

March 19, 2007

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TOWN OF CORNWALL
ZONING BOARD OF APPEALS
MARCH 19, 2007

MEMBERS PRESENT: LENORA RANSOM, CHAIRPERSON
EILEEN REGAN
MICHAEL MC GUINNESS
TED DOBIAS
WILLIAM LEE

ALSO PRESENT: ADAM RODD, ESQ.
ZONING BOARD ATTORNEY

MS. RANSOM: I'd like to call the March 19, 2007 meeting of the Cornwall Zoning Board of Appeals to order.

ROBERT_BOSE_-_CONTINUATION _____

MS. RANSOM: First item on tonight's agenda is the request of Robert Bose. Is the representative of Mr. Bose here?

MR. GARCIA: Yes.

MS. RANSOM: Just to refresh, I will read the legal notice since it's been a few months. Notice is hereby given that the Zoning Board of Appeals of Town of Cornwall, County of Orange, State of New York, will hold a public hearing at the Town Hall, 138 Main Street, Cornwall, New York on November 20, 2006 at 7:30 p.m. or as soon thereafter as the matter can be heard on the application of Robert Bose relating to property

located at 3 Pine Ridge Road and designated on the tax map as Section 35, Block 1, lot 23. The applicant seeks an area variance to Section 158-21 (k)(1) of the zoning ordinance in order to install a 14 foot by 28 foot inground pool in a required front yard, a prohibited location. The Zoning Board will at the above time and place hear all persons indicated in the application, all written communication should be received by the board at or prior to the hearing. Dated October 17, 2006, by Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson. This public hearing has been left open for several months waiting for survey of this particular property that was presented to the board this evening. Please make your presentation to the board.

MR. GARCIA: At the last meeting that I was here you asked for a plot plan where the pool's going to be located.

MS. RANSOM: Can we get your name?

MR. GARCIA: Carlos Garcia.

MS. RANSOM: Thank you, Mr. Garcia. There seems to be a lot of property on the side, says area of excessive slope, tell us what excessive slope means, please.

MR. GARCIA: It's a probably a 30 foot drop.

MS. RANSOM: Is there any flat area in that entire section?

MR. GARCIA: Yes, right where the trees are so right where the stone wall is on the other side of the pool you see the evergreen?

MS. RANSOM: No, I'm sorry, I don't.

MS. REGAN: Over here.

MS. RANSOM: Okay, there's nothing in the back or the side of this house in that area as you're looking at the dwelling would be straight back?

MR. GARCIA: Right, the back where the garage is.

MS. RANSOM: Where it says location of edge of woods?

MR. GARCIA: Right, that goes up a hill, it's a very steep incline, that's the only flat part of the house there where that stone wall is there it goes all the way around the outside of the house, that stone wall is to hold back the debris that comes down off the hill.

MS. RANSOM: So there's no flat spot in any of that area behind this house?

MR. GARCIA: No.

MS. RANSOM: There's, it goes all the way back to the property line? There's absolutely nothing flat in any of that area?

MR. GARCIA: Nothing whatsoever, ma'am, if you'd like, I mean, I'd invite one of you up to go there to look at the landscape, the area.

MS. RANSOM: So the only place that this pool and it's going to be 24 foot by 14 foot pool is in the front yard?

MR. GARCIA: Yes, ma'am.

MS. RANSOM: And what kind of screening is going to be around this so that you can't see any of it from Pine Ridge Road?

MR. GARCIA: You wouldn't be able to see the pool at all from Pine Ridge Road cause it's about a 50 foot

from Pine Ridge to the top of it's a 50 foot easy and you wouldn't be able to see up there at all. The only people that might be able to see it are the people to the right and that's why we put the evergreens in there so give some privacy.

MS. RANSOM: Isn't there a house kind of about where this encompasses on this map, isn't there a house up there?

MR. GARCIA: Yes, there's the house right there.

MS. RANSOM: Is that going to overlook this pool?

MR. GARCIA: No, you can't see the pool, there's a big mountain that comes in between right here, we can't see anything whatsoever, there's a big mountain.

MS. RANSOM: Is this a relatively large pool?

MR. GARCIA: Not really for the area that it's going to be covering there, it's not a very big pool at all.

MS. RANSOM: Okay, Mike, any questions?

MR. MC GUINNESS: No.

MS. REGAN: No.

MR. DOBIAS: No.

MR. LEE: No.

MR. RODD: What size evergreens did you propose?

MR. GARCIA: Probably 10, 12 footers.

MR. RODD: Would you agree to place those evergreens as indicated on your plot plan as a condition of the grant of a variance in the event that the board chooses to

grant this?

MR. GARCIA: Sure, absolutely.

MS. RANSOM: Anybody else have any questions? Is there anyone in the audience who'd like to speak to this issue? Anything else you'd like to add?

MR. GARCIA: No, that's it.

MS. RANSOM: Okay, I don't know if we'll get to make a decision tonight but thank you very much.

MR. GARCIA: Thank you.

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PAUL_&_LORELEI_BARTKO_-_CONTINUATION

MS. RANSOM: Request of Paul and Lorelei Bartko. Is Mr. Bartko here? Okay, this was left open until, because we needed the information from the county and that has been received.

LORRAINE_BENNETT

MS. RANSOM: Our next public hearing this evening is on the request of Lorraine Bennett. Notice is hereby given that the Zoning Board of Appeals of Town of Cornwall, County of Orange, State of New York, will hold a public hearing at the Town Hall, 138 Main Street, Cornwall, New York on March 19, 2007 at 7:30 p.m. or as soon thereafter as the matter can be heard on the application of Lorraine Bennett relating to property located at 2327 & 2333 State Route 32 and designated on the tax map as Section 9, Block 1, Lot 4 (#2327) and SEction 9, Block 1, Lot 3 (#23333). Both lots are located in the HC district but because of their use must comply with SLR-B bulk requirements and are currently non-conforming in some respects. The applicant seeks an area variance to shift the lot line separating lots 3 and 4 a total of 25 feet to the south. This would make lot 4 non-conforming in road frontage where it previously complied (reducing from 170 to 145 where 150' is required) and would increase the degree of non-conformity of lot 4 as to lot width at front (reduce lot width by 25 feet at required front and rear yard setback) and reduce the area of lot 4 by the area of the 25 foot wide strip. The Zoning Board will at the above time and place hear all persons indicated in the application, all written communication should be received by the board at or prior to the hearing. Dated February 13, 2007, by Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson.

Mrs. Lorraine Bennett appeared before the board for this proposal.

MS. RANSOM: Let the record show that we have received one piece of correspondence from Jim Hogan, he gives his address as 2334 Route 32, New Windsor, New York and that letter is available here if anyone would like to look at it.

MRS. BENNETT: Thank you. Would you like this map, Lori?

MS. RANSOM: Yes, please.

MRS. BENNETT: The reason that I'm requesting this as most of you probably know my house is a National Register house and when I look out my living room window, it's actually 19 feet from the lot line. So by getting 25 more feet this would give me more side yard. The other thing is I'm getting tired of being a landlady and I'm sort of anticipating possibly selling the rental house.

MR. RODD: Rental house is lot 4?

MRS. BENNETT: The rental house is the one to the south, I'm taking this is the piece of property that I want to take to add to this house, this is the stone house.

MR. RODD: Is that the one you live in?

MRS. BENNETT: Yes.

MR. RODD: So the frame house on lot 4 is the rental house?

MRS. BENNETT: That's correct.

MS. RANSOM: Do both properties, both lots have wells?

MRS. BENNETT: Both properties have hand dug wells 290 feet driven wells and town water.

MS. RANSOM: And also town sewer?

MRS. BENNETT: No because I'm under the hill and it would have required a pumping station and my husband

and I when he was alive couldn't get enough people to join us in that project and it was \$100,000 plus maintenance so unfortunately, we don't have the sewer but not because we didn't want it.

MS. RANSOM: So both properties also have their own septic systems?

MRS. BENNETT: They do and the rental property, let's see, four years ago I replaced the septic tank and two huge retention tanks and they're directly behind the house at the appropriate place and my septic tank is right about here, main drainage field is all the way back here and I also have a dry well that my washer, dryer, et cetera empties into.

MS. RANSOM: So what are the dimensions of lot 4 going to be when you're finished?

MRS. BENNETT: Well, actually, if I take, it's 170 by 200 now 170 you're talking about the one I'm taking the property from, right?

MS. RANSOM: Yes.

MRS. BENNETT: Yeah, it's 170 by 200 now so it would be 145 by 200 actually, you know, the five feet isn't exactly essential probably if that makes an issue, I mean, in other words, I could keep the front yard at 150 if I only did 20 feet but I also should point out that I do own the lot to the north of my house which is a separate deed but it's 50 by 200, so this lot line change would basically make both properties equal within about five feet I think.

MS. RANSOM: And then the house, the lot with the rental house on it, what's that frontage going to be?

MRS. BENNETT: It's 145 feet.

MS. RANSOM: That's also going to be by 200?

MRS. BENNETT: Yes.

MS. RANSOM: Mike, questions?

MR. MC GUINNESS: So they'd both be non-conforming?

MRS. BENNETT: They're already non-conforming, one will be a little less non-conforming and the other one will be more non-conforming but when I looked at the map that's also included here every single property from my house to Vails Gate is on a non-conforming lot except what Michael owns.

MS. RANSOM: Now there's no structure on this other lot to the north of yours?

MRS. BENNETT: No.

MS. RANSOM: You're not proposing to do, that's a separate deed?

MRS. BENNETT: Right, everything.

MS. REGAN: No cause basically it doesn't impact the houses at all or anything, kind of just evens it out.

MR. DOBIAS: No questions.

MR. LEE: No.

MR. RODD: No.

MS. RANSOM: Anyone in the audience who'd like to speak to this issue?

MRS. LEWITT: Nancy Lewitt, 22 Hazen Street. My question is I'm wondering is this going to be a residential for the people that are going to buy it?

MRS. BENNETT: I really I don't know because, actually, it's highway commercial, at the present time the use is residential but, I mean, if you think about 32 most of the property along there is highway commercial. So I really don't know what the use would be and in a sense I'm doing this 20 feet or 25 feet to protect my house which is a listed house in the National Register so when you sell a property, Nancy, you know, you really can't say you can't build a doctor's office or whatever or use the existing buildings for that. So I don't know what's going to happen and maybe it won't sell, right? Bad real estate time.

MRS. LEWITT: I thought you had somebody in mind.

MRS. BENNETT: Oh, no, I mean, the only thing I have in mind is not having another miserable tenant.

MS. RANSOM: Thank you very much. Anyone else like to speak to this issue? Any other questions up here? Okay, I don't know if we'll get to make a decision tonight.

MANOR_AT_CORNWALL_LLC_(CHESTNUT_WOODS)

MS. RANSOM: Our next public hearing this evening is on the request of Manor at Cornwall LLC, Chestnut Woods. Notice is hereby given that the Zoning Board of Appeals of Town of Cornwall, County of Orange, State of New York, will hold a public hearing at the Town Hall, 138 Main Street, Cornwall, New York on March 19, 2007 at 7:30 p.m. or as soon thereafter as the matter can be heard on the application of Manor at Cornwall, LLC relating to property located at east side of NYS Route 32 at the Town of New Windsor line abutting the Moodna Creek and designated on the tax map as Section 9, Block 1, Lot 54. The applicant seeks relief from the building height Section 158-24(C)(7), number of stories Section 158-24(C)(7) and paved areas within 25 feet of property line, Section 158-24(C)(9), limitations of the Zoning Law in order to construct a senior citizen housing area within the Town's SR-1 Zoning District. The Zoning Board will at the above time and place hear all persons indicated in the application, all written communication should be received by the board at or prior to the hearing. Dated March 5, 2007, by Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson.

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

MS. RANSOM: Let the record show that we have received some correspondence on this, there's a letter here from Tommy Abbott. There's also a letter from David and Christina Longinott. So those are available if anyone would like to see them. Good evening.

MR. DONNELLY: My name is Michael Donnelly, I'm an attorney in Goshen, New York. I represent the Haber family and the Manor at Cornwall LLC, the fee owner of the property in question. I have the affidavit of mailing and affidavit of publication I'll leave with

you for your file. With me this evening and we'll try to keep these visuals in a way that both you and the public can see, with me are many members of the team that's processing this application before the planning board. We don't all plan to speak but we wanted to have everyone present in case we had questions. David Haber is here from the Haber familiar, A. J. Coppola, architect, Phil Greeley, the traffic engineer, Phil Eustance, the civil engineer, Stu Turner, Frank McCue, landscape architect. I'd like to first walk through a little bit of the history of the project, give you a rough idea of where it is and what we're asking for then ask A. J. Coppola to describe some of the architecture, particularly the architecture and the goals of that architecture that drive the need for these variances. And then we'll ask Frank McCue to describe some of the landscaping features that have been added to try to mitigate the visual impacts both from near and afar. The property is located as the notice said on Route 32 south of the Vails Gate area and is shown as this long piece of property that extends back through here. The nearest parallel adjoining street is Jacqueline Street. When we first started this several years back, this entire piece of property was zoned HC, Highway Commercial, the Haber family have long had a desire to develop this for senior citizen housing, that was not permitted under the ordinance. The first thing we applied for was a map change, we thought it would be appropriate to bring that zoning district boundary that separated the HC Zone everywhere else at a distance, I don't remember what this is, but roughly a line something like this and to make this piece of property conform with that residential character behind. And that zone change, that map change was made in the zoning district boundary is now here. That's put this property in the SR I think it's 15 zoning district in which a senior citizen housing area is a permitted use and we of course have an application pending before the planning board and this site plan is going through changes but

roughly is what's shown there. The current site plan of the residential portion of the project because there's some commercial development in the HC portion in the front is what's shown here on the board. The variances that are requested are two and perhaps three in nature. The first is a relief from the building height provisions of the ordinance, the height is measured under the zoning ordinance from the Route 32 side of each building at an average grade and there's a chart in the letter that I attached to the application that shows the heights of the various buildings. They range I think from 25 foot is the maximum that's permitted somewhat we think unusually a residential house could be 35 feet but this project is limited to 25 but the proposed heights range from 29, 20, 31 feet. There's also restriction in this zone again for senior citizen housing, not for other residential structures of not more than three stories, several of the buildings will exceed that three story limitation and the areas of those buildings are shaded on this map here. The three story limitation comes about as a result of the topography, the land slopes backwards toward the rear so for each of these buildings although they're throughout the same basic layout, the back parts of these buildings on the lower slopes the ground drops down, therefore, there's the opportunity to make use of the area that has a large foundation wall, it makes them technically three story buildings. We consider them two but under your definition certainly three. The third variance we seek has to do with the provision that limits paved areas within 25 feet of a lot line, there's a sidewalk that runs behind building number 2 that comes closer to that lot line than 25 feet and there are several proposed recycle or dumpster housing areas that fit best we think in these areas by the parking lots that come within the 25 feet. As you may have noticed from the aerial picture that I had up here before there's a, that sidewalk would be here and those dumpsters would be in this location, there's a great deal of area and then only the Knox Village area

it's virtually invisible more than 3 or 400 feet there. The other particular area of concern from a character of the neighborhood point of view was the Jacqueline Street area and as some of you know we did balloon tests both for there and this area here during the SEQRA process and if I can return to that just for a moment as you probably know we were here before you a little bit more than a year ago I think last January when during the SEQRA process the planning board thought we should make an appearance before you to kind of bring you along as to what we were proposing. When this application started, we recognized that we could lay out what we wanted in a series of more flat buildings laid out along the site in various places. We thought that that would make an appearance that was not particularly presentable, we have our own questions as to the wisdom whether intentional or not of the ordinance that limits these buildings to that flat style and the planning board I think is fair to say shared some of that feeling and indeed they encouraged us to seek what they characterized as a visual, a vertical, I'm sorry, clustering alternative that we lay out that conforming plan then we cluster the buildings in an upward fashion vertically reducing the number and thereby preserving more open space and giving a more handsome look. It became apparent that clustering didn't apply because that was a subdivision concept, this is only a site plan so we we're back to the need for various easements. Of course the planning board issued a positive dec under SEQRA, we prepared a draft environmental impact statement, had a series of public hearings on that document, prepared a Final Environmental Impact Statement which had been delivered to us as an involved agency and more recently the issuance of finding statement, a copy of which I delivered with the application because I thought that was important and has some overlap with your jurisdiction. During that SEQRA process, a great deal of time, effort and energy was spent on performing a visual analysis, an analysis from various vantage

points selected by the planning board where potential impacts of the look of these buildings would be most noticeable. Of particular concern was the area of Jacqueline Street where at the time we had a rather large building proposed right in this area that was fully three stories and I think at that time 40 something feet in height. The other area of concern was this building back here which is two stories, has no three story component that's at the top of a significant slope down by the creek down here. During the visual analysis balloons were floated and I think some of you attended those balloon tests to see what could be seen. As a result of the analysis that was conducted we revamped this area, we lowered this building to be a two story building.

MR. HABER: Why don't you show them the visuals.

MR. DONNELLY: I'll show it quickly but A.J. will spend a little bit more time on it. This was the, this is a rendering from the Jacqueline Street area on top was and I think this is in the letter was the building as it was originally proposed as three stories and 40 something feet in height as a result of the visual analysis and its reduced size and fashion is what's shown in here. Now, of course, the fencing and buffering and plantings that we proposed are also shown in there, some of this is existing vegetation. We feel and A.J. will pick up this thread in a moment that what we propose is superior to what could be presented to the planning board on a conforming basis. It's clear in my letter and I will make clear to you this evening it is possible for us to lay out these buildings and these footprints with this number of units and comply with the ordinance. The result would be and we'll come back to that in a moment a rather unattractive we think building that retains none of the residential character of the surrounding neighborhood. Therefore, we feel that the variances are intended and our requests made for the purpose of presenting a more consistent

rendering or appearance with the character of the neighborhood. With that said, let me turn to A.J. and ask him to describe some of the architecture and the efforts that have been made.

MR. COPPOLA: Thank you, Mike. I'm going to focus on two buildings, one is the building number 4 which is the L-shaped building that's closest to Jacqueline and as Mike said that's been reduced from three stories to a two story building and that sits basically on a flat piece of ground. So as you see that building all the way around from Jacqueline Street or any other vantage point that's two stories, I think the average elevation to that is 29 feet. And building 7 which we have spent a lot of time at the planning board noting the material selections for that and we have probably given your board and I have more colored copies of this rendering which is building 7, however, this is pretty typical for all our six buildings. A large part of what we're doing tonight and what we're asking for specifically has to do with the roofs. We have over the past year, year and a half we have studied these roofs quite a bit and in the course of preparing for this variance we have actually in addition to lowering our certain number of these buildings by a full story we have also lowered the roofs. Last year we had basically a 5 on 12 roof slope and that was basically something that I felt was comfortable able from other projects that we had done but in the course of making these adjustments and getting these roofs down we're now basically a 4 on 12 roof slope. And as you look at these buildings, the reverse gables that you see are steeper but they're not higher than the main ridge. That 4 on 12 roof slope is important. That's the roof slope that determines the maximum, the average maximum height, that's the chart that we have submitted as part of this variance application and we feel fairly strongly and I feel very strongly as an architect that that roof is appropriate for these buildings. As you see that roof it's basically approximately a story high visually and

that's consistent with other residential architecture in the area and basically we feel consistent with the surrounding neighborhood. As Mike stated, we can basically as of right reduce these to flat roofs that would conform to the 25 foot average elevation, that's something we really don't want to do, we feel these roofs are commercial looking, we feel that they lack character because as you'd see them they would basically be missing a component, an architectural component to them and we don't think that they would be at all in character with the surrounding residential area. So the 4 on 12 roof slope is what we're proposing. Zoning ordinance codes allows us to do a flat roof, that's not what we would prefer to do so that's one of the reasons why we're here tonight. As Mike stated with the architecture and what we're doing here we're going to have two visual schemes, we have 6 buildings so there will be three buildings, one scheme three buildings of another, what's rendered here is building 7 and I will just show you that that's the building here that's at the top of the Moodna Creek and just so we're not confusing everybody there's, I'm saying it's building number 7 but there really are only six buildings total. One of the things we had done recently we dropped the number of units to 162, it was 191 last year and we eliminated a building and really instead of renumbering the buildings we just decided to leave the building numbers the same. So there's six residential buildings that we're talking about but this is the view that you'd see if you were looking up the hill from the bottom of the creek which that's quite a slope down the hill here. And basically these buildings are rendered in a fiberglass shingle and that 4 on 12 roof slope is important because that's a minimum as everybody knows who's ever re-roofed a house or owned a house that's a minimum slope for a fiberglass shingle. So if we were to go with a lower roof we're in with commercial roofing product and that's something that we certainly don't want to do here. So the fiberglass shingle is important for the 4

on 12 roof slope and that's what we have depicted here, there's going to be cultured stone in these reverse gables, there's going to be a natural cedar shake looking vinyl siding, it's a product that we have given to the planning board and one that they have looked at closely and then landscaping will be at the base of this. And I'll let Frank address this a little bit in a little while when we talk about landscaping around the other buildings. So basically the buildings are the fiberglass shingle, the siding, the cultured stone and then accents from that shutters, window plantings, the ballisters around the porches and the columns around that. That vocabulary extends to all the buildings. So on the side elevation it's a similar thing, this is similar for all the buildings and the side elevation is where we get our maximum roof slopes, that's because side elevations are the elevations that face Route 32 and that's what the, how the definition in the code works. So these are similarly materials here are similarly applied as far as the cultured stone, the siding and the fiberglass shingles. Just real quickly I'll go through a couple of the other visuals that we have, again, this is the visual from Jacqueline Road and this depicts the three story portion as it was last year, it's what we call our L-shaped building number 4 and that's been reduced by a full story so that was over 40 feet last year, now it's an average elevation of 31 feet.

MR. HABER: Twenty-nine reduced it 11 feet 10 inches.

MR. COPPOLA: This is building number 2 and this is typical, we're dealing with a quite a sloping site so for this particular building we have a two story portion here and then the the grade jumps down so as you're going passed this building you're going to be going down a grade, this building jumps down. What this doesn't show is the three story portions that we're asking for, that's building number 2, but there's also buildings here where we have as the grade goes

down there's three story portions so that's a function of the topography that's there. Now, again, we feel that this is a more appropriate scheme versus we do have the option of adding a building which we don't want to do so we're basically as Mike said clustering these a little bit and we have taken a lot of care in the selection of these three story areas so that we minimize the impacts. There's no three story area down on the creek and there's not the impact here, we have lowered that building number 4 by a full story.

MR. DONNELLY: I'd ask Frank McCue if he would, if I can just make one other mention myself because there's a lay person that stands out, this is the rear elevation to building number 7 that sits atop the slope, this is what you'd see looking up at the building. Well, that's not quite true because this is an elevation and an elevation is that fiction of architects that allows you to look at the building and each of its elements at the elevation you're looking at, in other words, as you look at this building, it's as if you're at the roof line, it's as if you're at this balcony and it's as if you're on the ground. One thing it certainly is not is what you would see if you looked up at this, there's a substantial slope and then this building is set back on the level area at the top. There will be very little visibility of this building and with the reduced pitch of the roof line and the earth tone colors chosen even in a leaf off season given the substantial vegetation there's not going to be a lot of visibility of this building and only if you look up from the creek area at it. So I just wanted to say this is an accurate elevation but it's not an accurate elevation of what you'd see if you looked up. Okay, Frank.

MR. MC CUE: This drawing here might be a nice way to segway into this. These are the contour lines that you're referring to on the slopes, if you're down at the trail, you'll be looking up 50 or 60 feet then over

evergreens to the top of this building so you probably wouldn't even see it depending on what your elevation is at that time. I'm Frank McCue, I'm the landscape architect out of Washingtonville. What I thought would be a nice thing to start off with just to give you an idea of the impact of building, constructing this and if you look between the light and dark green, the dark green represents that which isn't being disturbed and the light green refers to that which is disturbed, it's in your handout as well so what will be retained will be everywhere down that slope that we're referring to on this drawing, it refers to everything in the wetlands except for where the road will be crossing through. In terms of visual impacts as it was noted earlier the most notable area was along Jacqueline and what we have been able to successfully do here is along that road you'll have a retaining wall of between 2 1/2 and 3 feet, a berm on top of that retaining wall somewhere around three to four feet depending on where you are and on top of that the evergreens that will screen is this area out so we're, we have done our best in order to reduce that visual impact.

MS. RANSOM: When you say evergreens, what specific evergreens are you thinking of?

MR. MC CUE: We're using white spruce, Colorado spruce and white pine, what we have actually done too I have spec'd larger than what I normally spec on those, the trees typically I go with 7 to 8 feet, we're saying 8 to 9 and on the white pines 10 to 12 and we have normally I put them, I stage them on center typically around 18 or 19 feet, we have made them 16 and 17 feet here so we can get some visual gratification a little bit sooner.

MS. REGAN: Is it in a straight line?

MR. MC CUE: Along this line it is really based on what we're using, for instance, I have them along building 7

we're staggering them there and we're able to create some sort of visual pockets but we'll have specimen trees in front of the evergreens so the evergreens provide a nice green backdrop and try to use that simple idea throughout out the site wherever it's possible, whether it be evergreen trees or evergreen shrubs using them as a background and maybe a shrub that's of a specimen shrub. And we have also in terms of now that we're talking the screening, it's not just screening from the outside in, we have also done it in the inside for the people who are going to be living there, so that the recycling areas and all those will be screened as well. One of the major obstacles was building 7 and in the course of action what's happened this is, this has actually been moved closer to the road so we can provide the fire access they have asked us, Cornwall Fire Department asked us to give 26 feet, you'll notice in fact I do have that dimension, so it shows you exactly where the 26 feet resides. I also have larger drawings, I know yours are 11 x 17, I have a larger one that's a direct copy of this that I can also leave the board so if you want to look at that down the road. Also building 7 what we have done is we have put in a chain link fence at the top of that ridge, there's an existing stone wall I have been wanting to preserve, this is based on our feedback from the planning board, we put in a chain link fence vinyl clad black, it will be just in front of the evergreens but behind the wall and the idea there was the wall's only a couple feet high, the idea was in the time it takes for these trees to grow we wanted to make sure that people when they're walking around in the back should they go a little too far down the slope didn't want them to sort of--so it's sort of a safety issue, we thought black vinyl clad, it's the least obtrusive and eventually it will just be hidden by these evergreens. In terms of the plantings that I have chosen, tried to make them native deer resistant, hardy salt tolerant where necessary and everything within the climate that we live in. The price tag, the bottom

line price tag there will be about \$600,000 worth of once it's all installed including installation talking about \$600,000. The only last thing I wanted to make clear is the difference between the drawings that you probably saw in the past versus now is in the first sheet where that parking lot is now the ATV also where my match line is that's where building 1 was and that's been eliminated so now we have this little bit extra parking and we have the gazebo there now plus we have a little storm water detention at that area too, that's the biggest difference between the last submission and this submission basically and that's where we're counting six buildings but 2 through 7, building 1 was the one closest to the road that was eliminated. If you have any questions, I'd be glad to answer them.

MR. HABER: Talk about the fencing on Jacqueline Street.

MR. MC CUE: On Jacqueline on your drawings as well we have the chain link fence behind building 7 but we have tongue and groove with lattice is what's going to be lining Jacqueline here on the south side so we have that retaining wall, we have a berm, we have the evergreens and we have this very nice fence.

MS. REGAN: What material will the fence be?

MR. MC CUE: Made of tongue and groove and the height of fence is eight foot so that will be on top of that will be at the top of the retaining wall and depending on where it is it will either be at the foot of the berm or somewhere along it.

MS. RANSOM: How far off the ground is it going to be the fence?

MR. MC CUE: Well, we're going to have it, you're going to have a small retaining wall 2 1/2 feet then start sloping up so anywhere between bottom of the fence will

be anywhere from 3 feet higher than the adjacent road to possibly 3 1/2.

MS. RANSOM: Then it goes up 8 feet from there?

MR. MC CUE: Correct, and behind that will be a berm and on top of that berm will be those evergreens so we're trying to provide visual gratification right away.

MS. RANSOM: So the evergreens are going to be on the Jacqueline side street of the fence?

MR. MC CUE: Correct.

MS. RANSOM: What are the residents going to look at?

MR. MC CUE: They'll be looking through the evergreens to the berm to the fence on top of the berm and then hopefully not seeing anything because of the studies that we have done we won't be looking, do you have the other drawing?

MR. COPPOLA: Yes.

MS. RANSOM: I'm sorry, so the evergreens are on the Jacqueline Street side of the--

MR. MC CUE: Yes, ma'am.

MS. REGAN: Ground level?

MR. COPPOLA: You can see it here shows everything, the berm, the landscaping and the fence.

MS. REGAN: Can we see that?

MR. COPPOLA: Sure.

MR. MC CUE: Although the fence is a little different,

it's this fence that we have on this drawing.

MR. COPPOLA: This and this are the same, the berm, the landscaping and the fence and if you look closely they have really done a very good job at the lattice fence.

MR. MC GUINNESS: So you see the berm first before the evergreens?

MR. COPPOLA: There's two berms, there's a berm at the bottom.

MR. MC CUE: Well, there's actually just a road, a space of lawn then a little retaining wall and the berm is at the top.

MS. REGAN: Where is the retaining wall here?

MR. MC CUE: I can show you.

MS. RANSOM: So there's going to be a line of evergreens on the residents' side as well?

MR. MC CUE: Actually, what we have is these evergreens, this is a property line, the evergreens, this is the fence, the darker line here at the base of that is a retaining wall and that's 2 1/2, 3 feet high, then we have this on the other side of that wall is where we just have specimen evergreens, just some visually appealing shrubs, not really there for visual, they're not there to be screening just for interest.

MS. REGAN: Where is the retaining wall here?

MR. COPPOLA: I think that's at the bottom.

MR. MC CUE: This is the, well, the retaining wall you can't see from here.

MS. REGAN: And the fence?

MR. MC CUE: This along here, yeah, no, that's right, the fence is on this side, the retaining wall if you can see through the fence you actually wouldn't see it because you're looking at it from the top, the retaining wall is on the other side but it's also at the top so you're looking at the soil holding back the retaining wall, not the reverse. In other words, I guess if you're on the street side of this development you'd be looking at these plants, not the evergreens, these other specimen plants and then where there would be pockets of the retaining wall in the background.

MS. REGAN: What does the berm consist of?

MR. MC CUE: It will be constructed so that the angle will work and we can get these plants to grow on there, it's up to really--

MS. REGAN: Any ground cover?

MR. MC CUE: Oh, yeah, and mulch.

MS. REGAN: Who is going to maintain that?

MR. DONNELLY: It's on the developer's property.

MS. REGAN: Are these the evergreens that you're suggesting?

MR. MC CUE: No, we're suggesting, actually, no, this was just to sort of give you a visual representation what I'm talking about is actually large scale white pines and spruces.

MS. RANSOM: How big do they actually get?

MR. MC CUE: Fully mature they can be as tall as 40 feet.

MS. REGAN: Shouldn't it be like 15 feet apart?

MR. MC CUE: Well, we have, they can in some areas I do have them 15 feet apart on the actual landscaping plan but on some of them we have 15 feet apart depending on where they are, 17 feet apart is typical.

MS. RANSOM: Where does the chain link fence start and end?

MR. MC CUE: It starts here and ends right there.

MR. COPPOLA: That's something the planning board we spoke to them about.

MS. REGAN: Now, this is the building the way you're proposing it now the height?

MR. COPPOLA: That's correct, that's two stories.

MS. REGAN: And the roof being the third story?

MR. COPPOLA: Right, if you look closely like look at the height on that and look at the height of this that was three stories, this is old.

MS. REGAN: And this is new?

MR. COPPOLA: Right, so that's dropped a full story and about 11 feet because we reduced the slope of the roof.

MS. REGAN: Right and there's no living space, this is strictly roof, the whole--

MR. COPPOLA: That's your living space.

MS. REGAN: But that's strictly roof?

MR. COPPOLA: Correct.

MS. RANSOM: Can someone enumerate exactly what changed from what was presented to us a year ago to what we're looking at now?

MR. COPPOLA: Well, it's--

MR. DONNELLY: It's been such a moving target, I think the biggest two things are the removal of building 1 which is a fairly recent development and the shrinking of the Jacqueline Street building cause I forget it's number. The movement of the building number 7 which is much closer to the slope and I think one of the buildings was cut into two and a new building added.

MR. COPPOLA: Right, so there's been a reconfiguration down here for storm water management that was done about a year ago, the total number of units has dropped from 191 to 162, we have lost a building and we have reduced the heights of several of the buildings.

MS. REGAN: What about the building that's immediately behind the homes in that picture?

MR. COPPOLA: Building number 4.

MS. REGAN: Okay, what about the privacy issue of the second story, is that still at the same height as the old building was?

MR. COPPOLA: No, it's a full story lower.

MS. REGAN: But still--

MR. COPPOLA: Well, the second story is still there, the third story is not there so yes.

MS. REGAN: But there's still a privacy issue.

MR. COPPOLA: Well, I think there's enough distance there, there's a considerable distance there I think

and versus what I can--

MR. DONNELLY: Number 1, it's almost 200 feet in this area, number 2, I point out it's a residential zone, a house could be built at 35 feet and be a full three stories and I think your task is to focus on the impacts of the need of the variances, not of the construction, in other words, even brought without the variances that's still going to be a two story building.

MR. COPPOLA: We can build this building exactly the way it is and I can put a flat roof on it and we're not here.

MR. DONNELLY: If I could add two things about the fences, number one, the Jacqueline Street fence is wood and natural and will not need painting so in terms of maintenance while there's need to maintain the plantings and weed and particularly in the beginning water, the fence is actually maintenance free. Number two, there was a second purpose involved in the chain link fence behind building 7 at the top of the slope and that was the feeling of the planning board that it would help to keep debris, one of the fears was that now that this is a habited site that paper and trash and plastic bags, whatever it might be, could blow across the site, down the hill and spoil that area. So a feeling was that that chain link fence in that area at the top would help to capture and grab those things before they went down the slope, in addition to presenting a protection from someone that might enter into that area because of the slope.

MS. REGAN: In reading these small notes the tongue and groove is going to have a transparent seal on it that will require maintenance, that's not a forever thing.

MR. DONNELLY: Okay.

MS. REGAN: Every so many years that has to be redone.

MR. DONNELLY: Okay. I wanted to comment if I could before you throw it open to the public comment on the five factors, as you know, it's an area variance and you need to consider those five items and I had touched upon them in my letter but I wanted to touch upon them again now if I could. First, the character of the neighborhood and community and that I think is perhaps the most important one of those factors here, what's important is that you recognize that you're jurisdiction is to look at the impacts on the neighborhood and the community of a granting of the variances, not of the building, of the buildings because clearly this is an as-of-right use and the planning board would have to approve the site plan so we're looking at the incremental difference of pitched roof versus flat roof buildings and that impact. We believe that that is not only not an adverse impact, we see it as an improvement and one that will help the visual character stay consistent with the residential character of that neighborhood and provide a more pleasing appearance. We have in addition and I think it compliments the shape, style and architectural treatment of those buildings provided various types of buffering and landscaping. It's significant to note that to the top of that diagram the nearest structure is nearly 400 feet away, the closest building on Jacqueline to the closest part of any of our buildings is something just shy of 200 feet, this is not a crowded area, it's a large site, so the scale may be a little deceiving there, there's a fair amount of room before these other buildings come. In terms of the neighborhood character on the 25 foot to property line variance we think that the sidewalk and the dumpsters on the topside of the site almost 400 feet away from apartment complex it's not something that would have any adverse affect on neighborhood character. In terms of the need for the variance first, I'm not convinced that we need the 25 foot setback variance, I have

quoted the section of the ordinance in my letter to you and it seems at least in my reading and that's why we have asked for it and as an interpretation to say that in the event of a, in the case of a senior citizen housing area and this is that that utilizes private drives or roadways that the section is waiveable by the planning board, therefore, it would not require a variance. So we have asked you to interpret that section in that fashion. If you don't interpret in that fashion then we'd ask for that variance. Also under the need we point out and we're certainly not hiding it the variances are not technically needed, we could build flat roof buildings, we can put shelves on the site and keep these buildings without the drop downs so that they would be laid out in that fashion we think that's more disadvantageous to the community and less consistent with its character. We think that this is a better project with the variances than without. In terms of substantial nature of the variance I have quoted the percentages in my letter, I have characterized them as all moderately substantial, they are in the vicinity of 20 percent variances in almost all cases. The environmental impacts there has SEQRA review as you know of the project itself, the environmental impacts we're speaking of here is the environmental impacts of the granting of the variances, the allowance of pitched roof versus flat roof style buildings. We think the environmental impacts are not only not adverse they are positive, it presents a better appearance more consistent with the character of the neighborhood. Lastly, the self-created nature, as I have told you in my letter technically speaking since Manor at Cornwall LLC came into title within the last several years and after the senior citizen housing area came into the ordinance it is self-created, however, I do point out and I think it's a fair argument that the Haber family has owned this land for many years and owned it long before the senior citizen housing area came into effect and before this areas was even zoned SR 15 that would allow it to occur so from a fairness

point of view, there's no self-created difficulty presented by the need for these variances. Perhaps we'll have more comments or more questions to answer from you after you have heard from the public.

MS. REGAN: I have a question. Just refresh my memory, are these units for sale or rent?

MR. DONNELLY: Rental.

MS. REGAN: What numbers of units will be for seniors and what number will be for general public?

MR. DONNELLY: All seniors.

MS. REGAN: Because last time we were talking about some may be and some may not.

MR. DONNELLY: Well, the new master plan provides an announcement that there's a density bonus to provide affordable units that is what we were talking about then, as of yet, the town has not incorporated that into the ordinance and we decided that there doesn't seem to be despite the master plan any willingness on the town's part to provide that affordability bonus so for that reason we have taken building number 1 away and reduced this to the 168 units, whatever that current number.

MS. REGAN: 162.

MR. DONNELLY: Simply because the town has not seen fit to put that affordability in there but all the units are senior.

MS. RANSOM: So they're going to be at market value then?

MR. DONNELLY: Yes.

MS. REGAN: What age is senior?

MR. HABER: Fifty-five and up. What we anticipate based on the market study most of them will average about 70 to 70 years plus based on the market demographics of a rental on senior.

MR. DONNELLY: Any other questions at this point or step aside for the public?

MR. MC GUINNESS: Yeah, I have one on the 25 foot limit you state that it is going to be within 15 feet, you say it's only 25 percent, seems the number would be a lot higher than that the percentage.

MR. DONNELLY: Tallest building is 39.

MR. MC CUE: For the dumpsters and the sidewalk top.

MR. COPPOLA: He's talking about the setback.

MR. DONNELLY: I thought they we're 15, I think there's a calculation in there if I computed it wrong, I think they missed the 25, remember what this is, Bill may know, I think it's 15 feet and 25 is the limit so that's 10 to 25 if that's, what did I say in my letter, it was--

MR. MC GUINNESS: Comes up to 40 percent for me.

MR. DONNELLY: If it's 40 percent then it says 20.

MS. RANSOM: Those three dumpster areas are going to serve this whole complex?

MR. DONNELLY: No, they're the only ones, we can move them, from a functional point of view, we'd like to keep that at a convenient closeness to where people will come and go from their cars and at a location that will not interfere with traffic flow or be a hindrance

to people backing up, those seem to be the most pragmatic, they can be moved, we don't think they affect the character of the community.

MS. RANSOM: Where is the sidewalk?

MR. DONNELLY: Right here. Maybe I can show you.

MS. RANSOM: Along where the parking lot ends and then the sidewalk begins?

MR. DONNELLY: Right, there's a sidewalk that runs behind this building.

MR. RODD: That's building 2?

MS. RANSOM: Yes.

MR. DONNELLY: Yes.

MR. RODD: And the sidewalk is how many feet from the lot line?

MR. DONNELLY: It's in my letter.

MR. MC GUINNESS: Within 15 feet.

MR. MC CUE: I have 25, building 2 I'm talking about, yeah.

MR. DONNELLY: That was the one that comes closest, maybe I'm wrong.

MS. RANSOM: Doesn't say it's on page 5.

MR. RODD: I would assume it's something less than 25 because code says paved area has to be 25 feet.

MR. MC CUE: It might be a hair less.

MR. RODD: I think we would need to know what that is, I mean, at some point, not tonight, by next meeting what the exact setback is.

MS. RANSOM: Page 5 just alludes to it.

MR. DONNELLY: I thought they were scaled out but they're not, we can certainly provide that.

MR. MC GUINNESS: Now you stated also on this the nearest building is what, 350 feet?

MR. DONNELLY: On the Knox Village side just shy of 400 feet to the closest building.

MS. RANSOM: And you're not going to be able to see anything from the historic site of the Knox Headquarters?

MR. DONNELLY: I was not at the balloon test so I can't be one to tell that you personally, I know there were balloon tests done and witnessed from many different locations. Who was here, who was at the balloon test?

MR. TURNER: I'm sorry?

MR. DONNELLY: Is there any portion of the balloon that was visible from Knox Headquarter's site?

MR. TURNER: Not from Knox Headquarters, no.

MR. DONNELLY: From the stream there was part of the balloon that was visible at that roof height.

MS. RANSOM: Bill, any questions?

MR. LEE: No.

MR. DOBIAS: No.

MS. REGAN: What's this retail store, is that just for the people that live there or people will be coming in?

MR. DONNELLY: The intent is to have a mix of uses, it would be open to the public but to pick retail uses that would be consistent with the needs of seniors, the thought was perhaps a bank branch, drugstore, maybe a liquor store, who knows what else.

MS. REGAN: One concern I remember that we had was the ingress egress onto 32. Remember?

MR. DONNELLY: Well, I don't think it has any real relevance to the variances but we have reached an agreement with the planning board to make a substantial amount of roadway repairs to the intersection far beyond what would be required for our impacts in order to make the traffic situation not only meet our impacts but far better than it was before. The only thing we can't put you up because the DOT won't let us have is a traffic light but we have put all the road widening in place such that if the DOT would allow a light the heavy lifting has already been done the expensive part and we do have our traffic engineer to answer that but I don't think it bears any relevance to the variances granted.

MS. RANSOM: Okay.

MS. REGAN: So you're saying that this would be the flat roof elevation?

MR. DONNELLY: Yes, not to the same scale.

MS. REGAN: This is 5 over 12 that one?

MR. DONNELLY: It shows both the 5 and the 4 that we have reduced it to. We just think it loses all of its residential character. I also pointed out in my letter that on the technical three story portion again it's

only three stories because we intend to put windows and habitable space but we think the building looks better with windows than it would with a blank foundation wall, we can satisfy the three story limitation if we simply leave a large massive unadorned wall visible and of course whether there's people inside or not would have nothing to do with the visual impacts, we think it looks better with windows.

MS. RANSOM: Okay, any questions up here? No, okay, we're going to open it to the public. When you're recognized if you would give us your name and address for the record and we would like everyone to keep their remarks short, not repeat yourselves. So we'll open it to the public. Is there anyone who'd like to speak to this issue? Let me have your name and address for the record, please.

MR. GRUBER: Simon Gruber, I live at 77 Duncan Avenue in the Village. My primary concern that's relevant to you tonight, I realize there are many other issues that the planning board is responsible for which I would love to speak to but basically it's about the visual impact of this project from the state park land. As you referenced a few minutes ago, while it may not be visible from the Knox's Headquarters building, it is the balloon test that I attended, building 7 will be visible from state park land, a trail right along the Moodna Creek and a spot at which currently you cannot see any buildings and it's really a treasure in the Town of Cornwall that I don't think many people know about this spot. If you walk down from the Knox Headquarters to the creek and along the creek and I did not really believe that despite all the architectural work that's has been described that the impact is going to be as minimal as has been presented and I would ask the board if you're considering this variance particularly again I'm speaking mainly about building 7 that you walk the state park land to see what it looks like down there. The trees, another concern, I mean,

given the screening that's proposed here this slope is roughly 45 percent, it's really steep and I don't see how this can be cleared and built without impacting the trees that are down slope that are part of the visual screening that's there right now and so I just think from a practical point of view it's that particular part of this project notwithstanding anything else is just not a good idea and I'm basically asking you again it's not your jurisdiction to where to put the buildings but not to make a bad situation worse. And my final comment is to the design team and the developer I can't for the life of me understand if you took away a building here why you didn't move that one, you know, to a different place on the site cause it's perched on basically on the edge of what's almost a cliff. Thank you.

MS. RANSOM: Thank you. Anyone else like to speak to this issue?

MR. LONGINOTT: David Longinott, 61 Jacqueline Street. If I can use the one picture up there taking a little bit more on what the gentleman was just saying it seems like the height of the three story building is changed around. We did have one balloon test, we saw the impact it would have on our house. I would request that first for a three story building be denied, let the planning board deal with as far as how the impact is going to be, what they're actually going to build and what it's going to look like for the community that's going to help reduce the number of cars in and out of there cause it's going to reduce the number of units, unless they redesign it and get the number of units back up. The second thing is like I started to say with the different heights of the building, I'd like to see a new balloon test that you can see it in different locations, different building at different heights, you can see it from Knox's, I'd like to see you, they have done renderings from out in front of my house, they chose trees that had leaves on it when they

could have chose trees that had no leaves on it cause when they did the renderings and did the balloon tests there were no leaves on the trees. Some of the pictures that I gave to you actually shows what it looks like behind my house now and then this one here is actually standing up in my house looking out and that's what I would see relatively close to that and this is what I would see when I was standing in my bedroom looking out the back door. The exact size of the building may be off a little bit but these are all set at elevation height based on the balloon and you saw the set of pictures that I gave you and it shows the balloon in one first then it shows the rendering. So I would ask that if you're leaning towards granting the variance that you could have another balloon test done with renderings from the back of the houses that are going to be impacted the most, mine. They did move the three story building but now it's going to impact people further up the street. So I think that, you know, they deserve the right to see how it's going impact them, I think that the planning board and the zoning board should see how it's going to impact the neighborhood that's been there for quite some time.

MS. RANSOM: Thank you.

MR. LONGINOTT: Thank you.

MR. MCGOWAN: Ed McGowan, Science Director of the Palisades Interstate Park Commission. My comments kind of mirror Mr. Gruber's. I have been involved with this project going back to when we first learned potential impacts on our trail system, I was out with some of you on the balloon tests about a year ago, I just want to point out a couple of things we have to remember that this entire property needs to be clear cut, correct, to achieve this plan?

MR. DONNELLY: I don't know if I can describe it as that, a lot of clearing, yeah.

MR. MC CUE: Anywhere where it's dark green will remain, anywhere where it's lighter green will be so you can tell all this stays, this all stays, the lighter green will be gone.

MR. MC GOWAN: So there has to be complete tree removal from at least top of the, to the bluff back and our initial concern was this building here because it was another 10 or 15 feet closer to the buffer and we're, like Simon mentioned, we're hopeful that this building can be moved back significantly or removed from the plan and it was news to me tonight, I haven't been keeping up with all the iterations that building 1 had been removed and this one had been retained. But I am concerned about this screening here and that it will be several years, perhaps many years before this is effectively screened at all by these arrangement here with this row of trees. I was looking at the building heights and while the building height itself is determined from frontage on 32 because of that stepping down process the back side of this building is significantly higher than the front. So I believe it's 29 feet measured from the front.

MR. COPPOLA: It's the side elevation, it's the elevation that faces 32.

MR. MC GOWAN: So that would be this side?

MR. COPPOLA: No, I think it's the end, yes.

MR. MC GOWAN: Okay, but that's, and then this side has an additional floor that's actually kind of a foundation, right?

MR. DONNELLY: It's included in the average cause it's an average but you're correct, you're certainly taller in the lower sides.

MR. MC GOWAN: I don't know that this will provide immediate relief for the view from the trail system down below and just so you're aware this all plays into our interest in the Moodna, first of all, it's a remarkable thing, I was really surprised when I took my first trip down there and saw how pristine it is given the proximity to Vails Gate and all of the development above and you get this illusion when you're down there that you're somewhere more remote and when you're starting to put buildings along the edge of the ravine you lose that. And there's also an effort that's got a number of different partners to create greenway along the Moodna and we're looking to reclaim some of the industrial properties and create a park land for increased recreational access. So this isn't really well known to the community in the future, we think this will be a more valued resource. So I hope you take that into consideration. So I know much of our concern, something that the planning board should address but when it comes to when you're dealing with tonight the height variance we hope you consider that with this building and the visual impacts on the park.

MS. RANSOM: Thank you. Anybody else?

MRS. BENNETT: Lorraine Bennett, 2333 Route 32. I have followed this project closely because of traffic and they heard an earful from me outside before I came in but I think the thing that you should really think about is what kind of financial impact will these variances have on the people that live on Jacqueline Street because certainly it will have something to do with those houses and if you have not driven down there you certainly should go. The other issue and this is not directly to do with tonight but I have followed this with the planning board and I'm wondering does this project have a major exit?

MS. RANSOM: Thank you.

MS. LONGINOTT: Christina Longinott, 61 Jacqueline Street and that happens to be a picture of my lovely home and my husband held up some pictures from the sliding doors out of our bedroom. I'd like to say when we first got involved in this over a year ago at this time and I saw the red balloon floating outside my back window, I was kind of struck by the proximity of the building to the back of my house. I have to say last year we spoke, I spoke to the gentleman outside, all I ask is that if you're going to be a neighbor please be a good neighbor. The impact from the back of my home I'm going to be able to reach out and touch somebody. The gentleman described the retaining wall that you described is woefully inadequate, the elevation on my back porch I will be eye shot with the first floor window and the second floor window will be above that. To mitigate, to provide some privacy to this and respect, I would ask for your respect because I have lived at Jacqueline Street for 25 years, it's your property, Mr. Haber, you can develop it any way that the town allows you to do but I just ask that you be a good neighbor. It's my home. Thank you.

MRS. DONATO: Pam Donato up the street from 61. I have been there 40 years. As long as landscaping was brought up into this, one of my thoughts, where is the lighting and this might not have anything to do with this board but he was talking about landscaping, I wondered if they designed a lighting system because the lights will be coming in our windows. I don't know was that in any landscaping?

MR. MC CUE: This is the lighting plan, I separated it.

MRS. DONATO: Is it height of a regular street light?

MR. MC CUE: If you want to come up.

MR. COPPOLA: It's over there.

MR. MC CUE: They're 16 feet high.

MRS. DONATO: That's a regular street light?

MR. MC CUE: There's so many different ones, I don't know what regular is.

MRS. DONATO: We have standard on our street, we have a standard light, street lights.

MR. MC CUE: I'm not familiar with exactly what that standard is, I have been on Jacqueline, just didn't notice what street light you have. We designed one that will provide the adequate foot candle for those who are walking. What we have also done these are luninaires, they tell you how far the light will illuminate out, we moved them from this street that runs parallel to Jacqueline so there wouldn't be that impact.

MRS. DONATO: So that area won't be lit up?

MR. MC CUE: Just the parking areas will be but not the roadway area.

MRS. DONATO: Also this property will obviously change hands, I have been there 40 years, I'm sure this is going to change hands, will that fence be maintained and how and will there be doors coming through the fence to get through so they can water?

MR. MC CUE: The fence we didn't plan on putting gates but you can walk around and water and by the way when you asked me before I should of mentioned that the contractor who puts them in will be responsible for the first years of the plants.

MRS. DONATO: What happens after that?

MR. MC CUE: Up to the maintenance for the people who

own the property.

MRS. DONATO: So whatever happens to the property.

MR. MC CUE: Well, it's similar that anytime people put in plants that whether it be their own private or developed area, we just ask that the contractor stand behind his plants for the year and after that it's up to the individuals who own the property.

MRS. DONATO: Because as in Hannafords they put the trees up to block you but some of them have died, they're not being replaced. I have a pine tree that's a hundred feet high pine trees don't, they're not all going to grow that high and they're not all going to live, are they going to be replaced?

MS. RANSOM: Anyone else like to speak?

MS. JAVAHARI: My name is Emily Javahari (phonetic), I'm Christine's neighbor, 65 Jacqueline Street. Somebody alluded to the remote illusion of remoteness for the creek area and I just wanted to say that I presently have that illusion of remoteness in my home and when I go to work every day and I come home, I'm in a very peaceful environment and it's very important to me and if something is done with building 7 to preserve the conservation aspect of this, I wouldn't want to see it get rearranged and sacrifice the homes that are on Jacqueline Street because as important as the conservation is we're actually New Windsor, the people that are living on Jacqueline Street are part of New Windsor, we're proud of where we live and we would like to maintain that atmosphere. Thank you.

MS. RANSOM: Thank you. Anyone else like to speak?

MR. AIOSO: My name is Jamie Aioso (phonetic), I live on 53 Jacqueline Street, neighbors of the Longinotts and Pam back there. I'm a new homeowner. I purchased

the home in April and they brought up all great points which I agree with every single one of them. The screening the maintenance of the property, the visual affects, the impact on the neighborhood basically. If you take a look at this photo here like the woman just said when you look out your window or the back of your house this is what you see hundreds and hundreds of natural screening which would basically be clear cut as shown in the proposed plan. And when I purchased this home, this is one of the reasons why we, my wife and I purchased this home for that sanctuary, as you stated and I quite honestly I'd rather sell my home than have this all clear cut. Thank you.

MS. RANSOM: Anyone else like to speak to this issue?

MR. VINSON: Gary Vinson, homeowner, 56 Jacqueline Street. From what I've seen on the plans clearly they have to clear cut property. If you look at the trees, if you can put the picture up of David's house and look at the existing vegetation that's there, look at those trees, can they tell us what the height of those existing trees are and what type they are, Mr. Landscape Architect?

MR. MC CUE: It's tough to tell from here, I'd say they're 40 feet tall.

MR. VINSON: So we have natural existing vegetation that will help screen, it's wintertime now, leaves are off the trees but in the summer so they're talking about clear cutting the property, putting berms, putting in retaining walls, all things that need maintenance, think of that, that property is now going to be elevated compared to the adjoining properties. They can design a great drainage system but it's still going to run off on the properties, there's going to be erosion, there's going to be properties getting flooded, I'm sure it's not their intent to have that happen but these things happen. I'm against the

variance but if the variance were to be granted, I think they should have to redesign a plan and keep a natural buffer, you can put berms, you can put plantings along with it, I think they're overdeveloping the property. Could you go to the plan that shows the houses and the elevation from the roof that shows Knox Village so we can look at the building? Talking about the height of the building and they're talking about well, you know, if we build a single family house you can go 35 foot high versus the other. Well, look at that elevation here, look at the massiveness of the apartments of Knox Village, look at the length versus the houses. Tell me which stands out and which is not as easy to distinguish, so that's great, I would rather see let's see, 22 acres, half acre per house, how many houses might they get, 40? They're not going to be as massive as these buildings, you would retain natural trees on the site. So my concern is they're going to clear cut, they're going to put up some exterior screening that's inadequate in no way, shape or form, for what exists. So why not design the development, build their buildings, their flat roofs, if they can market it and sell the building, more power to them and scale it back, again, like with the Moodna Creek, they take out the building up in the front near the Knox Village commercial development near where they're going to put their commercial development and they leave that building on the back of the hill. So I just think it needs to be re-thought. I don't support any of the variances. Thank you.

MS. RANSOM: Thank you. Anyone else like to speak to this issue?

MRS. LEWITT: Nancy Lewitt, 22 Hazen Street. I'm trying to picture this LLC, I don't know that name Manor at Cornwall, has that changed recently? I know you said it was several years ago but--

MR. HABER: Well, the family formed an entity because

there's people going on and off the property, consultants and for liability reasons, we formed this, it's owned by the family the the family's owned it over 40 years and it's the same ownership.

MRS. LEWITT: What's the date that you changed it?

MR. HABER: Probably started when we, I don't know, three years ago, something.

MRS. LEWITT: I know that there was another project there besides Chestnut Woods, Ridge Woods, and that I think is something like ADC.

MS. REGAN: That was behind, that's something different.

MR. HABER: That was a residential 30, 40 house development.

MRS. LEWITT: That's there too.

MR. HABER: No, that's not us, no.

MRS. LEWITT: Gary, isn't that correct?

MS. RANSOM: Is there a question that's specific to the variances?

MRS. LEWITT: Yes, this is back to back with Cornwall Commons and Mill Pond, isn't it?

MR. HABER: No.

MRS. LEWITT: So the right-of-ways would be among those properties, isn't that correct?

MS. RANSOM: There are no right-of-ways on this.

MRS. LEWITT: Well, they're all going to be together.

MR. DONNELLY: No, we're not near that.

MRS. LEWITT: You're not near there at all?

MR. DONNELLY: Depends on what you mean by near but we're certainly not that close.

MRS. LEWITT: Well, I'm picturing it going down the, I know that the back of Jacqueline Street goes down to the river and that's where I thought you were talking about.

MR. DONNELLY: Our property does as well.

MS. RANSOM: Is there a specific comment or question that you would like to raise at this time?

MRS. LEWITT: Yes, how do you put these things together?

MR. HABER: The geographic distance between our development and Cornwall Commons?

MRS. LEWITT: Yeah because you're going to have to share.

MR. DONNELLY: No, they're completely inaccessible.

MR. MC CUE: This is 130 feet from the creek.

MRS. LEWITT: Only the opposite sides of the river. That's still pretty close.

MS. RANSOM: Thank you very much. Is there anyone else who would like to speak to this issue?

MR. DONNELLY: I just have a couple of responses, I have comments if I could. There were many important comments, many of the same comments were made at the

planning board and of course regardless of the outcome here we have to return to the planning board to complete site plan review. And I'm sure there are a number of landscaping tweaks that the planning board could in course impose upon us if they thought it was property, although we worked long and hard on this to develop this plan also it's understandable but most of the comments that were raised do not relate to the variances, they relate more to the project itself. I think it's important that you recognize and focus upon any impacts that come from the variances as distinct from the approval of the project which of course could only come from the planning board. There was an issue raised as to why if a building was removed it was building 1 and not 7, there were a number of reasons but most importantly was one that the planning board was driving and that was building number 1 had within its own proximity rather inconvenient parking. The planning board was also not crazy over the ratio of parking spaces we provided per unit, even though we met the code's requirement. So in order to fix that ratio and fix the problem that the planning board had with the proximity of the parking the appropriate building that we removed was in our in view was building 1. There was also a suggestion that denying the variance, the variances would result in a reduction of units or reconfiguration of the project. I just want to make clear I have tried to throw out that neither the units nor the footprints of the building nor the layouts have any connection whatsoever to the variances. The only thing the variances allow are pitched roofs as distinct from flat roofs and we truly believe the pitched roofs are a better alternative here, they provide a better look and feel and residential character than would flat roofs. Lastly, there was a suggestion that we do a new or additional balloon test that shows these buildings as they reduce roof heights, it's a great idea, it was such a great idea that they made us do it, we did a second balloon test at the Jacqueline Street building as well as the relocated building 7 and that visual

analysis was done by the lead agency for the benefit of all of the involved agencies, there was a lot of data and that we did a series of balloon tests and we did one at the reduced height of the building as well.

MS. REGAN: Who was present at that?

MR. DONNELLY: I can't tell you who was present.

MR. TURNER: No, actually, I can't tell you exactly who was present.

MS. REGAN: We were invited to the other one.

MR. DONNELLY: I can't remember the date, there were a number of concerns with the first balloon test as to whether the elevations were above sea level or where they were, we did a rather elaborate balloon test in which all the involved agencies were given notice.

MS. RANSOM: That was last March.

MR. DONNELLY: Not too long after the first one.

MS. REGAN: Then we were there.

MR. DONNELLY: I thought you were.

MS. REGAN: It sounded like there was something else.

MR. DONNELLY: No, they were within a couple, six weeks of each other we did a second balloon test for the same reasons.

MR. LONGINOTT: David Longinott, 61 Jacqueline Street. There were two balloon tests. The second one are the ones my photographs are from when I had a building that was three stories high in my back yard. Since then, I think it's changed, I think things have moved around, if you look at the balloon in the pictures that I gave

you over top of my roof line it's even higher looking than what their rendering looks like, you can clearly see the balloon looks like it's five or ten feet above my roof line that was the last balloon test when some of the members of the different boards were at the house, I don't remember any other tests after that.

MS. RANSOM: He said that was the last test.

MRS. LONGINOTT: Christine Longinott. One final comment if we're going to the meat and potatoes of this conversation tonight and all he's asking you is to address the pitch on the roof, I would ask you to please, the screening, providing privacy to the residents on Jacqueline is woefully inadequate, you're talking about four foot retaining wall, another four feet berm and then six foot evergreens, I mean, a chain link fence and wood that doesn't need any maintenance to it. I have a wood fence similar to what you're proposing and I can tell you my fence is maintained at least every 12 to 24 months. So I have some real concerns about the privacy issues if we're only talking about the pitch of a roof and the visual impact on this surrounding neighborhood, it's just not adequate. Thank you.

MS. RANSOM: Thank you very much.

MS. REGAN: I have a question. With regard to building 7, what can be done to lessen any impact from the creek in terms of the color of the rear of the building?

MR. DONNELLY: Everything that can be done, I will suggest it's been moved quite a bit from where it was initially, it's been re-oriented, it's been re-configured with the retention pond so that it's moved further away from the slope and the plantings and the fencing and those were things the planning board worked with us.

MS. REGAN: What about visually the color?

MR. DONNELLY: Color I'll let A.J. address that.

MS. REGAN: The color of the back.

MR. COPPOLA: We spent at least three months discussing this exact issue at the planning board, we have given them a color pallet that we feel is sympathetic to the natural surroundings that are there.

MS. REGAN: That's the front, I'm saying the back on the back of this one building.

MR. COPPOLA: You're looking at the same, let me just bring this up this rendering is all four sides of the building.

MS. REGAN: I know that but I'm saying could the rear be addressed differently because nobody's going to really see the rear of that building and if it lessens the impact, if it's a darker color to blend in more.

MR. COPPOLA: Well, I think we've chosen natural colors, I mean, I don't think you want to, I don't know if you'd want something that's darker than this.

MS. REGAN: Isn't that beige?

MR. DONNELLY: Nothing blends better than a deer and deer are not that dark.

MS. REGAN: Looks like a light color to me the side I'm talking about the siding.

MR. COPPOLA: Well, the stone should read heavier than the siding, you wouldn't want the siding to be darker than the stone, in any mind that's my opinion so--

MS. REGAN: I agree from the front but I'm just saying

that one building in the rear couldn't that be darker?

MR. DONNELLY: We'll certainly take to the planning board your suggestion that we reconsider the colors, screening that's really their call, these were worked on with them.

MS. REGAN: And is there any way of reducing just that one building roof line?

MR. DONNELLY: We can certainly make that one flat.

MR. COPPOLA: It would look like this, this is what's within our right to do without a variance.

MS. REGAN: I'm just talking about one building just at the moment, just building number 7, if it would not, if it would lessen the impact to the creek.

MR. DONNELLY: Well, I know you've been there but you're looking up at the 130 feet, it can only be seen if you look up and with a 4 by 12 pitch falling back against that slope I don't know that you can see the roof.

MR. COPPOLA: You're not going to see the roof, I can tell you that, if you're down at the bottom, even if you're not at the bottom of the creek somehow you manage to climb halfway up, you would not see that roof so really that roof is not going to be seen from the development side.

MR. DONNELLY: The pitch is falling back enough that the leading edge of the roof from the perspective down by the creek would block its view.

MR. COPPOLA: You're way lower.

MR. MC CUE: You're considerably lower and it's all undisturbed in that area where you're walking.

MR. DONNELLY: That building is 26 feet back from the edge so in addition to the roof edge blocking the roof there's a lot of blockage of the building because we pulled it back quite a distance.

MR. MC GUINNESS: What's the total dimension of building 7?

MR. COPPOLA: Approximately 200 feet, 55 feet deep which is what all the building are.

MS. RANSOM: So all the buildings except building 4 are the same size?

MR. COPPOLA: They're all exactly the same width but no, they vary, this one is just over 200, this one I think is 230, so they vary, I think one I think is less than 200.

MS. RANSOM: How many units are in building 7?

MR. COPPOLA: Building 7 is a two story plan or just a two story plan, I think there are 20 units in building 7, although I'd have to check to be sure, I'm going to have to look for that. Do I have it here?

MR. MC CUE: Building 2 approximately 270 feet long, building 3, 200, building 6, 210, building 5, 230, building 7, 200 but they're all by 55.

MR. COPPOLA: It's 20, yes.

MS. RANSOM: Thank you. Anything else you'd like to add?

MR. DONNELLY: No.

MS. RANSOM: Any additional questions up here? We've heard a lot of information tonight so we're certainly

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not going to be making any decisions this evening.
Anything else?

MR. DONNELLY: No, thank you.

REGULAR_MEETING

APPROVAL_OF_MINUTES

MS. RANSOM: The minutes of the February meeting have been distributed, there's one correction on page 20, Miss Regan abstained, I voted aye, that was it, it was the Thommen decision which should read Miss Regan abstained, Miss Ransom voted aye. Are there any other additions or corrections to the minutes? Do I have a motion to approve the minutes as corrected?

MR. LEE: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MR. MC GUINNESS	AYE
MS. RANSOM	AYE

KELLER_-_DECISION

_____ - _____

MS. RANSOM: Also let the record show that we made a determination for Matthew and Kim Keller last month contingent upon receiving Orange County Planning Department approval and the Orange County Planning Department left it to local determination.

ROBERT_BOSE

MS. RANSOM: Our next hearing this evening was on the request of Robert Bose seeking an area variance to install an inground pool in the front yard. So before we move forward with any of the rest of these, do I have a motion to meet with counsel to discuss items heard this evening?

MS. REGAN: So moved.

MR. LEE: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MR. MC GUINNESS	AYE
MS. RANSOM	AYE

(Whereupon, the board went into executive session.)

(Discussion was held off the record)

ROBERT_BOSE_-_DECISION _____

MS. RANSOM: First hearings we had tonight was on the request of Robert Bose requesting an area variance to install an inground pool in the front yard. Do I have a motion to close the public hearing?

MS. REGAN: So moved.

MR. LEE: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MR. MC GUINNESS	AYE
MS. RANSOM	AYE

MS. RANSOM: Will the variance sought produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties in the neighborhood in which the applicant's property is situated?

MS. REGAN: Not really, he stated he had no other place to put it and it's not a main thoroughfare.

MS. RANSOM: And because of the slope of the property you can't see it from Pine Ridge Road. They had indicated that only one neighbor would have visual contact with this proposed pool and that's why they were going to put it there. Can the benefits sought by the applicant be achieved by some method feasible for the applicant other than an area variance?

MS. REGAN: Not really, he testified that was the only place.

MS. RANSOM: That the slope in the back is too steep

and that there's the only other flat place is also in the front of the house. Is the requested variance substantial? I think it's substantial, you're putting a pool in the front of a home but the fact that you can't see it from any public road I don't think that request becomes substantial because it's not going to have an undesirable change in the character of the neighborhood. Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district? I think he testified the last time that the other neighbor to the back just had a pool installed as well. Is the applicant's alleged difficulty in complying with applicable zoning self-created?

MR. MC GUINNESS: Absolutely.

MS. REGAN: Yes.

MS. RANSOM: Do I have a motion that this is a Type 2 Action under SEQRA?

MR. MC GUINNESS: So moved.

MS. REGAN: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MR. MC GUINNESS	AYE
MS. RANSOM	AYE

MR. RODD: If you can just with respect to mentioning the evergreens keep in mind you can make that a condition which he agreed to as per the plot plan that he provided to us.

MS. RANSOM: All right, do I have a motion to approve

the request of Robert Bose to construct an inground pool in the front yard and as a condition of that approval to plant the row of evergreen screening as indicated on the survey map of March 9.

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MR. MC GUINNESS	AYE
MS. RANSOM	AYE

MS. RANSOM: Let the record show that Mr. Bose, the Orange County Department of Planning left it to local determination.

BARTKO_-_DECISION

MS. RANSOM: We did receive the Orange County Planning on Mr. Bartko and it was also left to local determination. Do I have a motion to close the public hearing on the request of Paul Bartko?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MR. MC GUINNESS	AYE
MS. RANSOM	AYE

MS. RANSOM: They're seeking an area variance to place two storage sheds in the front yard nearer to the street than the principal building. We'll take the five factors. Will the variance sought produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties in the neighborhood in which the applicant's property is situated?

MS. REGAN: No really, it's not visible from the street and no one testified against it.

MS. RANSOM: And the front of his house does face, it is the back of his house technically, even though it faces the street. Agree over here?

MR. LEE: Yes.

MR. DOBIAS: Yes.

MS. RANSOM: Can the benefits sought by the applicant

be achieved by some method feasible for the applicant other than an area variance?

MR. MC GUINNESS: Not really, the slope of the land that he has and the house being backwards.

MS. RANSOM: And he did testify that there's not much space in the front which is the back.

MS. REGAN: Plus there's no access.

MS. RANSOM: Is the requested variance substantial?

MR. MC GUINNESS: No.

MS. RANSOM: Okay, based on the fact that it is not going to produce an undesirable change in the character of the neighborhood and you can't really see it from the road. Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?

MS. REGAN: No.

MR. DOBIAS: No.

MS. RANSOM: Not really. Is the applicant's alleged difficulty in complying with applicable zoning self-created?

MR. MC GUINNESS: Yes.

MS. RANSOM: Yes. Do I have a motion that this is a Type 2 Action under SEQRA?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MR. MC GUINNESS	AYE
MS. RANSOM	AYE

MS. RANSOM: Do I have a motion to approve the request by Paul and Lorelei Bartko seeking an area variance to place two storage sheds in the front yard nearer to the street than the principal building?

MR. LEE: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MR. MC GUINNESS	AYE
MS. RANSOM	AYE

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LORRAINE_BENNETT_-_DECISION

MS. RANSOM: The next public hearing we had this evening was on the request of Lorraine Bennett. Since we haven't received Orange County Planning determination, we'll leave that open till next month.

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MANOR_AT_CORNWALL_LLC

_____ — _____

MS. RANSOM: We heard lots of testimony tonight on Manor at Cornwall LLC and I think we need to digest that.

MS. REGAN: Agreed.

LYNN_THOMMEN__-_DISCUSSION _____

MS. RANSOM: And the last item on tonight's agenda I'd like to discuss is the application of Lynn Thommen. I would like to ask the board to give counsel permission to stipulate with the Thommen counsel to extend the time to bring an Article 78 proceeding by 60 days.

MR. LEE: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	ABSTAIN
MR. LEE	AYE
MR. DOBIAS	AYE
MR. MC GUINNESS	AYE
MS. RANSOM	AYE

MS. RANSOM: Anything else to come before the board?
Motion to adjourn.

MS. REGAN: So moved.

MR. MC GUINNESS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MR. MC GUINNESS	AYE

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MS. RANSOM

AYE

Respectfully Submitted By:

Frances Roth
Stenographer