

June 7, 2010

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TOWN OF CORNWALL

PLANNING BOARD

JUNE 7, 2010

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PLANNING BOARD ATTORNEY

GARY VINSON  
BUILDING INSPECTOR

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

LESLIE DOTSON  
PLANNING BOARD CONSULTANT

REGULAR\_MEETING \_\_\_\_\_

MR. NOVESKY: All members present, it's 7:30, we'll  
call the meeting to order for June 7, 2010.

APPROVAL\_OF\_MINUTES\_DATED\_5/3/10 \_\_\_\_\_

\_\_\_\_\_  
MR. NOVESKY: Motion to approve the minutes?

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MR. KLOSKY: So moved.

MR. GOLD: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. GRABE	AYE
MR. LOBLANCO	AYE
MR. NOVESKY	AYE

MR. NOVESKY: We have no public hearings tonight and we have one project on the agenda.

MILL\_POND\_REQUEST \_\_\_\_\_

MR. CORDISCO: Before we get to that, we should deal with Michele Babcock's request for a six month extension on the Mill Pond subdivision. She wrote in on May 10, their current approval actually expires today. They have a timely request for a six month extension. And given that there are no changes that have been proposed for the projects, I would recommend that the board consider a motion to extend their preliminary approval for six months.

MR. GOLD: So moved.

MR. LOBLANCO: Second it.

MR. BRODMERKEL: Just want to confirm which one Mill Pond is?

MR. CORDISCO: This is the 12 lot subdivision that's next to the Mill Pond, what's that building, Gary?

MR. VINSON: Across from Cornwall warehouse between Mill Street and the back of Laurel Crest. It's a residential subdivision.

MR. BRODMERKEL: In back of the warehouse, what warehouse?

MR. NOVESKY: Your memory deceives you, there's some questions on the factory across the street, this is the 12 lot subdivision on the north side or the east side.

MR. CORDISCO: If we didn't have this question we'd probably be done already.

MR. BRODMERKEL: I just want to know what I'm voting on.

MR. NOVESKY: Satisfied?

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MR. BRODMERKEL: I'm satisfied.

MR. NOVESKY: All in favor?

ROLL CALL

MR. KLOSKY            AYE

MR. GOLD             AYE

MS. BUNT             AYE

MR. GRABE            AYE

MR. LOBLANCO        AYE

MR. NOVESKY         AYE

LANDS\_OF\_COMITO\_REQUEST \_\_\_\_\_

MR. CORDISCO: You also have a request regarding the lands of Comito for a six month extension. And this just came in, the board could either consider it tonight or you can consider it at your next meeting.

MR. NOVESKY: This is the one we approved in 2008 and they're still asking for--

MR. CORDISCO: A six month extension.

MR. NOVESKY: How many six month extensions can we bring?

MR. CORDISCO: As many as the board is inclined to grant.

MR. BRODMERKEL: This is the second?

MR. CORDISCO: This I think is more than the second, this is probably the third or fourth at this point. You granted it in 2008 as part of the settlement of the lawsuit.

MR. BRODMERKEL: That we continue granting.

MR. CORDISCO: That we continue granting extensions.

MR. CORDISCO: Well, I think the board would be acting arbitrarily and capriciously if you were to suddenly not grant extensions for this project when none of the factors have changed.

MR. BRODMERKEL: Can we after assuming we approve this extension can we send them a note saying next extension we'd like a reason and rationale?

MR. CORDISCO: What did they say this time?

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MR. VINSON: Health department approvals.

MR. CORDISCO: Yeah, they're pursuing health department approvals.

MR. NOVESKY: They have not received them?

MR. VINSON: Didn't say that.

MR. CORDISCO: We're currently pursuing health department approval. There's a June 3 letter from Ryan McGuire, engineer with Pietrzak and Pfau.

MR. NOVESKY: I appreciate Mr. Brodmerkel's concerns for the record.

MR. CORDISCO: It is not out of the realm of ordinary practice to ask for a number of extensions for preliminary approval and New York State law is set up so that you can ask for as many as you need because it's designed to provide an applicant with a time to get outside agency approvals.

MR. BRODMERKEL: Make a motion we approve this extension.

MS. BUNT: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. GRABE	AYE
MR. LOBLANCO	AYE
MR. NOVESKY	AYE

MR. CORDISCO: I will write confirming letters both on Mill Pond and Comito with copies to Gary's office so everyone knows when their extensions will expire.

DISCUSSION \_\_\_\_\_

WINDMILLS \_\_\_\_\_

MR. NOVESKY: Dominic, would you clarify the situation with Dr. Schuster and the windmill?

MR. CORDISCO: Yes, we invited them in, this is the Black Rock consortium to the last work session and I believe they had taken a slot on the work session agenda to discuss pre-application to filing an application regarding their proposed wind turbine but they did not appear at the last work session.

MR. NOVESKY: Didn't we discuss some form of not a waiver but didn't we discuss something at the last meeting last month where--

MR. CORDISCO: There was correspondence from Mr. Schuster expressing concern about compliance with the new wind turbine law that the town had passed. One thing I mentioned to the board is that we built the wind turbine law specifically to allow the planning board the flexibility to not require every element and every requirement for design as part of this application review process, that whatever was being asked for was being onerous in this particular instance and was not going to affect the health, safety and welfare of the people of the town. The board has the ability to waive that. So our suggestion is that we have them into a work session so we can have a better understanding and they could have a better understanding of what the application process would entail.

MR. NOVESKY: My understanding was that it was just a summer thing, they were going to assemble it at the end of the summer. Am I correct?

MR. LOBLANCO: Right.

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MR. NOVESKY: Can we consider it or should we wait till they come before the board?

MR. CORDISCO: There's been no application. At the very least, they have to file an application with some idea of what they're proposing to do before we can start waiving requirements.

MR. NOVESKY: So we'll move on to the next item.

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MR. CORDISCO: This plan was previously before the board, actually, a version of this plan was previously before the board. It's been reviewed, Mr. Drabick is here, perhaps he should give a small review.

Mr. Steven Drabick appeared before the board for this proposal.

MR. DRABICK: Just briefly based on comments and concerns that were expressed at the last meeting and discussing with the applicant his real desire was for a residential use and so we decided probably the best avenue would be to eliminate the commercial use and propose a two-family dwelling on that site. That not being allowed in this particular zoning district, we designed with the bulk requirements which would be applicable in the SR1 district allowing for a two-family dwelling. Based on those requirements as you can see, we would probably end up needing variances for each one of the items. I feel that it is a better use for this site both traffic wise and construction wise. And just to point out in Leslie's comments there you have the maximum livable area, the number that I've shown on the plan is the total livable area of the building, it would be two dwelling units and each dwelling unit would be roughly a little over 1,200 square feet which is what the applicant was looking to build.

MR. NOVESKY: Okay, first, Dominic, do you have any comments?

MR. CORDISCO: Well, we did receive comments from Leslie and if you'd like, I can go through them, I can try and summarize them as quickly as I can. They're fairly lengthy but without going through them point by point, I just note that the applicant has been given a copy of them and as I understand it the plan has been

modified to in response to some of the board's comments last time prior to going to the zoning board of appeals and that the current plan eliminates the lot line change, as I understand it. Which means that the, which means that the lot in question for two residences would not have any frontage on Main Street.

MR. DRABICK: That's correct, right.

MR. CORDISCO: So I think that that actually would be one of the variances that you would need from the zoning board because you don't have any frontage along the street. One of the other variances that would be required for this application is that the, what's being proposed here is two residences and the multi-family residential units are not allowed in this particular district. So that would change this from an area to a use request. Leslie in her comments is very specific that the proposed use now being two residences is less intense and in her opinion better suited for this particular site. But she does point out that the use variance itself is a tougher variance to get from the zoning board so she just wants to make sure everyone was aware of that. She also provides some additional analysis regarding the variances. My suggestion would be to forward her comments along with any comments that the board might have directly to the zoning board so they can see that as well.

MR. NOVESKY: Dominic, on comment number 2, there's an incomplete sentence, I didn't know what that meant, whether it was the last sentence of the second comment it stops, separation of the edge though--

MR. CORDISCO: Your guess is as good as mine. I'm not entirely sure of what she had in mind.

MR. NOVESKY: Board members, do you have comments?

MR. GOLD: I have the same comment I had last month,

I'm concerned about access for emergency service vehicles down that fairly narrow easement/driveway.

MR. GOLD: Yeah, I also am still concerned about the traffic. I believe the plan should show Union, should show Union Street, you know, relatively exactly how wide Main Street is and where Union Street is located relative to this driveway because we're talking about an increase in traffic coming in and out of the driveway. Additionally, the traffic has to cross the sidewalk basically to get in and out of there and I'm concerned about sight distance risks and risks to pedestrians, especially in this zone. We always hope to encourage pedestrian traffic along the Main Street corridor. This would be counterproductive to that point of view side so I think the ZBA should consider those issues.

MR. NOVESKY: Any other member have a comment?

MS. BUNT: No, I agree with Wynn and Led.

MR. LOBLANCO: As do I.

MR. BRODMERKEL: The intersection that was mentioned by Led I think is a troublesome one as it exists today. To add traffic to it would make it more troublesome therefore not a good thing.

MR. NOVESKY: So are we suggesting to recommend this to the zoning board with those comments attached?

MR. CORDISCO: Yes.

MR. BRODMERKEL: So moved.

MR. CORDISCO: Refer to the zoning board at this time with those comments.

MR. LOBLANCO: Second it.

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ROLL CALL

MR. KLOSKY	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. GRABE	AYE
MR. LOBLANCO	AYE
MR. NOVESKY	AYE

MR. NOVESKY: That would cover that. Thank you, Steve.

MR. BRODMERKEL: Make a motion we adjourn.

MR. LOBLANCO: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. GRABE	AYE
MR. LOBLANCO	AYE
MR. NOVESKY	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer