.

MR. NOVESKY: For the PAC.

MR. CORDISCO: Subject to site plan review and subdivision approval of course. So my only concern is that you have to be very careful not to suggest that the supplemental is evaluating the entire project and whether or not it would be appropriate to deny it because of the environmental impacts, significant environmental impacts, once again, this is not a do-over at the very beginning of the process where that would have been an option.

MR. NOVESKY: I understood that when we initially

discussed the approval the first time of the environmental impact that we were doing it realizing that we had full authority to consider same at a later date. Our objective the first time around I believe was to allow the developer to move the project forward fully understanding however that the board would have an opportunity to consider the full site review prior to further movement, I think that that was the, am I correct, correct me if I'm wrong board because if I'm wrong, I withdraw.

MR. BRODMERKEL: I believe you're correct.

MR. HAZIRJIAN: We talked about the second bite at the apple, look at the entire project and that's when the first site specific plan came out, this is the first site specific plan.

MR. JACOBOWITZ: I just want to make sure I understand your point, Neil. As I don't think you just said anything different than what Leslie has in here, in the Roman numeral 3, cumulative affects of the remaining site on a generic basis and what Mr. Brodmerkel said which is specifically with respect to that the view, the view issues, the traffic issues and the storm water and what Led had added to it which was the grading to show what the fill and balances will be, are you saying there's something else?

MR. NOVESKY: No, I'm not saying anything else.

MR. CORDISCO: As I said--

MR. KLOSKY: Storm water and grading are like are married like that so--

MR. CORDISCO: Grading aside for a moment, it's really, my point is it's a question of implementation and this is the actual implementation of this concept that you are having a second bite at the apple, it's a second

bite at the apple on those discrete specific issues, it's not a second bite at the apple as should there be a PAC at this location.

MR. NOVESKY: Absolutely correct, but that's why--

MR. CORDISCO: That boat has sailed.

MR. BRODMERKEL: We can stipulate three or four items that we anticipated before and still anticipate we're going to cover.

MR. CORDISCO: Yes and you evaluate those and if there are significant adverse impacts they'll have to be mitigated.

MR. NOVESKY: But I want those impacts to be contemplated on the entire site, Dominic.

MR. CORDISCO: And that I think everyone is in agreement on that.

MR. NOVESKY: Okay.

MR. BRODMERKEL: We can stop talking cause we all agree.

MR. NOVESKY: Okay.

MR. CORDISCO: Admittedly this is a very complex process and it is as Mr. Jacobowitz pointed out, you know, there's not many people willing to go through the generic process because this is often what comes back, you know, you go through a lengthy environmental review and then you come back in and some point later on and you have to update it and the question then becomes to what extent do you have to update it, to what extent do you go through the entire process.

MR. NOVESKY: Let me address one of the updating water

issues it is pointed out in the comments by Simon Gruber on page 4, do you have them, Gerry?

MR. JACOBOWITZ: Page 4 of Simon?

MR. NOVESKY: Where he, I'm not saying he's right or wrong but just want to make sure that they're addressed that they were, he's suggesting and I might be wrong where there was some incorrect information related to the Moodna Creek and the quality of the water at Moodna Creek, does anyone recall that?

MR. JACOBOWITZ: There's a sentence that characterizes the condition of the Moodna Creek that he takes issue with, yeah, we understand that.

MS. DOTSON: I think it's important to understand that the purpose of this document is not to rehash the GEIS.

MR. NOVESKY: I realize that but if there were incorrect information which I think Gerry's understanding what I'm asking if there was incorrect information in the first GEIS, sorry, and I should make sure we can't recontemplate issues that we already accepted but if we accepted them based on incorrect information at least discussion should be brought to the table that would be at least appropriate, other than that, I'm fine. Anybody else have any issues?

MR. KLOSKY: Mr. Chairman, seems like we now need to actually crawl through the scope and accept or reject sections of it cause we can't, we're now contemplating some changes to it or perhaps we now hand it back to process wise we could hand it back to Leslie and ask her to make changes based on this evenings discussions and then take an up or down vote on the scope next month or Dominic, how do you think we should proceed at this point?

MR. CORDISCO: Well, you're running into a timing issue

because there's 60 day timeframe from when you, the scoping process started to when you're supposed to adopt a final scope. At this point, I think Leslie has put together a comprehensive draft scope that addresses many of these comments and I know she's been taking notes throughout the conversation, I'm not sure I can speak for her, but it sounds as if the draft scope needs to be tweaked and then perhaps adopted or whether it could be adopted or authorized by the board for adoption subject to these changes it remains up to the board.

MR. JACOBOWITZ: Are there changes, I mean, I didn't hear anything that was said that--

MR. CORDISCO: For instance, you asked the Town of New Windsor be taken off as an interested agency that's an easy change.

MS. DOTSON: Yeah, but they're still an interested agency.

MR. NOVESKY: So Gerry what we'll do, Led, we'll review and discuss the requested changes on the part of the developer and then accept or reject the document on than basis unless you have additions to the document.

MR. KLOSKY: We'll have to make a, accept it pending Leslie's modification based on this evenings discussions.

MR. BRODMERKEL: Why?

MS. DOTSON: Time wise we're in trouble but I think that there have actually been really--

MR. KLOSKY: Doesn't contain some of the specific language we'd be looking for based on this evenings discussions.

MR. BRODMERKEL: I don't understand that because this is pretty specific.

MS. DOTSON: For example, if you look at the bottom of page 1 where it looks at, looks at Roman 3 (a) we would just simply add the specification as to consideration of views, traffic, storm water and rough grading.

MR. KLOSKY: That's a modification of this.

MR. NOVESKY: If I might, why don't we take the requests on the part of the developer, accept Leslie's comments and Dominic you were shaking your head at one point when Mr. Jacobowitz was presenting them and then open it up for further and final discussion so Leslie were you taking copious notes on Mr. Jacobowitz's comments?

MS. DOTSON: Absolutely.

MR. NOVESKY: Go through them one at a time and have the board discuss and reject them and move forward.

MS. DOTSON: That makes sense.

MR. NOVESKY: Hit us starting with the first.

MS. DOTSON: So the first one is on page 1 of 7 at the bottom under Roman 3 (a) this would just specify that the consideration of the town lots should consider views, traffic, storm water and rough grading.

MR. JACOBOWITZ: Fine.

MS. DOTSON: Moving on to page 2, Gerry had objected to item (b)(1)(d) which relates to the easements fee ownership of any utility installations or private agreements he wants to delete that.

MR. BRODMERKEL: He wants that deleted.

MS. DOTSON: It doesn't matter to me, I don't think it really affects anything.

MR. NOVESKY: Board?

MR. KLOSKY: I still would like to see at least a notional connection.

MR. HAZIRJIAN: Well, isn't there an easement issue with NYMA?

MS. DOTSON: That's addressed separately.

MR. CORDISCO: If I may, we also discussed that and that would certainly be a part of the subdivision we grant preliminary subdivision approval and it was stated explicitly as part of that approval that they have two options, one they can either come to an agreement with NYMA and show exactly where that connection is going to be prior to getting final subdivision approval or if they don't then there's going to be a note that's going to be required placed on the final subdivision plat saying somewhere out there there's a potential for a connection and it's going to have to be addressed at a later date, my preference and everybody else's preference that it not been the latter.

MS. DOTSON: So under C for involved and interested agencies, Gerry has I think correctly identified that Town of New Windsor Town Board is no longer an interested agency, it will still have to be notified of this just because of its location close to the border and we'll add the Village of Cornwall-on-Hudson as involved or interested agency.

MR. BRODMERKEL: Substitute C-O-H for Town of New Windsor.

MS. DOTSON: Correct, yes. And moving on to at the bottom of page 3 under Roman 4 (b)(1) Gerry would like to remove existing soils, grades and contours, I think the board and we both objected because we don't think that you can show the grading plan without showing what it is relevant to so it's a before and after.

MR. BRODMERKEL: What's the purpose in keeping it?

MS. DOTSON: Because we need to see what is to see what they're changing, the grading plan is relative to existing form, if you're going to shove the dirt over you need to know what you're changing.

MR. KLOSKY: Much of that information already exists, it's just a matter of presenting it.

MS. DOTSON: But there's relevance in re-establishing this and also in establishing what soils you're moving relative to the site specific analysis. So there are no changes on page 4. On page 5 under (d) for waste water management under (a) the last sentence Gerry's objected to that, wants it removed and I think based on all the discussion it seems correct that this should be done that that will be removed because that's a Town Board issue.

MR. NOVESKY: Agree with that?

MR. BRODMERKEL: Yes.

MR. GOLD: Fine with me.

MS. DOTSON: On page 6 there were no changes. On page 7 under J for community services for school district, I will remove the question mark and just clarify that this is intended to address the impacts that would be associated with the few children who may be there in terms of transportation.

MR. NOVESKY: I think and would there be a possibility of contemplating Mr. Gold's suggestions?

MS. DOTSON: Yeah, I have a question mark on that one, that's the one you'd need to discuss. I swear I've seen this issue before, that there's some data I think we should add it to be addressed to the extent that we can with the understanding that they're not expected to undertake a whole study, but if there's existing data that this can be presented. And we're eliminating (d), the impact on other general town facilities because we have, oh, by the way, C for recreation facilities we'll also specify to include trails.

MR. NOVESKY: If I might under (d) I have a note that that you should include library, police, garbage, fire, is that addressed elsewhere in this thing?

MS. DOTSON: I believe that that's, bear with me, I have to look back.

MR. NOVESKY: Provide a list of the impacts not Town Hall, but the library, police, garbage, I don't know that that was addressed elsewhere but I stand corrected.

MS. DOTSON: I believe that was addressed in the Generic EIS certainly.

MR. BRODMERKEL: You're saying it's already been covered?

MS. DOTSON: It's been covered in the generic, I mean, the specific impacts.

MR. NOVESKY: How can it be covered if we didn't know how many units there were going to be and if we're talking about impact on police, library, garbage and fire, then why would we address it under (b) ambulance corps impact?

MS. DOTSON: That's true so garbage, fire, and with respect to energy consumption.

MR. BRODMERKEL: Delete that.

MS. DOTSON: I thought we were deleting the part about landscape designs, but I think that I had understood there was still some call for leaving in the question of incorporating green building and site layout.

MR. CORDISCO: I think it's up to the board and because this is outlined in the scope discussion about the potential for green buildings doesn't mean they have to build them.

MR. HAZIRJIAN: Leave it in, see if they'll be good citizens.

MR. BRODMERKEL: Anybody have a need to delete or take that out? I'd rather see it deleted.

MR. HAZIRJIAN: Maybe it will encourage them to save our energy.

MR. NOVESKY: Maybe the recreation building will be a green building, you can say they'll contemplate at least we'll see it, okay.

MS. DOTSON: It's interesting for some of the stuff we have seen you don't have to do that much to rate fairly high.

MR. JACOBOWITZ: Did anything get deleted?

MS. DOTSON: Delete landscape design portions of it so it would now read incorporation of green building standards and that will refer to leads and site layout, that's it.

MR. KLOSKY: I think it's worth mentioning to the public that the scope has moved forward greatly since the one reviewed prior to the comments that we received from the public, just because we haven't discussed certain issues such as tree sizes, et cetera, in detail doesn't mean that they aren't in the scope, tree sizes landed directly in the scope and will be contemplated as part of the supplemental environmental impact statement, there's a lot of stuff just because we haven't talked about it I really appreciate everybody taking the time to write it up and give us the input that we need to do a good job with this.

MS. DOTSON: I just don't want to mislead anybody though because there's kind of a weighing and balancing that went on, certainly we do need to locate the existing significant large trees as identified in the large DEIS.

MR. BRODMERKEL: Can I make a motion that we accept the changes as enunciated by Leslie?

MR. NOVESKY: You may make a motion, I will take a second.

MR. CORDISCO: Motion to actually adopt the scope as changed.

MR. BRODMERKEL: As changed, yes.

MR. NOVESKY: But I'd like to have discussion.

MR. BRODMERKEL: Is there a second?

MR. GOLD: Second it.

MR. NOVESKY: Discussion.

MRS. DEANS: I'm happy doing it the way we're doing it now, the way it's proposed.

MR. GRABE: Yes.

MR. GOLD: As well.

MR. HAZIRJIAN: Moving on.

MR. BRODMERKEL: Call the motion.

MR. NOVESKY: We have a second. 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

MR. KLOSKY: I move for a five minute recess.

(Whereupon, a brief recess was taken.)

VAILS_GATE_BUSINESS_PARK_-_2006-17

MR. NOVESKY: You don't have to move because we agreed before the meeting Winding Creek, Vails Gate Business Park.

Mr. Tom DePuy of DePuy Engineering appeared before the board for this proposal.

MR. DEPUY: We had from the previous meeting we had gotten comments from the consultants, revised the plans, one of the biggest items that we straightened out was the usage of the building itself and the parking demand. We have gone through that, basically we have given, try to set some thresholds to work with in order to establish the use of the building and its parking demands and we're going with the wholesale warehouse about 62 percent and the light manufacturing of about 38 percent about what it works out to. We had also reworked some additional parking areas, supplied some handicapped parking spaces around the area, we gave an additional entrance into the large parking lot to give easier access if you come around the building and you need to park so it's not such a far reach to get back to that parking lot. That was a concern that it wouldn't be used with the distance that it was to get to the entrance. And I think we had resolved the other issues. We're still now that we have it finalized we reshaped the two storm water ponds that are required for the facility itself in order to do the storm water management required with the DEC in order to meet the new storm water regulations for a developed lot and I think we had, I think the one issue that Leslie had brought up is the, the property itself can handle all the parking that's required under the requirements but what we're showing is a large area that's undeveloped at this time cause the client's experience is that they don't need as much parking as is required under the zoning and we see no real reason to pave a large impervious area that wouldn't be used.

And I think we asked about I guess we were referring to them as green space, whether the board had the ability to approve what we refer to as green space.

MR. NOVESKY: I don't think the board has the ability without going to the zoning board to approve fewer parking spaces than are required by Town Code, am I correct?

MR. CORDISCO: That's correct.

MR. NOVESKY: You'd have to go to the Zoning Board.

MS. BABCOCK: If I may just to clarify just for a second we're actually showing the parking spaces as unimproved, it's not going to be blacktopped but the parking spaces do currently exist so we do meet the requirements under the zoning, we're simply requesting that we not have to blacktop that area.

MR. NOVESKY: Let me refer to our attorney on that.

MR. CORDISCO: Yes, we'll review that and respond back.

MR. NOVESKY: That's just a matter of interpretation of the code.

MR. CORDISCO: Yes.

MR. DEPUY: And then we had, there was an issue about loading spaces that we have straightened out and I think that's about the only outstanding items, I didn't, was there a comment letter from Mark?

MS. DOTSON: Yes, you didn't get it?

MR. DEPUY: We didn't get a copy of that.

MR. CORDISCO: I can give you my copy.

MR. NOVESKY: Leslie, you're going to share Mark's comments or Dominic with that in mind we can--

MR. KLOSKY: I only have one quick question, where do you contemplate providing security for the mini storage area?

MR. DEPUY: What do you mean as far as fences or anything like that?

MR. KLOSKY: Yeah, typically mini storage areas are isolated from the public just driving up in the middle of the night and tampering with the locks or whatever, it's an attractive nuisance to some degree, so I'm not sure whether you're contemplating any sort of--

MR. KESSLER: Fence is going to be before the mini storage area.

MR. KLOSKY: Yeah, so I'm just wondering if you're--

MR. KESSLER: Property's fenced in now, we're going to make, there's a gate in the main driveway coming in.

MR. KLOSKY: I guess I didn't see the gate, can you show me where on the plans the gate appears not just where you're going to put it but where on the plans it appears?

MR. NOVESKY: Could you introduce yourself?

MR. KESSLER: Jeff Kessler. There's another guardhouse how many feet in would you say?

MR. DEPUY: Approximately 300 feet in.

MR. KESSLER: Approximately 300 feet in there's an existing small guardhouse a little box there.

MR. DEPUY: We can delineate that better.

MR. KLOSKY: I guess the reason I'm concerned about this is because this is in a fairly isolated area and so at 1 o'clock in the morning there's very little activity back there so we'd want to do what we could to improve the site.

MR. KESSLER: We were worried about dumping.

MR. KLOSKY: Is this your, I think that in general you should do what we can to make this a not an attractive site for kids to hang out and drink beer, people dump garbage and mess with the mini storage so I'd like to see details on how you're going to secure the site.

MR. DEPUY: We'll delineate it better.

MR. NOVESKY: On that basis the only action we can take is to refer to the Orange County Planning Department.

MR. BRODMERKEL: I have one point that I'd like to make I think also we specifically talked at making a connection and the best way for me to do it is to show it on the bottom of this parking lot connecting to the roadway around so that people and parking--

MR. DEPUY: We had a grading problem there, that's why we had to move it up to here.

MS. DOTSON: But he's got two pedestrian connections that he's shown so I show you what was restricting him was the grading but he did address that as best he could so there are two pedestrians connections so he can shift over the drive.

MR. DEPUY: What we figured we'd do is let cars ride up here and they can walk across here to get access to the building without having to walk back up this way but the problem we had we tried that, we tried regrading it and it didn't work because there's a grade differential

between this lot and how this is developed.

MR. BRODMERKEL: Okay.

MR. NOVESKY: Okay, Kenn?

MR. BRODMERKEL: Yeah.

MR. KLOSKY: I don't love it though.

MR. BRODMERKEL: The front of the facility both shown on your map and I've got an area of the facility looks like that should be able to put in two different turns lanes to allow traffic flow to be better. There's one turning lane in there now, there's a hashmark with a wide area, I don't know what you might want to call it that could be used as a turning lane.

MR. BRODMERKEL: Request that to be looked into.

MR. KLOSKY: Provide a detailed plan that shows a larger blowup with the intersection of 94 so we can get an idea of the existing and improved conditions cause I don't think I see any improvements that we talked about either.

MR. BRODMERKEL: I don't think we talked about any.

MR. NOVESKY: We're moving forward here. Any other comments?

MR. BRODMERKEL: Suggest we send it to Orange County whatever.

MR. NOVESKY: Is that a motion?

MR. BRODMERKEL: 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. NOVESKY: You have been referred.

MS. BABCOCK: We're also here tonight to request that the board waive the public hearing requirement on this application since this is merely the redevelopment of an existing site and which is allowed for under your zoning code.

MR. NOVESKY: On that, Michele, I know that the Town of New Windsor Planning Board deferred to us that responsibility and I think that I would encourage board members to consider that, that the Town of New Windsor Planning Board gave us lead agency status and also deferred any contemplation of a public hearing to us.

MR. CORDISCO: Yes, I think it would be proper to characterize it that they expressed their intention to waive the public hearing on the site plan approval that would be required in New Windsor.

MR. NOVESKY: You're such a lawyer. Okay, what do you think, board?

MR. KLOSKY: I'm not inclined to waive the public hearing, I think this is a significant change in use, I think the public ought to be allowed to comment, it's a large enough project, if it was one retail, one little retail store, something like that.

MR. NOVESKY: Jane?

MRS. DEANS: I agree, it's a change of use.

MR. GRABE: I don't feel we need a public hearing.

MR. GOLD: I think we need a public hearing.

MR. HAZIRJIAN: I think any project that impacts Five Corners and this is certainly one of them should be brought before the public.

MR. BRODMERKEL: I think we've had our vote.

MR. NOVESKY: I will call a formal vote, all in favor of waiving the public hearing, that's all in favor of waiving a public hearing raise your hand, please.

MR. KLOSKY: Leslie, do you believe we're ready to set a public hearing for this? Do you think this project is far along to set a public hearing?

MS. BABCOCK: If I may, I would request it sooner, that we can, if we're going to go forward with a public hearing, the sooner we get public comments and incorporate them.

MS. DOTSON: Yeah, that's, no, I think that there's a merit to it, if you feel that you need it at all, truthfully.

MR. GOLD: Shouldn't we hear from the county first?

MR. CORDISCO: You don't need to hear from the county, you can't act until the county has responded or at least until after 30 days where the county has had a chance.

MR. NOVESKY: I will take a motion to schedule a public hearing for this project.

MR. KLOSKY: So moved.

MR. GOLD: Second it.

MR. BRODMERKEL: Discussion, what are the reasons we should or should not waive public hearing or is that just totally our discretion?

MR. CORDISCO: It is discretionary on your part, I think some of the factors have been bandied about by you already, that this is an existing building but then nevertheless it is a congested intersection and those impacts are inviting public comment and even though it is an existing building there are some significant changes here, so it's up to the board. There's no legal opinion one way or the other.

MR. NOVESKY: Thank you, Dominic. All in favor?

MR. BRODMERKEL: Excuse me, Mr. Chairman, can we have a read back of your motion because I don't--

MR. NOVESKY: Motion on the floor to schedule a public hearing for this project for next month.

MR. BRODMERKEL: Right, it's been seconded.

ROLL CALL

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

MS. BABCOCK: As far as coordination based on New Windsor recommendation that we send notice.

MR. CORDISCO: Yes, that's a good clarification, if New Windsor did make the request that if you do hold a public hearing which you're going to do that the applicant in addition to notifying of course everyone in Cornwall but also everyone in New Windsor that would fall within the radius that they have to notify.

MR. NOVESKY: Thank you.

WINDING_CREEK_-_2005-14

MS. POTTER: Good evening, my name is Lorraine Potter, I'm with Lanc & Tully representing Winding Creek. First I'd like to take the opportunity to thank you for placing us last even though our traffic consultant is not here yet. We're here requesting a negative declaration on this project, we believe we have addressed all of the issues of concern. I will go through and reiterate the concerns. I was here earlier to listen to your brief work session, in regards to sanitary sewer, we have done a study of off-site concerns and have tried to identify those areas, we have met with the town engineer on several occasions, we have provided him with a report indicating where those concerns and issues are, and have implemented the ways for doing the mitigation. Rose Hill would be reconstruction of sewer and also install minor drainage system to allow the sump pumps that are there existing now to connect to that rather than the sewer system. Mailler Avenue we'd be doing slip link to alleviate the inflow into the existing sanitary sewer system due to cracks or any pipe problems in that area. And Smith Road we're going to be doing replacement of a manhole. By doing all this, we would be reducing the INI by twice the flow of what this project would be requiring. As far as storm water--

MR. BRODMERKEL: Can you explain that statement?

MS. POTTER: When we did the study, we were looking at areas to be able to reduce the amount of flow going that we would need what was required by the town, by the engineer was that we reduce the flow by twice the amount of the flow that this project would require.

MR. BRODMERKEL: The term require, you mean that this project would cause, that this project would put out?

MS. POTTER: Right, I'm sorry.

MR. BRODMERKEL: Doesn't work on the word require.

MS. POTTER: I apologize.

MS. DOTSON: It's the demand flow which actually is higher than what they'd actually use.

MS. POTTER: I didn't mean to--okay, as far as storm water is concerned, we have prepared a storm water pollution prevention plan which we addressed and identified the problems as far as the storm water that would be on our site. We had presented this to the town engineer, it was reviewed fully, we made corrections and changes, we received a sign-off by the town engineer in May 6, 2006. The storm water on the site would have no net increase in the rate of flow leaving the site and a 10% decrease in discharge rate leaving the site. We're also doing, I have offered to do off-site improvements, the town had started improvements on the drainage on the lower part of Mailler Avenue, they had a grant, they ran out of money, the applicant has gratuitously offered to complete the drainage system that was not completed at that time. As far as the water is concerned, we were providing additional water replacement in Mailler Avenue with 12 inch line, we realize that the pressures in that area are low, we're also going to relocate the, there's an existing pressure reducing valve in this area here, we will be relocating it to this portion. We have been meeting with the village engineer regarding the water system and have also been in contact with same tech in regard to doing a, preparing the model for the village system to determine what flows would be required in this area and what the pressures would be, also in order to determine how the pressure reducing valve should be set up. Also the Orange County Planning Department had recommended approval in July 18, 2006 of this project. In regard to traffic, unfortunately Mr. Greeley is not here at

this time, we have done additional research to determine the title report, to determine the ownership of Cottage Street. In all of our survey work, the lots that are facing on Cottage Street do not own Cottage Street, it's one of those it turns out it seems to be it's a black hole. We have spoken and met with Mr. Edsall, John Collins has prepared this plan as far as improvements that we would be making to the streets where we'd be coming out on Ferguson. This outlines improvements to Ferguson, widening, repaving Secor, just straightening out the pavement edges along Cottage Street by providing the widening also.

MR. BRODMERKEL: Paving?

MS. POTTER: Well, Mr. Edsall has met with the Town Supervisor, he's also going to be talking to the board as far as the town providing the materials but the applicant using his equipment to improve Cottage Street so this is what--

MR. BRODMERKEL: Up until now our understanding is that was a private road.

MR. KLOSKY: Do they have this plan?

MS. POTTER: Yes, that plan is part of your I believe it's your last sheet, sheet 29. The concern was before we would, that this may have been private ownership and that's what we were concerned about. One of the things we were waiting for was for the title search to be done to determine this and this is what has come back. Michele, you've spoken with the--

MS. BABCOCK: If I can just basically recap what Lorraine just said just to, it's been a while since we've last been here. If you remember in July we were here for a public hearing. We returned the following month in August, we had already received the Orange County Department of Planning approval and we came back

and addressed any comments or questions that were raised during the public hearing. The issue at the Town Board or the planning board meeting in August was the fact that the, the fact that the Town Board had yet to act on the proposed sewer improvements which later that same month the Town Board has now authorized the town attorney to draft a developer's agreement that would allow for us to do the sewer improvements and drainage improvements that Lorraine just spoke to you about. We thereafter returned back in September seeking a negative dec on this project and at that time there was a question as to the traffic which Lorraine is referring to now and based on than, a plan was prepared by Phil Greeley which has been reviewed and my understanding is approved by Mark Edsall which shows the traffic improvements off-site as far as Cottage, Secor and Ferguson with the understanding that we do not have the right to enter onto Cottage Street but Mark did relay the message that we, that he was going to speak to the Town Board as to whether they had any interest in retaining the rights to this property and then therefore of course we would be willing to make the improvements as shown on this plan.

MR. BRODMERKEL: Michele, quick question, legally, how do they go about obtaining the street to do that if you don't know?

MS. BABCOCK: You can ask your own counsel.

MR. CORDISCO: Go about the right to do exactly what, I'm sorry?

MS. BABCOCK: In order to make the proposed improvements right now it's really a black hole.

MR. CORDISCO: That's right.

MS. BABCOCK: We're not sure who owns it and as you all know, the town doesn't plow or maintain those roads,

I'm assuming they could do so by eminent domain.

MR. KLOSKY: They're private roads.

MS. POTTER: No.

MR. NOVESKY: They don't know what it is.

MR. CORDISCO: Their status is unclear.

MR. KLOSKY: Yet that's the principle connection of the town of this large project.

MS. DOTSON: No.

MR. KLOSKY: That's the, most people will be using that to go into town.

MS. BABCOCK: No, when they, we were here last month what we proposed was signage and a turnaround so that emergency vehicles would have adequate access in order to turn around. We weren't actually proposing these improvements to Cottage. Based on our appearance last month, we explored that option, we traced it back to a 1920 deed where all this property was owned and it was after that time portions of it were deeded out, however, the area of the road can't be traced back.

MR. KLOSKY: Ferguson is maintained by the town?

MS. BABCOCK: Yes.

MR. BRODMERKEL: Strangely.

MR. KLOSKY: But Ferguson--

MR. BRODMERKEL: Can they claim that by eminent domain.

MR. CORDISCO: It's possible at this point I think.

MR. BRODMERKEL: Nobody to object.

MR. CORDISCO: The point is that its exact legal status is unknown, oftentimes you run into murky situations where a property has not been offered for dedication to the town, it's not been accepted as a town road, but it's nevertheless a public thoroughfare and that's the situation that we're in right now.

MR. BRODMERKEL: Town can also turn it into a town road through public use or there's a term that I've forgotten what it is.

MR. CORDISCO: Yes.

MR. BRODMERKEL: They have been using it for X number of years already then it's ours.

MR. CORDISCO: Yes.

MS. POTTER: It was my understanding also that at one time they, the town actually was maintaining this until they--

MR. CORDISCO: Further complicate matters, that's correct.

MR. NOVESKY: Leslie, do you have any comments?

MS. DOTSON: Yes, basically, they have obviously done a heck of a lot of work, they have submitted very detailed revised set of plans and they have responded to comments in addition to other work that they just related to you. We understood that they're asking you to authorize the consultants to prepare a SEQRA determination and we understand specifically that they're not seeking to have you adopt any actual site plan approval at this time. And I noted that if that's what they're asking you to do and if the board agrees Dominic will certainly address any waivers that should

be offered. Any SEQRA determination that would be prepared for this site would have to be very detailed kind of on the lines of what was done for Chestnut Woods, not quite that long, we can hope. It would certainly recapitulate a lot of what they just explained, hopefully, by that time we can have some answer from the Town Board as to whether or not they'd accept the arrangement with Cottage Street. The revised plans are generally responsive to my earlier comments. I would like to suggest that the landscaping plans be reviewed one last time by Karen Ahrent, who is the consultant, landscape architect, I didn't refer the plans to her yet but there's plenty of time because as we noted you're not actually seeking site plan approval at this time. I did have some clean-up comments, I won't spend any time going into this, there's little conflicts and little mistakes. The bigger comment is comment 3, these plans have been revised to show gang mailboxes at the site perimeter in two places, one at the project entrance on Mailler Avenue and the other on Ferguson because according to their contacts with the post office, they would not deliver within a private development. My only concern had been that the gang mailboxes were shown fairly close to the edge of the public road and I was concerned it was going to result in traffic obstructions. So I was suggesting that it might be set farther back from the road on the bumpout, even six or seven feet of a setback would help improve safety, give a place for people to pull off the road while they're getting their mail and ensure that they don't interfere with site distance. I'm pleased they have agreed to a supplemental landscape contingency budget as I suggested to being provided prior the site plan approval. This would be helpful just because some of the areas where they're relying on some existing screening, as we know, sometimes existing tree screening when it's fairly thin doesn't wind up looking like much, so if there's a contingency budget we can fill in in places where we hadn't evaluated, that's the right way to do it. Nothing else.

MR. NOVESKY: That's it? Thank you, Leslie. Dominic?

MR. CORDISCO: Yes, I did speak briefly with Mark Edsall this afternoon and while we did not go into great amount of detail because he was not feeling well, he did mention that there were two outstanding concerns that he had regarding further detail on the public water supply and also regarding traffic, nevertheless, he felt that the board if it was asking for his recommendation that the board could very well direct the consultants to prepare a negative declaration contingent on the remaining issues being resolved, of course he's not here to talk about his issues, so I apologize for that on his behalf.

MR. NOVESKY: Thank you, Dominic.

MR. KLOSKY: I'm unconvinced about the improvements along Cottage, Ferguson leading into Willow, I think that most of the people leaving this place will come out the road labeled Road A onto Ferguson and then go onto Willow, make a left, head into the town. I think that's how they're going to do it. I guess they might pop out onto Mailler if they're on the other end of the development so I'm, I guess I'm just unconvinced about the improvements along Ferguson. And I'd certainly like to hear directly from the town's engineer before proceeding with a negative declaration. I feel uncomfortable proceeding with a negative dec before hearing from Mark directly cause I wanted to ask him some questions.

MR. CORDISCO: If I may make one suggestion, you could authorize the preparation of one just so that the board at next month's meeting you could have one so you could review it but you might not adopt it, at least that way you would actually have something in writing to review.

MR. NOVESKY: Thank you, Dominic. Jane?

MRS. DEANS: No, I think there's too many things especially not only who's going to own the roads and I don't think we're ready. Are we talking about a SEQRA here?

MR. CORDISCO: Yes.

MRS. DEANS: Talking about a SEQRA, okay.

MR. NOVESKY: We're talking about two things, one we're talking about the authorizing Dominic to prepare or Leslie to prepare a negative dec or two talking about a negative dec.

MRS. DEANS: I think that she should go ahead and prepare one.

MR. GRABE: Well, Mark had a lot of comments here but one was are there 52 or 49 units?

MS. POTTER: There's 52.

MR. GRABE: But he indicates that the grading plans indicate 49 units, Mark Edsall's comments.

MS. POTTER: I will verify that there are 52 proposed.

MR. GRABE: Might want to clarify that with Mark on his plans. The other thing you had brought up was the off-site sewer improvements approved by the town.

MS. POTTER: Approved by the town engineer.

MR. GRABE: But Mark apparently says they as well need New York State Department of Environmental Conservation approval also which you don't have.

MS. POTTER: Well, correct, we can't get that, we can't go to the DEC until we have a SEQRA determination.

MS. DOTSON: That's correct.

MR. CORDISCO: That's correct.

MS. DOTSON: No one will look at them until they have some kind of a SEQRA determination so they're in a little bit of a box.

MR. GRABE: That was all I had.

MR. GOLD: Yeah, I'm still not comfortable with the issue of the road that connects with 9W, I had some questions for Mark about that.

MR. HAZIRJIAN: Agreed, I don't think we're ready, we're not ready to pass any SEQRA at this point until we have more information so preparing it is okay, I suppose.

MR. NOVESKY: We'll get to that preparation issue in a second.

MR. BRODMERKEL: I'm personally pleased with all the mitigation on site and off site that I'm hearing about, and assume that our engineer would verify what has been said tonight, unfortunately, he's not here so that aspect of the two major ones, second one being traffic, traffic flow as Wynn so accurately pointed out to me coming north on 9W, taking a shortcut into Lee Road School would be almost perfect right through this facility, bring you right to the front door, that's a concern.

MS. POTTER: Even with the--

MR. BRODMERKEL: What do you have there that would mitigate that opportunity or problem if I'm coming from the south part of Cornwall and I'm coming north on 9W and I want to go to Lee Road School which twice a day a

heck of a lot of cars do, why would I not cut through here?

MS. POTTER: I don't believe you'd want to cut through here just because of the way that the street configuration going this way, even going this way you're going, you're meandering through a development, you're not, it's not a straight shot as far as the street is a normal street is concerned, you're meandering through a development.

MR. GOLD: But you're also missing the intersection of Mailler Avenue which is if you're coming off 9W it's very difficult at peak traffic time to make the left off Willow Avenue into Mailler Avenue, so if you can avoid that I think people will, that's a big concern.

MS. POTTER: As I said, the traffic consultant isn't here to address that but it's something that we would, you know, take a closer look at.

MR. NOVESKY: Bill had a question.

MR. GRABE: Leslie, are speed bumps allowed still?

MS. DOTSON: It's a private road, you can use speed bumps, yes, you could use something like that on the site.

MR. NOVESKY: On the basis of discussion, I'd like to put on the floor the board's opinion of asking about the preparation of such for the next month's meeting, if you want to consider it at that point or do you consider the inadequacy of the document inadequate to authorize the preparation of such?

MR. KLOSKY: I'd like the hear what the rest of the board has to say.

MRS. DEANS: I think that we can authorize him to

prepare it, to work on it.

MR. GRABE: I don't see a reason why they can't prepare it, doesn't mean it has to be--

MR. GOLD: I'm okay with that.

MR. HAZIRJIAN: Yes.

MR. BRODMERKEL: Yes.

MR. NOVESKY: Okay.

MR. BRODMERKEL: Make a motion.

MRS. DEANS: 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

MRS. DEANS: Discussion, I have one question in Leslie's comments here she says one point that should be clarified whether the applicant seeks to finalize the 2 lot subdivision component of this action when SEQRA is completed. Has that been answered?

MS. DOTSON: May have answered that before, it could be that I've forgotten.

MS. POTTER: What we're actually because there are a number of parcels involved and the ownership of some of these parcels are by different people, entities, if we, with the 2 lot subdivision what we were seeking to do

was break off this lot here and then eliminate the lot lines within, we can go ahead and do that when SEQRA is done, I just don't want to create any confusion by with the board as far as what we're doing and the timing, especially the fact that we don't have site plan approved yet.

MS. DOTSON: Right, but the subdivision was really a separate action, in fact, it has a separate number so it's kind of parallel, the SEQRA does piggyback on this.

MS. BABCOCK: Once the board acts on SEQRA then we'd ask for the board to approve that subdivision application.

MS. DOTSON: Makes things easier in terms of how it gets addressed under SEQRA as well.

MR. BRODMERKEL: You folks understand what our concerns are with traffic?

MS. BABCOCK: Yes.

MR. BRODMERKEL: I think that's the main concern.

MR. NOVESKY: Then we well have a traffic consultant present at the next meeting?

MS. POTTER: Yes.

MR. NOVESKY: Okay, any other questions?

MR. BRODMERKEL: Motion we adjourn.

MR. KLOSKY: Second it.

ROLL CALL

MR. BRODMERKEL AYE

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

MR. NOVESKY: I'd like to compliment Leslie for the work she did on the scoping thing, very good job.

MR. KLOSKY: Thanks, Leslie.

MS. DOTSON: Thank you.

Respectfully Submitted By:

Frances Roth
Stenographer