

July 7, 2008

1

TOWN OF CORNWALL

PLANNING BOARD

JULY 7, 2008

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

LESLIE DOTSON
PLANNING BOARD CONSULTANT

GARY VINSON
BUILDING INSPECTOR

REGULAR_MEETING _____

MR. NOVESKY: I'd like to call to order the July 7, 2008 meeting of the Cornwall Planning Board. All members of the planning board are here and present and accounted for at least physically. I'll forward to you all correspondence.

DISCUSSION _____

July 7, 2008

2

MR. NOVESKY: Discussion, Leslie, we have Chestnut Woods on discussion.

MS. DOTSON: Yes, last month you received a memo from Karen Ahrent with respect to the plans and this month you have received a response to that from the applicant basically saying that they didn't really have any objections to that memo but questioning sort of where to go from there procedurally. The applicant did not object to complying with some of the recommendations in that memo but they did not want to have to go through another hearing or reopen SEQRA. I very carefully looked at the recommendations and I also looked at the board's own SEQRA findings and spoke with the ZBA attorney and it seemed to me based on my discussions and my examinations that all the recommendations would result in changes that are more protective not less protective of the community character and visual impacts and I believe that they'd be consistent with your previous SEQRA determination and with the ZBA decision.

MR. NOVESKY: This is reference to Karen Ahrent's letter or Karen Ahrent's landscaping plan?

MS. DOTSON: Correct, well, it's not her landscape plan, she actually went out in the field with them, she had previously reviewed their plan on December 7 and wrote you a memo to that effect on December 7, 2007 so some of these comments are not really specifically new however again hadn't really been specifically referred to other than by comment.

MR. DONNELLY: Good evening, we thank you for giving us a few minutes, Michael Donnelly, the attorney for the applicant. What we're trying to focus your attention on in the letter and first we have no problem with any of Karen's recommendations, we wish she had been involved from the start, would have made things easier,

her recommendations, however, relate to two important issues to you and we wanted to make sure that your direction is that you make those changes before we make them. She has suggested some changes to the buffering area between the project and the rear yards of Jacqueline Avenue and she's suggested doing away with some of the vegetative planting that we had worked on at building number 7 where the slope goes down to the river and I don't want to put words in her mouth. But she feels those are superior, we have no problem with making those changes if that's the direction you want us to go. We actually think they're probably better but we didn't want to take Karen's memo and run with it and make changes and find that the board did not want them.

MS. DOTSON: I would just qualify some of what Mike has said that one of the issues specifically with the question of the tree planting below the stone wall between building 7 and the creek you may recall I had made some noises about that wondering whether given the size of the plantings that were proposed to be placed there whether it was going to be feasible to get in there, actually place them just because the root ball of a very large plant is a substantial item to maneuver, so I had questioned some of the feasibility of being able to do that but I figured this was something that the way the findings were worded the way the board's decision had been worded it was more to be that it was going to be evaluated in the field and that plants would be placed where feasible. So in fact--

MR. DONNELLY: The suggestion on that side was to do away with all the white trim aspects on that side and keep it as a neutral subdued set of colors and that would provide, not putting words in her mouth but I don't want to see superior screening than having it look like the front of the building and have the somewhat artificial trees on the side of the slope.

MS. DOTSON: The neutral colors having lower contrast between the two colors the trim color and the wall color makes much more sense, that's something that even the, some of the commentators had suggested that had not been implemented, so I think that everyone would be happy.

MR. BRODMERKEL: Was there white trim on there?

MR. DONNELLY: There had been.

MR. KLOSKY: The detailing and I believe the March or April meeting showed some color renderings in the rear of the building that showed white trim, bright white trim, I think myself and one other member of the board requested those to be muted so that's consistent.

MS. DOTSON: Yes, absolutely.

MR. DONNELLY: Renderings never help but instead of the light and we'll bring in colored charts but that's the idea is to make it more, I know the color doesn't look particularly pleasing, but that's the idea.

MR. NOVESKY: Okay, Dominic, is there any action that we have to take?

MR. CORDISCO: I think it's just by motion to keep the, give the applicant some direction as to what they should be doing.

MR. BRODMERKEL: Well, as far as the paint I think we're probably in agreement with that changing it from white to a more natural muted color. The other questions as far as the trees and behind number building number 7 I don't have any problem with that personally either. Jacqueline, I'm not sure the trees along Jacqueline help me here, does Leslie, is she saying that eliminate the berm and put up some other things, is that what she's saying?

MS. DOTSON: She's saying a lot of it is they're healthy already and screens and that putting the berm would actually put some of those existing healthy trees some of which are on the private property owners the abutters in jeopardy. So eliminating that would be more likely to keep those healthy, she's suggesting some plantings to be interspersed among that, you know, where the less healthy trees are there and to take those out so in other words a more specific supplemental planting plan.

MR. BRODMERKEL: And the fence?

MS. DOTSON: Yeah, and there's that one question about the fence, she was suggesting a higher fence, a ten foot high fence would require a variance unless it separated the full setback from the property line. I'm not sure how that would work but if that's something that the board would prefer certainly that fence, such a fence--

MR. BRODMERKEL: What's the setback and how far is that easily doable or not?

MS. DOTSON: I think it loses its effectiveness when you're moving back, what makes it work is that if it's closer and ten foot would exceed the ordinance restriction. At this late date to go back to the zoning board I think it would be better to make it comply if you move it away it loses the effect.

MR. BRODMERKEL: Is 6 foot the maximum?

MR. VINSON: Six and a half is the maximum for a fence height.

MS. DOTSON: But the shrubs and the interspersed plantings will have the most effect and by preserving what's there it will have a much stronger effect at

presenting and protecting the neighbors that are there.

MR. BRODMERKEL: Can a berm be put a little further back and fence on top of it?

MR. DONNELLY: Frank McCue, our landscape architect is here.

MR. MC CUE: If we were to do that we would just be moving the impact zone further toward the street, it can be done but the existing trees if you're bringing more soil you'd actually be suffocating the existing trees that are used to screen.

MR. BRODMERKEL: Let me rephrase it. Can the berm be put further away from the line than it is?

MR. MC CUE: Sure you could, it's just--

MR. BRODMERKEL: That would impact the trees less I think.

MR. MC CUE: It's true but in a different location closer toward the proposed project.

MR. DONNELLY: If you put the berm in you destroy trees where it was some of the trees that would be destroyed would be on Jacqueline Avenue property or side because the roots would be covered but wherever you put it it's going to destroy trees. Her opinion is it's superior to leave the trees supplement than to use a berm.

MS. DOTSON: Right.

MR. GOLD: Dominic because we're changing what we agreed to is there any requirement that we notify the residents of Jacqueline who have already expressed concern?

MR. CORDISCO: No, there isn't because at this point

July 7, 2008

7

you have as Leslie pointed out you have some flexibility in the SEQRA determination previously made and I think this is just giving the applicant some direction as to which way you're going.

MR. GOLD: Thank you.

MR. NOVESKY: I guess we're just looking for direction?

MR. DONNELLY: I just want to make sure you want us to do it and not going to have to go to a public hearing and reopen SEQRA and I know your consultants opined that you need not.

MR. NOVESKY: Any disagreement? There's your answer.

MR. DONNELLY: We'll come back in August. Thank you.

FIDDLESTIX _____

MR. NOVESKY: We have one more issue, Fiddlestix, we've had a brief discussion, this constitutes just adding what is it six tables?

APPLICANT: Three tables, four seats each, 12 additional seats.

MR. NOVESKY: It's a seasonal thing.

MR. BRODMERKEL: Do you want a motion and a vote?

MR. CORDISCO: Yes, that would recognize this as being an appropriate field change with controls by the building inspector and the planning board engineer to ensure that there's adequate turnround space or pull-out space I think for cars and also make sure that cars are not pulling into the new seating area outside and that would be considered to be a field change rather than something that would trigger the need for full site plan.

MR. NOVESKY: For the record, we have done this on several occasions.

MR. EDSALL: It's consistent with several other applications within the town.

MR. NOVESKY: Canterbury for one.

MR. BRODMERKEL: Make a motion based on the wording that Dominic just used.

MR. GOLD: Second it.

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE

July 7, 2008

9

MR. GRABE	AYE
MR. BRODMERKEL	AYE
MS. BUNT	AYE
MR. GOLD	AYE
MR. NOVESKY	AYE

APPROVAL_OF_MINUTES

MR. NOVESKY: We have received the minutes for June 2 meeting, anybody have any objections to it? Led, you were busy in France.

MR. KLOSKY: Italy.

MR. NOVESKY: Anybody want to make a motion to accept the minutes?

MR. GOLD: So moved.

MRS. DEANS: Second it.

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. BRODMERKEL	AYE
MS. BUNT	AYE
MR. GOLD	AYE
MR. NOVESKY	AYE

LANDS_OF_PEA_BRIDGE_REALTY_-_PUBLIC_HEARING_#2008-03

MR. NOVESKY: Okay, moving right along we have a public hearing, it is now 7:42, Lands of Pea Bridge Realty. Are we represented here?

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

MR. NOVESKY: We'll take a three minute description.

MR. BROOKS: Sure, I will submit copy of the legal notice, proof of publication received the map filing from the Town Clerk and copy of the affidavit of mailing. You said 30 seconds, right?

MR. KLOSKY: Three minutes.

MR. BROOKS: This is a three lot subdivision of a 34 acre parcel situated at the intersection of Otterkill Road and Taylor Road. We're not creating any new lots or we're not creating any new residences. There's three residences on it, we're separating each house onto its own lot. Lot number 1 would be 8.56 acres lot 2, 15.59 acres and lot 3 10.07 acres. We have had to receive a variance for the minimum lot area from the ZBA, we have done that and that paperwork's been submitted to you also.

MR. NOVESKY: Good description, very succinct. Okay, if any member of the general public wishes to make a comment on this, please do so by stating your name and where you live that then we'll move on. Anyone from the public wishing to make a comment on this proposed subdivision? Seeing none, I'll accept a motion

MR. BRODMERKEL: I'll make motion we close the public hearing.

MR. KLOSKY: Second it.

July 7, 2008

12

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. BRODMERKEL	AYE
MS. BUNT	AYE
MR. GOLD	AYE
MR. NOVESKY	AYE

MR. NOVESKY: Dominic, any issues?

MR. CORDISCO: No, sir.

MR. NOVESKY: I think we can move on to a resolution on this, am I correct?

MR. CORDISCO: Resolution has been prepared.

MR. NOVESKY: We have a resolution prepared for adopting a negative dec on the Pea Bridge Realty minor subdivision, anyone have any questions? Discussion? Motion?

MR. BRODMERKEL: Make a motion we accept the negative dec.

MR. GOLD: Second it.

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. BRODMERKEL	AYE
MS. BUNT	AYE
MR. GOLD	AYE
MR. NOVESKY	AYE

MR. NOVESKY: Resolution granting preliminary and final approval for Pea Bridge. Any discussion? Leslie, comments?

MS. DOTSON: No, straightforward.

MS. BUNT: So moved.

MRS. DEANS: Second it.

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. BRODMERKEL	AYE
MS. BUNT	AYE
MR. GOLD	AYE
MR. NOVESKY	AYE

MR. CORDISCO: Just to clarify for the record that's both preliminary and final and final what they did was they grant all the extensions up front so you have a maximum of 360 days, the approval expires on July 3, 2009, if you haven't submitted the map by then, poof.

MR. BROOKS: You'll have them by tomorrow.

MR. NOVESKY: The public hearing was closed at 7:46.

SEVINCH_BRIDGES_#2008-02 _____

MR. NOVESKY: Sevinch Bridges 2 lot subdivision.

Mr. James Raab appeared before the board for this proposal.

MR. RAAB: For the record, I'm Jim Raab from Doce Associates. This is the affidavit of publication. This is a 2 lot subdivision located on Old Route 32 about a mile north of the Cornwall Woodbury line. Mrs. Bridges wishes to cut her existing house out on 3.44 acres leaving residual lot of 14.48 residual acres, a perc test and septic design has been done for the residual lots and that's it.

MR. NOVESKY: Really good description, thank you. If there's anyone from the general public wishing to make a comment on this, please do so, state your name and address.

MR. SACHS: Yeah, hi, I'm Brian Sachs, I live right in the house right down there, I mean you guys have all done your homework so I mean you know my main concern is like the septic from the minutes of the last meeting and such you're following through on that so I'm really interested in the electricity easement because my electric line currently comes via the Bridges' property.

MR. RAAB: I'm going to let Mr. Christenson, Mrs. Bridges' attorney, address that.

MR. CHRISTENSON: There is no change to that being proposed or made by reason of the subdivision. We're trying to get Central Hudson to supply you directly, it's a crazy situation.

MR. SACHS: That line is low as it is, makes it tough to--

MR. CHRISTENSON: But it's not affecting this.

MR. SACHS: All right, if at some point you have a contact name at Central Hudson that you want me to contact.

MR. CHRISTENSON: I'll give you the same name Mr. Vinson gave me and I'll give you the same phone number he gave me.

MR. SACHS: You can just pop me an e-mail with that and we can go from two directions, they might respond.

MR. CHRISTENSON: Three, actually, we have another direction.

MR. SACHS: They might respond a little better, I mean, my only other thing is just if I knew that if you keep me apprised of the timeframe when things are happening.

MR. RAAB: Not a problem.

MR. SACHS: Other than that, that's it.

MR. NOVESKY: Thank you very much. Any other member of the general public wishing to make a comment? Hearing none--

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

MR. GOLD: Second it.

ROLL CALL

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

MR. BRODMERKEL AYE
MS. BUNT AYE
MR. GOLD AYE
MR. NOVESKY AYE

MR. NOVESKY: Thank you very much. We'll look at Dominic, we can look at a resolution?

MR. CORDISCO: Yes, resolution is prepared same as the last application.

MR. KLOSKY: Before we proceed, I apologize for not being here last month, I have a very minor issue which I think can probably be addressed even after, I don't think it will stop the resolutions this evening. You show a drainage swale in the western corner of the property but there are no contour lines below that sort of downhill from that. Is the diversion shown? Most of the principal complaints we've had along Route 32 has been drainage that crosses Route 32 towards the creek, so it would be either show I think that Mr. Edsall can work with you either show contour lines running down to Route 32, you know, where does that water go that ends up in that swale or you can divert it. Mark was talking about diverting it to the side.

MR. RAAB: At one time I believe it was a stream when we were there for the site inspection from Mr. Edsall's office back in March it was dry already and that's what it is, it's not, you know, we call it a swale because it wasn't running.

MR. KLOSKY: It's clearly a low spot that's going to collect water so some sort of provision for keeping the downstream neighbor dry.

MR. RAAB: Comes from Black Rock, cuts across the corner of the property and goes back off again, not like it's not coming from our property, it's coming from Black Rock's property, goes right back onto Black

Rock.

MR. EDSALL: I think the concern is that they're making a redirection of storm water both surface and subsurface as a result of the house construction and sanitary system construction could you change the curtain drain so it crosses the slope and runs all the drainage in a northerly direction? That way what's there is there and whatever you're redirecting will be wholly within your property.

MR. RAAB: Okay.

MR. EDSALL: So that I can work that out with the applicant.

MR. RAAB: That's fine.

MR. NOVESKY: With that contingency.

MR. KLOSKY: Yeah, if we can make tonight's resolution contingent on working with our engineer to make that change.

MR. CORDISCO: It's already built into the resolution that they have to address any comments made by the engineer.

MR. NOVESKY: Resolution adopting negative dec.

MR. KLOSKY: So moved.

MS. BUNT: Second it.

ROLL CALL

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

July 7, 2008

18

MS. BUNT	AYE
MR. GOLD	AYE
MR. NOVESKY	AYE

MR. BRODMERKEL: Want a motion for preliminary?

MR. NOVESKY: Resolution granting preliminary and final subdivision approval.

MR. GOLD: So moved.

MS. BUNT: Second it.

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. BRODMERKEL	AYE
MS. BUNT	AYE
MR. GOLD	AYE
MR. NOVESKY	AYE

KEITH_&_ROBERTA_LEWIS_#2008-06

MR. NOVESKY: Next is Keith & Roberta Lewis.

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

MR. DEKAY: Good evening, I'm Richard DeKay, land surveyor. As a result of last month's meeting, public hearing we have addressed all the concerns that the people that came to that meeting had, we've added notes on the plan to save the trees in the back there by JR Court, we have added a note under plant, see note on the right up near the north arrow just to the left of the center of the map and the note on the right-hand side under general notes. You want me to read it?

MR. NOVESKY: No.

MR. DEKAY: We have also addressed, we have added on the table of users of Sunset Drive on the plan.

MR. NOVESKY: Dick, out of curiosity, has the road maintenance agreement been signed by all the parties?

MR. DEKAY: Was I supposed to do that?

MR. NOVESKY: Just curious, have all the parties agreed to it?

MR. DEKAY: Yes, they have all agreed to it.

MR. CORDISCO: It would be a condition of the approval.

MR. BRODMERKEL: If I understand your statement previously there's one person on the road who doesn't participate who doesn't need to?

MR. CORDISCO: Well, that there's no legal requirement that he participate because he already has access to

that road so he's pre-existing.

MR. CORDISCO: He has an easement over the roadway with no obligation to contribute to the maintenance of the road.

MR. NOVESKY: How nice, how did he get that?

MR. CORDISCO: Must of had a good attorney.

MR. DEKAY: He's not a fee owner, these other people are fee owners of Sunset, he has a right-of-way from where he lives way in the back out over that road by deed.

MR. NOVESKY: You're going to pave the whole road?

MR. DEKAY: Well, yeah, that's right. Mr. and Mrs. Lewis will be resurfacing the road according to the plan on sheet number 2 in the center specifications are on that plan.

MR. NOVESKY: Leslie, comments?

MS. DOTSON: Basically, I think that they have addressed the issues that the planning board had asked for, the notes and the detail, the table of users and the road maintenance agreement. There's just still a slight error in the building envelope for number 2 for lot 2 but I mentioned this in my comments. Plan was referred to Orange County Planning at the time that I wrote my response they had not yet commented back, we have since heard from them and they have approved it so you're free to direct action if you so desire.

MR. NOVESKY: Thank you. Mark?

MR. EDSALL: All the comments that I had Mr. DeKay has addressed, there's two open items relative to the code enforcement officer one make sure that the 911 address

numbering gets coordinated for the new house and Gary has reminded me that the plan needs a note indicating that prior to the issuance of the C.O. for the new house that the private road improvements should be complete so we did ask that that note be added to the plan. Comment 3 kind of tosses the ball to Dom relative to any performance security, I would assume that if there's a note condition as to timing I don't know if there's a need for a performance security.

MR. CORDISCO: That's the true sense of the security that is if they build a house but don't do the road improvements they will not be able to occupy the house cause they won't be able to get a C.O.

MR. EDSALL: So if that covers that comment 3 would be replaced with a note that Gary has suggested we consider. And the last comment is the private road maintenance agreement which Dom has already spoken about so everything is resolved in my mind.

MR. NOVESKY: Members of the board have any comments?

MR. KLOSKY: No.

MRS. DEANS: No.

MR. GRABE: No.

MR. GOLD: No.

MS. BUNT: No.

MR. BRODMERKEL: No.

MR. NOVESKY: We can direct our attorney or counsel to authorize signing.

MR. CORDISCO: At this point the board of course had your public hearing last month, closed the public

hearing, you're still within the 62 days to make a decision whether to approve or deny the application. The board at this point since all the comments have been addressed and whatever's left is fairly minor the board could authorize me to prepare resolutions and also further authorize the chairman to sign them, this would be both adoption of a negative dec and also granting preliminary and final subdivision approval.

MR. BRODMERKEL: I'd like to make a motion based on counsel's statement.

MR. GRABE: Second it.

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. BRODMERKEL	AYE
MS. BUNT	AYE
MR. GOLD	AYE
MR. NOVESKY	AYE

MR. DEKAY: Thank you.

MR. NOVESKY: Thank you, Mr. DeKay.

LANDS_OF_COMITO_#2004-06 _____

Burt Dorfman, Esq. appeared before the board for this proposal.

MR. NOVESKY: Next is Lands of Comito, public hearing has been closed and I believe there's a resolution.

MR. CORDISCO: Yes, resolutions have been prepared.

MR. NOVESKY: We'll go for resolution adopting a negative dec.

MR. BRODMERKEL: I just want to confirm Leslie and Mark have had a chance to review these and they are in proper format.

MS. DOTSON: Yes, yes, the plans I believe address all the outstanding comments at least from my point of view, the negative declaration that was given to you is shown in a red line format just to clarify in case it's a little confusing the items, the reason I did that was to show what had been previously before the board, what you had been prepared to adopt in 2005 and the light gray with the strike through marks are things that have been removed, anything with, that's dark with a bar is being added so it's really quite consistent.

MR. BRODMERKEL: Mark?

MR. EDSALL: Yes, these plans are consistent with those that the board previously considered for preliminary, other than the lot count change and the applicant was kind enough to include into the set the preliminary drawing relative to the Jackson 94 improvements which obviously would be further clarified between preliminary and final but nonetheless, it's now part of the set of and I think we're in good shape in.

MR. NOVESKY: I'll take a motion for adoption of a

negative dec for a 22 lot subdivision.

MR. BRODMERKEL: So moved.

MR. GOLD: Second it.

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. BRODMERKEL	AYE
MS. BUNT	AYE
MR. GOLD	AYE
MR. NOVESKY	AYE

MR. NOVESKY: Then we'll move on to a second resolution granting preliminary subdivision approval for a 22 lot subdivision. Any questions? Comments, Leslie, Mark?

MR. EDSALL: None.

MR. CORDISCO: This is just to remind the board this is for preliminary approval, they'll have to submit a final plat containing all outside agency approvals.

MR. NOVESKY: We discussed this extensively last month. Any questions? Take a motion.

MS. BUNT: So moved.

MRS. DEANS: Second it.

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. BRODMERKEL	AYE
MS. BUNT	AYE

July 7, 2008

25

MR. GOLD	AYE
MR. NOVESKY	AYE

LANDS_OF_FANNING_#2006-13

MR. NOVESKY: Lands of Fanning.

MR. EDSALL: Mr. Chairman, when I spoke with Mr. Brady about the quote missing sheet he indicated he had another meeting and that he'd be coming here after so you may want to bump him to the very end.

MR. NOVESKY: This is the get page 2 issue?

MR. EDSALL: Yes, that's just the primary purpose is the discussion of the public hearing. If he gets here before Cornwall Commons starts, so be it. If not, he'll be here for a while.

BIGG/QUALITY_AUTO_BODY_#2008-08

MR. NOVESKY: The next is Bigg/Quality Auto Body site plan. Are you represented?

MR. FETHERSTON: Mr. Chairman, my name is Andrew Fetherston for Maser Consulting representing Quality Auto Body on this application. It's a 4.8 acre site on the east side of Route 32, existing auto body is seeking a building for storage of some of the wrecker, some of the tow vehicles. We have proposed a plan for a 14,000 square foot building. What we have tried to do with that plan is to keep all improvements out of the 100 foot DEC buffer, we have also sought to keep the disturbance to under one acre to avoid unnecessary environmental constraints. I'm going to have public water, public sewer, we have designed also a system for the floor drains to remove for washing vehicles and to lift that sewage up to the sewage pipe which traverses the property. That's about it.

MR. NOVESKY: Pretty straightforward. Leslie?

MS. DOTSON: My comments have been given to the applicant previously. I am commenting that this property was previously before the planning board in 1993 for an application that was substantially similar to this and that that application was not pursued to completion. Town of Cornwall Building Department actually closed the file in February of 1998 due to inactivity. One of the questions that was asked in 1993 I think is still outstanding for this application is whether the use is taking place within the proposed building is specifically allowed in the zoning district. The way the plans are proposed they have carved up the use in accordance with the existing zoning district's but I'm not sure that they're really the same uses because the PIO District does not allow auto repair, it allows sale of auto supplies and equipment except parts from wrecked vehicles on the

premises so I'm not sure, this application just refers to the use of vehicle storage, but it's not clear to me that that's completely accessory to the auto body repair shop and if it is how much that extends the use is going over the district's zoning line. So because the code only allows 30 foot flexibility to the zoning line I think it's insufficient for the proposed use of the structure.

MR. NOVESKY: I'm sorry, say that again.

MS. DOTSON: The code only allows the 30 foot flexibility in the zoning boundary and that is not sufficient to cover this entire structure.

MR. BRODMERKEL: Which boundary are we talking about?

MS. DOTSON: The zoning boundary as it's shown on the map.

MR. NOVESKY: Setbacks.

MR. FETHERSTON: The boundary.

MS. DOTSON: It's the zoning boundary, there's PIO and HC boundary splits the site actually splits the building.

MR. BRODMERKEL: Thank you, I'm sorry.

MS. DOTSON: So there's a problem and it's not clear how this use specifically fits into the existing auto body shop and into the zoning. So that question has yet to be resolved. Truthfully, if it were my preference I would probably rather see zoning boundary adjusted just because it seems to me that from a functional standpoint because of the presence of wetland boundary there it would make more sense for this site to be functionally all in the same zoning district but that's just my statement for right now.

I'm also suggesting that we need to have a little bit more clarification with some of the other uses and so forth because of the previous application, that's my comment number 1.

MR. KLOSKY: Does that require a referral to the ZBA?

MS. DOTSON: Well, it's, there's several ways that this could be--

MR. NOVESKY: Town Board, right?

MS. DOTSON: It would go to the Town Board. What I am suggesting is that I think a zoning amendment adjusting the zoning boundary would be more appropriate. They can opt to go to the ZBA if they so choose, we can't tell them what to do, there are many things that they could do or clarify that it is in fact allowed under the current zoning. I'm not clear that it is. What I am saying is that question was raised in 1993 and has yet to be resolved.

MR. FETHERSTON: Can I clarify the use, the use we believe is an accessory use to the present auto body business in that the building is primarily there to store the wreckers, to store the tow trucks inside, it's really more a functional thing that the business is called out in the worst weather to remove wrecks, we want to get the vehicles inside, that's the primary use, there's no increase in employees, no new vehicles being stored, they just want to get them inside, that's what the plan is for.

MR. NOVESKY: In the back of the building?

MR. FETHERSTON: In the back and also down the hill.

MR. NOVESKY: But Dominic is there a legal issue as to whether we can?

MR. CORDISCO: I mean this is something unfortunately because I was on vacation last week and I didn't get a chance to review Leslie's comments until today, I was, it wasn't something that I had the ability to research and prepare on but I think it could require some additional analysis and from my point of view and also from the applicant's so that we can advise the board on this particular issue as far as what the legal requirements of the code are.

MR. NOVESKY: But since it's contingent to an existing zone that allows that use can't the Town Board by resolution simply expand the existing zone to accommodate this?

MR. CORDISCO: Well, yes, they could but the procedure that they would need to follow would be akin to a zone change, well, it depends, yes, it's as quick as the ZBA, it's totally discretionary with the Town Board whether they want to do it or not. So there's no requirement that they have to do it. But it does require notice to neighboring municipalities, it does require notice and input from the County Planning Department so it's not something that can happen overnight or even within a month's time.

MR. NOVESKY: So that's a desired choice.

MR. CORDISCO: Depending on the direction of the applicant, I can provide some additional memo on this particular issue for the board's next meeting.

MR. NOVESKY: How large, 16,000 square feet?

MR. FETHERSTON: It's a 14,000 square foot building.

MR. CORDISCO: It's an area that's currently being used for storage outside of trucks and they're looking to create a structure so they can store trucks undercover during the winter months so they can get trucks out

quicker without having to--

MR. BRODMERKEL: De-ice them.

MR. FETHERSTON: That's exactly the problem, yeah.

MR. CORDISCO: That's what's been represented to the board.

MR. BRODMERKEL: I don't have any problem.

MR. KLOSKY: My own view it would be an improvement of the environmental quality of the adjacent waterway rather than a diminution of the same.

MR. NOVESKY: Dominic, if I can, is there any action that we can take without having to go to the rigamarole of having a zoning change, the board consents that it is, I mean--

MR. CORDISCO: Yeah, I think the plan has raised a number of questions that should be addressed and we can address them for next month's meeting.

MR. BRODMERKEL: Storage of this type is allowed in PIO or not, please answer quickly.

MS. DOTSON: Well, that's not really, it's not clear what storage of this type is really proposed. They proposed it as sale of automotive supplies and equipment from permitted use number 8.

MR. FETHERSTON: No, not in the proposed building, no sale.

MR. BRODMERKEL: Storage.

MR. FETHERSTON: Permitted accessory uses in the PIO are accessory parking, does not say indoor or outdoor, and an accessory use no, any authorized state motor

vehicle repair shop which this is sale of used vehicles subject to the following conditions accessory to any New York State use, repair shop use.

MR. CORDISCO: The one thing you could do, Mr. Chairman, is determine whether or not you want to hold a public hearing, this is just a site plan.

MR. NOVESKY: We can waive it.

MR. CORDISCO: You can waive the public hearing and if you waive the public hearing then we can continue to address this issue that keeps the application moving forward.

MR. NOVESKY: Then why don't we do that.

MR. BRODMERKEL: I'd like to have my question answered.

MS. DOTSON: My concern with this and this is as I mentioned in my comments is that the sign to the gate reads Michael Bigg, Jr. Dismantlers, which suggests that it is just not storage.

MR. FETHERSTON: We can explain that.

MR. NOVESKY: I will ask--

MR. BIGG: We have a dismantler's license and by having a license you have to put on an entrance, you have to put a sign up for the state, they make you put a sign up for dismantling. Cornwall police car I might salvage, take a car, it needs a part, and put it on another car, I need a dismantler's license, that's what it's for.

MS. DOTSON: I wish that had been explained in the narrative.

MR. BIGG: That's what we have to have that just to

give an idea.

MS. DOTSON: Okay.

MR. BRODMERKEL: So it would be allowed in PIO storage of vehicles, dismantlers? I didn't see anything that said it couldn't.

MS. DOTSON: Accessory to the use there.

MR. NOVESKY: Kenn is asking a legal question, so why don't we ask Dominic to answer that.

MR. BRODMERKEL: Well, it's either one it's really black and white on the bulk tables.

MR. KLOSKY: Seems like what Dominic was asking to was to use the next 30 days to research the proposed use.

MR. BRODMERKEL: I want to know what it is we have to research and by answering this question will eliminate one thing I think that is I'd like to know.

MR. CORDISCO: Yes, what was your question?

MR. BRODMERKEL: Is storage of vehicles allowed in PIO as an accessory to the--

MR. FETHERSTON: Yes.

MR. CORDISCO: As Mr. Fetherston had mentioned, it does say accessory parking as well, doesn't say whether the parking is covered or not.

MR. BRODMERKEL: So it should be allowed?

MR. NOVESKY: Mark, do you want to weigh in?

MR. EDSALL: All I want to do is I'll throw in my one and only comment, hopefully that will help give some

additional direction. I'm suggesting that you have a note on the plan that indicates that that vehicle storage building that's in the back of the property is for the exclusive use as an accessory storage to the front building so we don't have two separate entities as if the back building couldn't be rented out to another use so that would tie the site together.

MR. BRODMERKEL: That's where I'm trying to go.

MR. BIGG: That's fine.

MR. NOVESKY: Anybody have any issues?

MRS. DEANS: I have a question maybe it's looking too far ahead but that's a very steep incline going down there in the winter when you have ice and snow you're going to have to salt that, where is that salt going to run off and what's it going to do to the wetlands?

MR. FETHERSTON: Same place as it goes today. That's been that use for more than 20 years that ramp and that area, all we're trying to do is bring it inside so from an environmental standpoint if we're removing the vehicles that are presently outside bring them inside.

MR. BRODMERKEL: Mr. Chairman, if it is which currently is my understanding that this use would be allowed in the PIO?

MR. NOVESKY: That's correct.

MR. BRODMERKEL: Then the zoning boundary is irrelevant.

MS. DOTSON: If it's clearly an accessory and if it's purely parking for this site.

MR. BRODMERKEL: No reason not to go ahead.

MR. GOLD: Can we take some form of action?

MR. CORDISCO: The action that you can take is certainly the first step would be to decide whether or not to hold a public hearing and secondly is you could authorize preparation of approval resolutions for the site plan and at the same time we could provide a memo to the board on this issue.

MR. NOVESKY: Okay, let me go one step at a time, take a motion to waive the public hearing.

MR. BRODMERKEL: Poll the other members.

MR. KLOSKY: I mean as long as the owner's aware that by going this route it's significantly a restriction to the potential uses of the new structure, I mean, it means that it would be a significant undertaking then you have to come back if you wanted to then convert that space to some other.

MR. BIGG: No, I'm fine with that.

MR. NOVESKY: He gets it right.

MR. KLOSKY: As long as that's the case.

MR. GOLD: Move we waive the public hearing.

MS. BUNT: Second it.

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. BRODMERKEL	AYE
MS. BUNT	AYE
MR. GOLD	AYE
MR. NOVESKY	AYE

MR. NOVESKY: Then Dominic I'll take a second motion.

MR. BRODMERKEL: Make a motion that Dominic prepare which documents?

MR. CORDISCO: Prepare a memo to the board regarding the use of the building and also prepare draft resolutions for consideration at next month's meeting.

MR. BRODMERKEL: Based on our esteemed attorney's statement, I make a motion.

MRS. DEANS: Second it.

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. BRODMERKEL	AYE
MS. BUNT	AYE
MR. GOLD	AYE
MR. NOVESKY	AYE

MR. FETHERSTON: Thank you very much.

MR. CORDISCO: The only other procedural item because of the proximity to Route 32, this application of course has to go to Orange County Planning Department and if they have not, if the 30 days has not run by next month's meeting then the board may not be able to act.

MR. NOVESKY: They can authorize the chairman to sign.

MR. CORDISCO: They could.

MR. NOVESKY: Okay, thank you.

July 7, 2008

37

MR. FETHERSTON: Thanks very much.

LANDS_OF_FANNING_(CONTINUED)

Mr. Patrick Brady appeared before the board for this proposal.

MR. BRADY: Good evening, Mr. Chairman, members of the board. My name is Patrick Brady, engineer for the applicant Fanning subdivision, 2 lot subdivision on Willow Avenue.

MR. NOVESKY: Did you get page 2?

MR. BRADY: I have page 2, I apologize it didn't make it into the submission before the board. I had met with Mr. Edsall several months back to go over the issues and we resolved it, just didn't get included as part of the plan set. Tonight we're here to see if the board would entertain scheduling a public hearing subject maybe to my getting the information to Mr. Edsall prior to the mailings.

MR. NOVESKY: Okay, that's fair.

MS. DOTSON: Refer to Orange County Planning.

MR. CORDISCO: Yeah, the plans will have to be referred to Orange County Planning so it would be incumbent upon you to get the plans in as early as possible and I think if the board is inclined to conditionally authorize public hearing it should be conditioned on the plans actually being acceptable to the board's engineer so I mean page 2 doesn't come in, its just a blank page.

MR. BRADY: Correct.

MR. NOVESKY: With that motion to schedule a public hearing.

MS. BUNT: Motion to schedule a public hearing subject

July 7, 2008

39

to what we just spoke about.

MR. GOLD: Second it.

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. BRODMERKEL	AYE
MS. BUNT	AYE
MR. GOLD	AYE
MR. NOVESKY	AYE

MR. NOVESKY: See you next month.

MR. BRADY: Thank you very much, have a good evening.

CORNWALL_COMMONS_-_PUBLIC_HEARING_#2004-01_&_2006-19

MR. NOVESKY: Cornwall Commons site plan, subdivision.

Gerald Jacobowitz, Esq. appeared before the board for this proposal.

MR. JACOBOWITZ: Good evening, Mr. Chairman, members of the board, I'm here on behalf of Cornwall Commons, my name is Gerry Jacobowitz, our law firm is Jacobowitz & Gubits representing Cornwall Commons. What I'd like to do first Mr. Chairman is provide to Gary for his official record the proof of calling of the hearing which is the affidavit of publication that was published in The Cornwall Local on June 20, the affidavit is signed that day, we have an affidavit of mailing from the building inspector's department on June 13 of notice to property owners that were listed in the list that was provided by his office. And we have a set of receipts for hand delivery or Fed-Ex delivery of the papers to the various agencies and others listed on the approved list so I'll give those to Gary for his records. I'm going to try to make this as short as possible but still meaningful. As you know, we have been before the board over seven years at this point and we're very happy to have arrived at this stage in the process. The project is a mixed use community, it has a, it's a 10 lot subdivision for which preliminary approval was granted. One of those lots, lot 10 is where the residential component of this project is going to be located and the purpose of tonight's hearing is to review the Draft Supplemental Environmental Impact Statement that was directed to be undertaken by your board and secondly and to hear the public comments on it and secondly to review the site plan for lot number 10 and have the public comments on those things. The residential use is a mixed use, it's single family detached single family attached and multiple residence dwellings so it's going to provide a varied type of housing on the property. It will be

served by public water, public sewer and it's going to be a lifestyle community, it will have a clubhouse, it will have amenities for the clubhouse so that people who live here are going to be able to enjoy not just the residential living component but also a lifestyle that will provide them opportunities for other activities, joining organizations, clubs, walking trails, swimming pool, tennis courts and all those things that are part of living today. The history as I said is seven years, we did a Generic Environmental Impact Statement at way, way back. Since then, we have had two town comprehensive plans, we have had two town zoning law revisions, we have had numerous public hearings for this project and we have had numerous meetings at which we have invited the public. So at this point, I think that the word that comes to my mind is that we're ready. And I think we can open it up to the public at this point, we're here to listen tonight to hear what they have to say so we can then evaluate that against what's been submitted to the board. You'll have an opportunity to hear those comments and decide whether those are things that yet are to be taken into consideration in some fashion and I would respectfully ask that I reserve a few minutes to be able to speak at the end of the public participation in case there's something that needs clarification or further explanation based on what it is that the public is going to be saying. So maybe the board has some questions first so I'd be happy to try to answer them if not we're here ready. John Russo is here from Lanc & Tully and Mr. Joseph Amato, the principal of Cornwall Commons is here also. So without further ado, we would surrender the floor.

MR. NOVESKY: Thank you, Mr. Jacobowitz. I will defer any questions from the board until after the public hearing. Any member of the general public wishing to comment on this, please state your name, your address and reserve your comments to approximately three minutes and after everyone's heard we'll get you back

on if there's additional comments to make. We'll open the public hearing at 8:24. Yes, come forward and provide that personal information for us.

MR. ROHE: Good evening, Dan Rohe, 27 Curry Road, Cornwall-on-Hudson, some of you people look familiar. I have watched this for some time and the situation of in Cornwall has changed so much in the period of time that I have watched this and I know what the quality of these projects are that these people put together and what it will add to our community that at this point I simply would request that the soonest possible approval of this project proceed with the board and the public. I do not see any negatives. This is the only project in 25 years that I have lived in this community that brings the qualities that it does to our community. And I'm speaking particularly from the exacerbated tax situation. We all live in, those of us that have seen that over 25 years this project addresses that like no other project in 25 years has and to my knowledge no project on the books addresses those issues about taxes and might blight the increase in taxes the way this project does. Given the quality of the project, given what it brings to the community I totally support this community getting behind the project. Thank you very much.

MR. NOVESKY: Any other member of the general public wishing to make comment on this project?

MR. GRUBER: Hi, Simon Gruber, 77 Duncan Avenue, Cornwall-on-Hudson. I'm going to in my previous comments on this project I have talked a lot about storm water and visual impacts and heard a lot about that and I know a lot of work has been done to address those issues. Since I only have three minutes, I'm going to focus mainly on trees, and it's honestly more of a comment on the planning process than necessarily expecting major new work on this project because I understand that the cow's out of the barn in a sense.

I think that's where this project is headed and but the language in the town's comprehensive plan that I will quote from encourages the preservation of mature trees whether isolated or among stands, I'm paraphrasing here and develop stringent mitigation measures when they're removing trees, clear cutting is to be prohibited for new development. Then the last paragraph of this section the intent of the comprehensive plan that trees be preserved to the greatest extent possible by requiring that the extent of woodland and mature trees be surveyed and identified on plans, every effort should be made to situate future development in a way that preserves mature trees, again, I'm paraphrasing, when their removal cannot be avoided, each specimen tree should be replaced on a one-on-one basis. The intent of this plan clearly and the intent of the SEQRA law is to avoid impacts and mitigate them if necessary. There's over 100 acres of land I'm guessing roughly, you know, somewhere between 100 and probably 130 acres of land here that's basically going to be clear cut and so there's a disconnect between what the town's plan says and I think this is a very clear kind of impact that the public can understand. And so I just would ask that I don't know what more can be done in this project again given the reality of how long it's taken.

MR. BRODMERKEL: You have 30 seconds, Simon.

MR. GRUBER: I would certainly like to see more effort to identify individual trees for preservation. And the other comment I'll make that hasn't been brought up to my knowledge before is we have talked about visual impacts, but the visual impacts from Route 9W, again, this is the Ggteway to Cornwall and I, you know, it can potentially be a very important and in some ways beneficial to the town, but the visual impacts as people are driving into Cornwall from the north and leaving from the south is something that could be handled with some sensitive design and possibly some additional preservation of trees. Thank you.

MR. NOVESKY: Thank you, Mr. Gruber. Any other member of the public wishing to make comment on this project?

MR. BRUNETTI: Good evening, ladies and gentlemen, my name is John Brunetti, Jr., Vice President of the Board of Trustees of New York Military Academy, 78 Academy Avenue, Cornwall-on-Hudson, New York. As probably most of you know, the academy owns this adjacent property to the proposed Cornwall Commons development and we're not here tonight to speak for or against the project, we feel that that's your responsibility to make those determinations. We only ask that we have the opportunity to meet with Mr. Amato and his representatives to discuss potential future access to our site in conjunction with his overall development plan. Thank you very much.

MR. NOVESKY: Thank you. Any other member of the general public wishing to make comment or express comment?

MR. GRUBER: I have one more.

MR. NOVESKY: If there are no other members of the public, I will allow Mr. Gruber another three minutes to comment.

MR. GRUBER: Try to keep it to one and a half. Just reiterating what I was talking about before with the way that the board and the town handle tree preservation goals for sites. I wanted to point out that I believe there's a precedent already a precedent with Willow Woods which may have a different name now, the Ginsberg project, that site did have a tree survey and as I understood I didn't look at the plans before and after but I was told or I heard here that it made a difference that there were some changes to the design so I just again want to point out that that can be done. And the second point I would like to make is

that the process and again this goes beyond this particular project but it's very important, having the public hearing understand this is near the end of the SEQRA process but for the site plan public hearing, the procedure is somewhat backwards from the public points of view in that we have a public hearing near the beginning when there is a preliminary site plan before you then there's usually with bigger projects a long period of several meetings and discussion among the board and its consultants the public doesn't get a chance to listen to all that and then comment after it. The public has to come in whenever we have a chance to learn about the project early in the process, that's all that we know and again, I don't know exactly how much of that is codified in the town's regulations verses how much is just planning board practice and policy but especially for bigger projects I would ask you to consider either keeping the hearing open or having a second public hearing later on down the road, so really there's a balancing, we don't want to have a hearing at the very end cause you have done all your work but somewhere in the middle after some of the, all of that information and discussion has come out, it would be very useful and I think fairer and more open process. Thank you.

MR. NOVESKY: Thank you, Simon, for the, I'm sorry, Dominic, for the record process and procedure is codified, correct?

MR. CORDISCO: Yes, we're following state procedure as far as SEQRA is concerned and the town's procedure as far as the site plan.

MR. NOVESKY: Just wanted to make sure. Mr. Rohe?

MR. ROHE: Thirty seconds, if I could, I'm a licensed tree surgeon, I'm a graduate forester, I worked for 14 years as a volunteer on the Cornwall Conservation Commission, I worked very diligently with that group

and made a change to the Cornwall Conservation Advisory Council, I was a member of that group. Trees were our specialty and what we cared most about. This project addresses trees, it is going to do the best thing possible for the trees. I would want no contractor other than Joe Amato to be let loose on the trees that will happen here. I know what trees are all about and I believe this project will address those issues. Thank you.

MR. NOVESKY: Thank you, Mr. Rohe. Any other comments from the public? Yes, ma'am?

MS. REGAN: My name is Eileen Regan and my address is 120 Pleasant Hill Road, Mountainville. And I have a question, two questions, actually. One, I don't know to what extent the senior buildout is going to happen if it's going to be gradual. I'm concerned only because of the current senior project that's underway right now and they're having a very difficult time selling those units. What will happen if they cannot be sold as senior units? Will we have vacant buildings or will they open it up to general population or, you know, and is so many of them, are any of them income based or all just outright sale? Because as we all know, this is a very difficult time in the real estate market and this is such a huge undertaking and a lot of the seniors cannot afford to purchase, it's a beautiful project, but I don't know how many people are going to be able to afford it cause they can't sell their current homes and many of them are doing that now. The other thing I'd like to know is whether or not any Energy Star guidelines are going to be in place? Again, such a large project will have a dramatic impact and I would like to see something like that done if possible.

MR. NOVESKY: Okay, Eileen, we'll ask Mr. Jacobowitz or Mr. Amato to address that. Any other member wishing to comment?

MR. BRODMERKEL: Is it proper to close the public meeting and then ask, allow for comments from the builder?

MR. CORDISCO: Yes, of course since they're the applicant they can address the board at any time but you don't need to have the public hearing open for that. If there's no additional public comment that tonight's SEQRA does require that you accept written comment for an additional 10 days.

MR. NOVESKY: On the record, we'll accept additional comments for 10 days from the close of this hearing.

MS. REGAN: Can I make one other comment? Sorry, Eileen Regan, one of the comments were about rateables and, you know, reducing the impact of the taxes, industries are rateables and they will reduce taxes but homes and services in my opinion actually cause them to go up so I'd like to hear that addressed please.

MR. NOVESKY: I'm pointing out that this is an older childless project at which point the balance and the weight of what you're talking about relates to the cost of sending children to school.

MS. REGAN: Services, yeah, so if that could be addressed.

MR. NOVESKY: Balance of services is quite different on a senior or no children project than it would be on an open development.

MS. REGAN: Is there not a portion of that development that's not senior related?

MR. NOVESKY: We'll put that under the itinerary of the questions to answer. Any other member wishing to comment other than Mr. Brodmerkel?

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

MRS. DEANS: Second it.

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. BRODMERKEL	AYE
MS. BUNT	AYE
MR. GOLD	AYE
MR. NOVESKY	AYE

MR. GRABE: I'd like to comment on Mr. Gruber's statement. All these meetings are open to the public and every meeting that Cornwall Commons had the public, it was announced in the paper that the meetings were going on and after we do all the public hearing we scope the issues that the public makes. So for him to make a statement that it wasn't fair to the public I think was unfair for you to say that.

MR. NOVESKY: I will add that Mr. Cordisco pointed out that it was proper procedure by New York State.

MR. GRABE: Yes.

MR. BRODMERKEL: Also there are minutes from every meeting available.

MR. NOVESKY: Motion on the floor and a second to close the public hearing. All in favor?

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE

MR. GRABE AYE
MR. BRODMERKEL AYE
MS. BUNT AYE
MR. GOLD AYE
MR. NOVESKY AYE

MR. NOVESKY: I'd ask Mr. Amato to address the questions or Mr. Jacobowitz, whichever.

MR. JACOBOWITZ: The procedure that I think you're going to be following subject to your consultants' advice that we're going to wait for 10 days for written comments and then our job is to provide responses to everything said here plus whatever else comes in in writing subsequent to today and that your consultants then get a chance to approve or disapprove of those responses to these comments.

MR. NOVESKY: Or you can choose, Mr. Jacobowitz, to respond to the questions now on the record. Miss Regan's questions can be addressed.

MR. JACOBOWITZ: Is that going to be satisfactory for FEIS purposes?

MR. CORDISCO: I think it perhaps might be more prudent to wait to see what comments come in in writing and in addition to those of course the County Planning Department will be providing its report as well so I think perhaps some of Miss Regan's questions could be answered and that might be helpful, it's just I don't know that all the questions can be answered.

MR. NOVESKY: Well, whatever you feel you can answer, you can answer.

MR. JACOBOWITZ: The last question she raised is one we can spend all night on and into the next week discussing the concept of whether industry pays its way and residences don't pay their way. You can find

studies of all kinds on that. We seriously disagree with what she said but it's irrelevant because this project has as part of it a significant non-residential component that's going to have very little affect on the issue of school-aged children, services, et cetera. So we're very comfortable and I believe it's in what we have presented to you that the cost benefit analysis from this project is very positive and it's not even a close case, so I don't think there's a concern there. As far as whether we're going to build houses that we can't sell, I don't believe that that's good business and Mr. Amato is not known for being a bad businessman so we're not going to build houses that are going to sit idle. Whether we'll sell them to somebody, I think she implied income, some kind of subsidized housing, she didn't use that word, but I think that was one of her questions, that's not our intent to have subsidized housing. They are, this is a market project and we're not building for today. If everything goes wonderful from today forward, we're not going to be in the ground for probably 18 months to two years and the market that will be here then is a market that is not going to be the market that we had two years ago. And it won't be this market. So I don't know that we're, we have to be worried about whether we're going to build and have empty houses here, that's not good business, we're not going to do that and we hope that this project is going to be such a nice project and done so well that there will be a market for it. There's a market out there today even with all the doom and gloom that we have heard from everybody there still is a market out there and if there's good product, fairly priced and in a community of Cornwall with Cornwall's reputation we're comfortable that this is going to be done right and we'll be successful. So I know those are kind of generalized responses. Maybe in the submission we make for the FEIS we'll provide more specific numbers to help flesh that out.

MR. NOVESKY: The only other question that was raised

was the Energy Star guidelines, whether there are any alternative energy or I guess she didn't say alternative energy, but innovative technology.

MR. AMATO: I'd prefer not to address that this evening, I will address it in the comments, I'd be very happy to do that.

MR. JACOBOWITZ: There's a wide range everybody is talking let's go green, I don't think anybody's really defined it completely, yet there are many things that can be done to help deal with the energy issue, it's a smorgasbord, if there's 100, you may use 60, if it's, you may use 40, you may use 70, maybe 10 of them you use are the most effective ones out of 100, so that's something that will be looked at in more detail as we get closer to having to deal with design plan for a building. Right now, we haven't gotten that far, we have got some nice pictures, we have shown to you the look that we want here but to go beyond that we haven't, it's just been premature, we're, you know, we're still a ways to go.

MR. EDSALL: One other comment I'm sure Gerry would have no problem confirming is that the market is not going to drive the change by virtue of it not becoming a senior project, obviously, it's proposed as a senior project and that's what the approval that's being considered.

MR. NOVESKY: It's 55 and over or senior?

MR. EDSALL: Fifty-five and over.

MR. NOVESKY: Being 56, I appreciate the--

MR. EDSALL: Well, you've made it, I'm right behind you. But clearly the market doesn't drive the type of approval that's being granted.

MR. AMATO: Also conceptually we have designed this with a lot more open space, a lot of green areas as opposed to what's being built in closer to town and it's primarily single family homes on small lots, they are smaller homes and also I also wish to remind you that in the text of the SEIS there's a section the town consultants suggested that we consider some green issues and we did, there's a section in there which talks about certain green things that we propose and will do.

MR. GOLD: One issue that was raised during the public hearing that you may or may not feel comfortable addressing but since the comment was made that this is going to be clear cut, can you tell me are you planning on clear cutting this property?

MR. AMATO: To answer the question this way, in the body of the SEIS there's certain sections dealing with the type and quality of the trees. There's also a section which says that I believe we're planting in excess of, John, correct me if I'm wrong.

MR. RUSSO: As far as trees we're replanting over 1,000 trees and almost 5,000 shrubs that's not including street trees.

MR. AMATO: I believe we proposed in the course which is in the text again in the SEIS approximately 1,100 trees plus 4 or 5,000 types of bushes that go around the houses so and special attention was also called to the cabbage trees whatever you call them cabbage oak trees, I think of the Cabbage Patch Kids, but cabbage oak trees but I think if you look at the text I think you'll be comfortable with the analysis we made of what's there and our proposal to replant and I'm very comfortable we worked on that section a long time, we had many, many people in the field and the evidence is in the body.

MR. JACOBOWITZ: There's a specific reference if I might to follow through on that sheet there's one sheet in the pack that shows the undisturbed areas in one symbol and then the replanting areas in another symbol and there's one sheet that shows all of that activity. And the trees that we're talking about now are not street trees, these are in addition to what you require for street stress and the idea was to do, replant in places where we had to do some more work and that might otherwise have been desirable and we have provided for it and if you look at that sheet and we'll give you the number of it so you can all have a chance to look at it at your leisure that shows undisturbed areas and the areas that will be re-forested.

MR. NOVESKY: I'm sorry, Eileen, the public hearing is closed.

MS. REGAN: Just for the record, I would like to say something that was misunderstood. I was not talking about subsidized housing, I would just like the record to reflect that.

MR. NOVESKY: Public hearing is closed.

MR. KLOSKY: Mr. Chairman, to amplify on Eileen's question about green building, there's one thing that I would very much like you to address in your responses to the public hearing and that is connections of the project to the community by means other than automobiles. I'd just like to hear how it would be possible to connect this to somebody who wants to go to the Two Alices, someone who wants to go to our restaurant district without using an automobile.

MR. AMATO: That's addressed already.

MR. KLOSKY: If you can point me to that section in the response cause I just feel it's an important thing for the community to know about.

MR. AMATO: Okay.

MR. NOVESKY: Any other member of the board wishing to comment? In terms of action, Dominic?

MR. CORDISCO: At this point as the board previously noticed you have 10 days for additional public comment by writing and of course we're also waiting for the County Planning Department's 239 report. It's my understanding they are currently reviewing the plan and so we expect to have comments from them. And at this point at next month's meeting you can evaluate the public comment and then make a decision at that point whether or not additional analysis or responses are required.

MR. BRODMERKEL: In our discussion before we were saying that there was an action we can take to ask that, have a document be prepared, I've forgotten the proper name of that document.

MR. CORDISCO: Well, there's two possible courses of action, if the comments that were made were deemed significant or substantive by the board, the board would then require the preparation of what's called a Final Supplemental Environmental Impact Statement and the Final Supplemental Environmental Impact Statement is a listing of all the comments and responses and it may also involve additional analysis or additional plans to respond to the comments. That's one avenue for the board to consider. And of course making that determination as to whether that's going to be required or not will depend in part on what comes in in writing as well. Assuming, however, that there are no in the board's opinion significant or substantive comments, the board could omit the step of preparing a response to comments because there will be no need for that scenario of preparing a response to comments that were not significant or substantive. In that case, you can

go right to the final document which is a SEQRA findings statement.

MR. KLOSKY: That would be after we have taken a look at what comes in in writing.

MR. CORDISCO: Correct, you can't judge whether or not the comments are going to be significant or substantive cause you haven't seen them yet.

MR. NOVESKY: If I might, are there any other questions amongst the board? I just have one point to make. In the public hearing I noted comment from NYMA and it's not within the board's purview to take a position on that, however, I encourage good neighbor policy, obviously, we'd hope there would be some discussion amongst the properties but we have no role or responsibility in that area.

MR. CORDISCO: You're speaking to the NYMA issue?

MR. NOVESKY: Yes.

MR. CORDISCO: I'm glad you brought that up because that's something that the board has addressed previously. Of course there's been requests by NYMA to address that previously and just to remind the board the position that the board took when they granted preliminary approval for the 10 lot subdivision and bear in mind that this preliminary approval has not been finalized yet because they have not applied yet for final approval, they'll need to do that prior to obtaining approval for lot 10 because right now lot 10 technically does not exist, only been preliminary approval, no final approval.

MR. NOVESKY: Would that require another public hearing?

MR. CORDISCO: It would require a determination as to

whether or not the final plat is in substantial conformity to the preliminary plat and so in other words, if there's no real changes between the preliminary and final plat, there's no requirement for a second public hearing. But nevertheless, getting back to the NYMA issue in particular, it is my understanding that there's an undefined right-of-way to the NYMA property to be serviced from the Cornwall Commons property, the board has encouraged and I believe continues to encourage Cornwall Commons and NYMA to define exactly where that right-of-way would be appropriate, if for whatever reason they are unable to do so at the time of a final approval for the subdivision, notes will be placed on the plat and perhaps declaration of restrictions may also be required to be filed that would indicate to any potential owner of those commercial lots that it may be subject to a right-of-way, so I think that that would be a significant encouragement to resolve that issue now.

MR. NOVESKY: Okay, are there any other questions or comments from the board? Okay, hearing none, I don't know that we have anything else.

MR. BRODMERKEL: Make a motion we close the meeting.

MRS. DEANS: Second it.

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. BRODMERKEL	AYE
MS. BUNT	AYE
MR. GOLD	AYE

July 7, 2008

57

MR. NOVESKY

AYE

Respectfully Submitted By:

Frances Roth
Stenographer