

March 3, 2008

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TOWN OF CORNWALL

PLANNING BOARD

MARCH 3, 2008

MEMBERS PRESENT: NEIL NOVESKY, CHAIRMAN
JANE DEANS
KENNETH BRODMERKEL
WYNN GOLD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

LESLIE DOTSON
PLANNING BOARD CONSULTANT

GARY VINSON
BUILDING INSPECTOR

ABSENT: LED KLOSKY
WILLIAM GRABE

REGULAR_MEETING

MR. NOVESKY: I'd like to call to order the March 3, 2008 meeting of the Cornwall Planning Board. We have one missing, Led Klosky is away at a convention, Bill called in this afternoon, he had an emergency in Albany and Deke has yet to be replaced and we'll put a formal request in maybe for the town to consider replacing him this year at some point.

CORRESPONDENCE

MR. NOVESKY: Correspondence, I have some from Mark Edsall to the County Department of Public Works. I had one letter concerning what Mr. Brodmerkel may want to brief everybody on a letter from Alyse Terhune from Jacobowitz and Gubits related to Legacy Ridge and couple items from the Orange County Department of Health which will go into the record.

MR. CORDISCO: No resolutions for tonight, we actually prepared one in advance in anticipation for the daycare but that was pulled off the agenda because they are not ready so--

MR. NOVESKY: We'll do it next month.

LANDS_OF_PEA_BRIDGE_REALTY,_INC._-2008-03

MR. NOVESKY: Okay, so Lands of Pea Bridge Realty.

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

MR. BROOKS: Hello, I'm Rick Brooks, Brooks and Brooks Surveyors. And this is a 34 acre lot at the intersection of Otterkill Road and Taylor Road. The lot has on it three existing residences and the lot was created in 2003 when we were before this board for a two lot subdivision. The applicant, Pea Bridge Realty, is now desirous to create three lots, each lot with its own house pre-existing on it, so we have a lot of 8 acres, a lot of 14 acres and a lot of 11 acres on there. When we created the lot in 2003, it was encumbered by a conservation easement granted to the Open Space Institute and I have submitted that document as part of the application.

MS. DOTSON: I said thank heavens, this was confusing.

MR. BROOKS: Yes, it was confusing.

MS. DOTSON: Yeah, even with it it was confusing.

MR. BROOKS: So the entire 34 acres is encumbered by a conservation easement. And on that, within that document there's specified building envelopes around each of the three houses and those are all shown on the map also.

MR. NOVESKY: Thank you. Leslie.

MS. DOTSON: The only thing I suggested is that it would be helpful just to have the same terminology carried over with the plan as from the conservation easement so it isn't really building envelopes per se because that term usually has a specific meaning in the

zoning, it's called acceptable building areas, that were set forth within the conservation easement. The only other confusion I had was it wasn't clear what building area B on this plan was listed as containing 4.67 instead of the 4.11 in the 2003 plan and in the easement the area looks the same, but I just, I'm not looking at it and just I'm not getting the area difference. So I'm just figuring that whoever is holding the easement may have the same question if we can't figure this out. The applicant I think is clear and understanding that for technical reasons he would need to have a variance because on account of conservation easement, you know, coupled in some places with the flood plain, he does not have enough net developable area according to the code. So basically I think that you would have to refer this to the ZBA.

MR. NOVESKY: You understood that, right?

MR. BROOKS: Yes, absolutely.

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

MR. EDSALL: Yes, the only concern I have is if also any possible way for them to nail down to a greater extent the location of the sanitary systems. Currently they're referencing it as shown by owner. My difficulty with that is that there's a very significant vague list in the location and I can't blame it on the surveyor because they're relying on information from the applicant but I'm concerned about improper spacing, not to adjoining properties but internally within each lot and if we need to have them correct it, it should be a discussion item.

MR. NOVESKY: Thank you, Mark, is that it?

MR. EDSALL: That's all, other than that from an engineering standpoint it's very straightforward. I

just had the concern because in some cases you've got the structure in between such as the most southerly lot there's a structure in between that is shown with the septic and the well and in other cases a little bit in the convergence of the septic would result in an unacceptable spacing based on state health department standards. Again, we can do due diligence to try and refine it a little further but I don't know personally what else can be done other than a little more effort with the applicant.

MR. BROOKS: The applicant did provide us with sketches and distances from the corner of the buildings to the septic tanks.

MR. EDSALL: If there's any way to pull a cover on a septic tank and see which direction the field may in fact be placed that might be a way of finding out if you're making the situation better with the system running away from the well or possibly worse if the discharge line from the septic tank is headed toward the well. Again, the planning board nor the town to my knowledge had any involvement or participation in the placement of the wells which are from my understanding not really that old but you're being asked to approve a subdivision and it's a big open issue with me for health reasons.

MR. BROOKS: We can get an excavator on site and uncover the tanks and stuff.

MR. EDSALL: Tanks are shallow, just a matter of probably hand digging.

MR. BROOKS: The wells were drilled in 2004, I believe.

MR. EDSALL: It's a shame they didn't make that effort back in 2004.

MR. BROOKS: I will have to check the date.

MR. EDSALL: Again, we can only work with best effort, I'm just asking that maybe a little more effort be made, I'm not faulting the surveyor cause they're just working with what cards are being dealt.

MR. NOVESKY: Well, it's a great map.

MR. EDSALL: It's a fantastic map.

MR. BROOKS: Let's make it right.

MR. NOVESKY: With that though I will take--Dominic, do you have any comments?

MR. CORDISCO: No, the only thing to emphasize as Leslie pointed out in her comments is that net area variances are required and I think the referral to the ZBA is appropriate. So whether or not revised plans want to be submitted in support of that application that might be a good suggestion, apart from that other than that they seem ready to go.

MR. NOVESKY: Good enough. I'll take a motion.

MR. BROOKS: May I make one point, Mr. Chairman? The applicant has asked us to revise one of the interior lot lines which will increase the lot size by an acre and increase the other one by an acre.

MR. CORDISCO: If it's okay with the ZBA--

MS. DOTSON: Yeah, I don't think from a Planning Board's--

MR. BROOKS: They'll look different than what you see.

MS. DOTSON: I don't think that really matters, some of the changes that we have suggested are more for his own information that they would matter at the end but not

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to the zoning board or not to the planning board right now.

MR. NOVESKY: For this and any motion on the floor tonight a quorum is required in order to pass a resolution. With that, I will take a motion.

MR. GOLD: So moved.

MRS. DEANS: Second it.

ROLL CALL

MRS. DEANS	AYE
MR. GOLD	AYE
MR. BRODMERKEL	AYE
MR. NOVESKY	AYE

SEVINCH_BRIDGES_-_2008-02

MR. NOVESKY: Sevinch Bridges.

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

MR. RAAB: For the record, my name is Jim Raab, I'm with the engineering firm of Vincent J. Doce Associates here to represent Mrs. Bridges in a basically what is a 2 lot subdivision. First off, let me apologize for not showing up when I didn't know I was scheduled for the last meeting, last month's meeting and I apologize for not showing up. Basically, we want to cut out the house portion of the property on approximately 3.4 acres and it's a 20 1/2 acre parcel located on old Route 32 about a half mile north of the Woodbury Cornwall line. And we had a great work session with your consultants in which they basically said to try to stick with a 2 lot subdivision. We were trying to prepare for a future subdivision in here and after like I said a thorough discussion with your consultants we decided that there was other ways to do that and we don't need a variance. We have the 200 foot of frontage on lot 1 now and that's pretty much it. We did do sketches of a future subdivision but I will wait for some comments.

MR. NOVESKY: Okay, that's fine. Leslie?

MS. DOTSON: My comment number 1 is that this is a revision from what he had submitted before. He's eliminated the need for the variance as was the case with the previous layout but I still do have some issues with the plan and some areas of confusion. I won't go into detail but for number 2 there are several areas where some of the zoning compliance information that's listed is incorrect so I'm just telling you what those problems are. For comment 3 I'm just noting that the proposed property line does not align exactly with

the stream, just kind of point of reference. He does show some additional information in detail, he's showing some trees over 12 inches in diameter but there's some other information that's kind of missing or misleading still, the way the stream is shown whether it's a line or ribbon finding the center line of the stream is a little bit confusing. Sheet 2 did seem to, I'm just going to go through these first sheet 2 did seem to indicate a separate intent to reserve a 50 foot right-of-way that wasn't fully shown at the southern boundary of lot 1 and just seemed that the plan wasn't really all that clear about fully showing it. My concern was that if they were going to try to subdivide this in the future that the specific right-of-way locations still might be a concern and that it is still not really clear whether this would work both for deductions and right-of-ways and stream and grading and so forth. So these are just more for the applicant's information. That's it.

MR. NOVESKY: Thank you, Leslie. Mark?

MR. EDSALL: Yes, paralleling the comments from last meeting just clarifying it a bit more since we have a more defined plan, the sanitary system for lot 1 is troublesome in my mind again because of the potential for a private road being developed in this proximity both to any private road and or the stream. Similar to last applicant we have I think they are relying on plus or minus from the owner which could be problematic since I believe we're being shown structures probably from the septic tank or at least location of the tanks and if in fact the discharge was out toward the stream it would be restrictive on any further development. So that should be better defined if they can find any other field records. Test pits still I assume that's just one that was done for no other reason than to find out what the soils were in that southeastern corner but it's--

MR. RAAB: Well now we have to do one with you on what we, on the other side where we propose it to be as we discussed in the work session.

MR. EDSALL: That's really not for any purpose relating to this subdivision.

MR. RAAB: No, we had intended that to be the location of the second lot's house and septic location but--

MR. EDSALL: Since that's really not an area proposed for development it should come off this plan. The next two bullets deal with my concern about the topo, we're, I think it would be worthwhile to even if it's just a matter of field verifying in the areas of interest the topo since this is Orange County Water authority data which should be still verified, concerns being the septic systems, slope, the driveway slope both for proposed lot 2, the driveway is shown around 18 percent which I believe exceeds the allowable slope for a driveway and the septic we should make sure is within state guidelines. That could be done concurrent with the soil tests that Jim referred to that need to be done. Note in my next bullet an overhead line being shown, utilities, apparently, there's a common feed into a pole and it's split east to west it looks like, if that's feeding the neighbor's property there probably should be an easement or depending upon the development they should be told they have to relocate the service so it doesn't run through private property. It's worth checking at this point so it doesn't create a problem later on.

MR. RAAB: We're already looking into that.

MR. EDSALL: I'm under the understanding that no private road is proposed but there's still some discussions about it so that should be nailed down. And when we have more refined plans with some of these questions answered I will coordinate with the highway

superintendent and that's it.

MR. NOVESKY: Thank you, Mark. Dominic, any comments?

MR. CORDISCO: Only the add that the Orange County Department of Planning has submitted its 239 report, it was dated February 28 and I believe received by the board today and there were some comments regarding restrictions or proposed restrictions on lot number 2 recognizing that there would be future development on lot number 2 the county has made a number of comments and has suggested that the development of lot 2 be limited to a maximum of three lots and some additional comments regarding protection of the existing waterway. These comments will have to be addressed by the board at the time the board's ready to make approval as to whether or not it's going to accept these comments or override them.

MR. NOVESKY: Thank you, Dominic. Any members of the board wishing to comment?

MRS. DEANS: No, I just feel strongly about verification of the water courses because there's a stream there and you never know where the middle of the stream is or where the side of the stream is. So I strongly am in favor of verifying the water courses coming down from the--

MR. GOLD: Is there a definitive plan for a subsequent subdivision?

MR. RAAB: I've got one in my hand, okay, it's based on, again, it's based on the work session we had with your consultants and again, it basically complies.

MR. BRODMERKEL: You're not submitting this plan at this point?

MR. RAAB: Oh, no, no, it's just--

MR. NOVESKY: It's a colored map.

MR. RAAB: It's going to clarify a lot of what Mark and basically what I did is I took into consideration everything that was said. And one of the things I came up with is that we had to give up bringing any road through lot 1, there was no way to get the proper amount of frontage for three lots and we had discussed in the work session it wouldn't be anymore than three lots. And as you can see from this sketch that there's no possible way to get anymore than three lots. Lot of different things come into play, even lot 3, and I'm sure that there will be discussion about that has a meandering way to get into it but again this is just a sketch. There is a lot of things that I would like to discuss with Leslie and Mark about, you know, common driveways and things of that nature but for the most part I tried to do this as per the way the subdivision law's laid it out and that is to have 200 foot frontage, 250 foot lot widths and again lot 3 has its problems, okay, has its problems but and again, I did, I checked it out, the route I show on the sketch is under 15 percent all the way. One of the things I can address now is that the center line of the stream is shown on the plan, we'll definitely mark that out that it is the center line. If you want definitive widths in certain places we can do that too but it is the center line of the stream.

MS. DOTSON: There are some spots just from having looked at the site where the stream channel's much better defined than others, so I think that for the purpose of looking at this site you'd be well served, I'm sure the planning board would want that information if you saw the site.

MR. RAAB: But I did want to point out that that's the center line of the stream, and that it gets more definitive as you get down to the bottom because that's

where most of the years of erosion have taken place. At any rate, basically we brought the road, future road in on the other side of the stream, it's got a 60 foot wide right-of-way that's so that we can protect the stream as much as possible. The only thing we can do is leave land between the property line that we're proposing right now for lot 1 and the proposed road we could do that. I believe this was the best bet because we had a better way of doing water, any kind of future water quality in the flat area down in the bottom section of what we call lot 4, yellow lot.

MS. DOTSON: There are other ways you can do it, you can shift the road right-of-way over so the road right-of-way could be wider at that section along the stream so it would still be maintained as part of the road right-of-way because you'd still have lot width with lot 4 and you probably wouldn't lose enough area to make it worthwhile.

MR. NOVESKY: This is not an issue to deal with.

MR. BRODMERKEL: We don't have to consider this at all.

MR. RAAB: Just a matter so you understand what was discussed in the work session and again, Orange County saw the original plans, I figured that's what they dictated on it so I have basically answered that question.

MR. NOVESKY: Thank you for that brief. Do you have anything else, Kenn?

MR. BRODMERKEL: No questions.

MR. GOLD: Nothing.

MR. NOVESKY: You have your marching orders.

MR. RAAB: Yes, I do.

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MR. NOVESKY: Thank you very much.

CORNWALL_COMMONS_-_2004-01_&_2006-19

Mr. Gerald Jacobowitz appeared before the board for this proposal.

MR. NOVESKY: Mr. Jacobowitz?

MR. JACOBOWITZ: Mr. Chairman, good evening. We're here tonight and hopeful that you will determine that the DSEIS is adequate, so that you can determine it complete and authorize circulation so that it can be reviewed by everybody who is going to be interested in doing that. We feel that that would be very helpful because then we would get comments back and we would have the benefit of those comments so that we could address them in the revisions to the SEIS and also to the extent appropriate in the plans. There's a little confusion in that there's some thought that what we're trying to do is have you get to a public hearing on both the site plan and the SEIS and that you will get to that when the SEIS has been processed without any changes to the site plan. That's not our view of it. We understand that we will have to make changes to the site plan before it is satisfactory to you for a public hearing purpose. Our hope is that both the SEIS will be completed with the addressing the comments that come in from the 30 day review period and the site plan will be revised to reflect comments from your consultants and the public and then both of those documents you'll have a comfort level about so that you could have a hearing so that we're not trying to accelerate you to have a hearing on the site plan before you're ready to have a site plan that you want to have a hearing on, okay, but we do believe it is very important to have the SEIS reviewed and comments provided because those things may very well affect how we change the plan. We can't change the plan to reflect certain comments that you have received already without getting all the comments because everything is interrelated and connected. We can't just go off and change widths of

streets and more pavement and not look at drainage. We can't do more drainage without looking at how we affect the trees and ecology, et cetera, et cetera, so we need to get all the comments together so we can then evaluate all of them and deal with all of them. The frequent comment that we're not dealing with a letter that you got from the fire district yes because we can go in and now revise these plans again, come back and then go through the process and people will have comments that may affect how we change the plan to satisfy the one comment from the fire district. I don't think that's the way that we should be proceeding. So if the reason you're concerned about getting the SEIS out is because you feel you're getting blindsided somehow into having to have a hearing on a site plan you don't like, that's not what we're trying to accomplish. We want things to run in parallel, in parallel, we want the comments from on the DEIS because those may affect the site plan that we have to revise and when we get both of them in shape then you'll decide on whether to have one hearing or two hearings. Now that's really what we're trying do. Now, to get to that, we have to satisfy you that the submission that you've got on the SEIS is adequate for that purpose and I've gotten Leslie's letter, I've read through her letter, it's a very long letter. It would have been most helpful had we had a chance maybe to sit down with her before she put the final ink in the letter and addressed and discussed some of these things with her because as you read through it you get a sense chicken little, the sky is falling, and you don't want to have the sky fall on your heads.

MR. NOVESKY: Are you referring to the project analysis letter?

MR. JACOBOWITZ: Well, is there more than one letter from Leslie?

MR. NOVESKY: This is the project analysis.

MR. CORDISCO: Six pages.

MR. JACOBOWITZ: March 3, 2008 Cornwall Commons lot 10 site plan, is that the one?

MR. NOVESKY: Yes.

MR. JACOBOWITZ: Yes, that's the one because I think Leslie had shared with you some of her views about this and you have had a chance to read through it, you know she makes some points here for your edification and your consideration. However, I have read through it, also Michele has read through it, John has read through it and I don't want to put a percentage on it but a very high percentage deal with the plan, not the SEIS and changes to the plan that need to be made and things that we'll have to do. We're not looking to avoid that. But those changes to the plan don't necessarily militate against a determination that this SEIS is adequate at this point for you to ask the public, other agencies, anybody who wants to make comment to submit comments to you. And we can go through this and I think I can point out a number of instances where it's either a plan comment or it's a comment that really doesn't go to the heart of the issue of whether the SEIS is complete. So you will have to bear with me for a few minutes because there is a lot here and I know that you heard Leslie explain all this to you and I think the concept is that you want to be able to say to the public that in your heart of hearts this was a complete document that you asked them to look at, so you have to have a sense of comfort that you are not giving the public something that's not an adequate document that merits the review. So I need to talk about a couple of these things because they go to that underlying issue that you need to grapple with so I will try to make it as short as I can without making it too cryptic.

MR. NOVESKY: Excuse me, I think I prefer to have Leslie explain them to us verbally and I will allow you an opportunity to comment on it after the explanations are provided to the planning board.

MR. JACOBOWITZ: Okay, that's a good idea.

MS. DOTSON: I can see some of Gerry's point in that some of my comments do in fact speak to elements of the plan. With respect to some aspects of SEQRA there's kind of a conjunction between SEQRA and the plan with respect to trying to figure out some information that's on the plans and how it relates to either the original GEIS findings which we're trying to determine whether, you know, how complicated these plans are with the GEIS findings and to the extent that if the document, for example, makes a representation that this meets zoning. Well, if there are things you're looking for on the plan that says so that you can determine yup, this really does meet the zoning then there's a question of how you can determine whether or not that's true. So some of my comments do address the fact of I can't really say that because either there's some things that are either typos on the plan or some missing information or whatever that impair my ability to determine whether in fact it meets the zoning and I'm not sure if you guys could even do it yourself either. You know, it's not a criticism, it's an observation, this is one of these kind of awkward areas where I'm trying to comment on both aspects of that at this point because I'm viewing this as not an adversarial thing but to help everybody.

MR. NOVESKY: Kenn is asking for a clarification of what you're saying.

MR. BRODMERKEL: I would ask that you go over your comments specifically and then I would assume when you're done Gerry would like to comment on your comments and either persuade us that they're separate

issue from the SEIS or not.

MR. NOVESKY: If not in process of your explanation you acknowledge that there are some aspects of the comments that were related to the plan as opposed to SEIS, if you can acknowledge them so we don't have to duplicate the effort.

MS. DOTSON: Good enough. The primary comment that I'm going to is number 2 which talks about the purpose of--

MR. BRODMERKEL: Number 1 is not relevant.

MS. DOTSON: Just explaining what it was that they submitted and reviewing and just mentioning the confusion aspect of the re-submission, being I'm not sure what plans are supposed to be in this for the submission but that's something that could be determined as a detail. So comment 2 speaks to the purpose of the document is to provide follow-up detail actually implementing the Planning Board's original GEIS findings that were adopted on tax day in 2003. And this document with its revisions I'm noting is a subdivision improvement from the previous submissions but looking at it I'm finding that there really isn't fully the information that we need in order to determine this and I'm suggesting that if the applicant goes back to some of the specific original GEIS findings it would help them to look at some of the specific gaps that need to be filled. Because this also relates to the scope. I'm still finding that I don't think that we can really address parts of the GEIS findings just because we don't know exactly where the stream corridors are within the wetlands. There's one map that shows part of them but it's not fully there and there is a provision both within the zoning and within the GEIS findings that talks about setbacks from that. So it is something that we can't speak to how or if this plan really addresses that at all. So the rest of comments is a very nice speech saying I'm

not trying to be adversarial and suggesting Rob Torgeson's input. I understood after I had written these from speaking with Michele that Bob had in fact rewritten some parts of this and that some of the additional information I had gotten from Bob Torgeson, actually that was developed after this document was submitted to us.

MR. NOVESKY: Can we address that right now related to the question of setbacks and stream corridors? Why don't we do it one at a time?

MR. JACOBOWITZ: Basically we have no streams on this property. There's one place where in a wetland there's a legend on the plan that says stream, it's the stream that's in the center of the wetland, it's not a stream in the conventional sense, it's the center of the wetland, okay. We have no other streams on this property, so, therefore, we don't, the buffer issue is a non-issue, if you don't have a stream, there's no buffer requirement. So the only places, and John, what?

MR. RUSSO: That was along wetland D.

MR. JACOBOWITZ: There's a wetland ledger but it's the stream channel.

MS. DOTSON: Within wetland A or D?

MR. RUSSO: D, there's one over by the multi-family.

MS. DOTSON: But there's one on the left-hand side of the road.

MR. RUSSO: That's wetland A.

MS. DOTSON: So there's a stream inside of that, yes?

MR. RUSSO: But the buffer would be more than met.

MS. DOTSON: What I'm saying it would be really helpful to go back to the original findings and address all of this stuff so that I wouldn't have to be banging my head against the keyboard trying to figure it all out. That's all I'm saying is that to have the document address that is really part of the whole purpose of SEQRA.

MR. JACOBOWITZ: To say that that wetland A and D have a stream channel and we're providing buffers of at least 25 feet on either side.

MS. DOTSON: Yeah and to explain that it can't be determined if most of them except for Quinn wetland A and D and it's in this location in wetland A therefore we're back from it. Because there's a lot of information on the plans, there's a lot of stuff going on, there's a crossing of wetland A in order to create one of the storm water basins, that's only where there was not that much information that kind of falls off the plan in most cases so it's, you know, I'm looking at that and saying how can we make any determination on this, it seemed like an omission.

MR. NOVESKY: Is the setback, Leslie, from the border of the exterior of the wetland or is it from the center of the imagined stream in the middle of the wetland?

MS. DOTSON: Well, that's something if there isn't a defined stream.

MR. NOVESKY: Either way you look at it is the setback adequate? That's my question.

MR. JACOBOWITZ: Does it show a setback?

MR. RUSSO: We're beyond 25 feet from the stream itself to anything.

MR. JACOBOWITZ: I don't follow your answer. Do we show an area 25 feet on either side of the stream in the wetland that's not disturbed?

MR. RUSSO: Yes, it's within the wetlands itself.

MR. JACOBOWITZ: So it's on the plan.

MS. DOTSON: Maybe if you state that that would be helpful, I mean, now that you're explaining this this helps but it would be nice if the document said that.

MR. NOVESKY: Okay, go to point number 3 then.

MS. DOTSON: Okay, 3 is just kind of an information for the board to note that the revised submittal does revise the plan to reduce the amount of tree clearing to pull back certain plant elements from the wetlands and revise the drainage plans. You know, it doesn't completely retain the same volume, it's a huge improvement from the previous submission. Comment 4 is just--

MR. NOVESKY: But Leslie, would you deem that a SEQRA issue that's unsatisfied?

MS. DOTSON: No, that's not a SEQRA issue, just more a factual statement cause they did spend a lot of time working on the plans and when the improvement is made I just want to acknowledge it so they know I'm not just making negative comments for the sake of being negative and to let the board know that they did make a substantial improvement.

MR. NOVESKY: To 4.

MS. DOTSON: So 4 is how they address the summary of adverse or beneficial impacts. They basically just address this by way of a very short but sweeping statement that any potentially significant adverse

impacts can be mitigated. I was not sure that conclusion could be supported by the document particularly I would point to the traffic, with respect to the one intersection of concern which from the supplemental information that's in the document it's clear that it does not meet signal warrants now and it doesn't appear really likely to do that any time in the foreseeable future.

MR. BRODMERKEL: What does it mean?

MS. DOTSON: The intersection of Academy Avenue and Faculty Road.

MR. NOVESKY: Are we on comment 4?

MR. JACOBOWITZ: Yeah but you--

MR. NOVESKY: Stay.

MR. JACOBOWITZ: But you went to 11, let us respond to that because I think we have an answer to that that may not have come through. Michele, would please read, Michele's reading from the submission we made.

MS. BABCOCK: It's on page 48, it's under Subdivision C and it talks about the contribution will be computed based on the percentage of the total intersection volume that the site generated traffic represents during the P.M. peak hour design. And it goes on to state, for example, at Willow and 9W they talk about paving markings and the percentage, it's a longer section, I can continue to read it but it does have a breakdown there of the contribution that will be made.

MR. JACOBOWITZ: Comment was no detail provided on the mechanism and specifics of a fair share contribution our formula we'll pay.

MR. NOVESKY: That's a plan issue, not a SEQRA issue.

MR. CORDISCO: It's a SEQRA issue.

MR. JACOBOWITZ: Well, we have provided the answer to it which is that we will pay our fair share based on a calculation of traffic we contribute to that intersection to help support the public improvements that are deemed necessary. We can't do them, it's a state road off our site but we're saying we will do a contribution off-site paid for by our pro rata share based on the formula.

MR. NOVESKY: Leslie, did you review the formula?

MS. DOTSON: Perhaps I missed that one, I don't know. It still seemed to me from the other information that the likelihood of obtaining a signal because of the inability to meet the signal warrants regardless of whether or not there was money there was very poor and that was going to be a serious concern to the board.

MS. BABCOCK: So just if I may quickly on that response I had contacted the traffic engineer so there's a section in here which says that because we're not sure when the DOT will warrant a traffic signal at that intersection we did agree that we would collect and submit to the DOT traffic volumes at that intersection so that we would monitor the traffic and volumes at the intersection of the, at completion of lot 10 development and submit them to the DOT which is also on page 48.

MS. DOTSON: Yes, that part I did see, yes.

MR. NOVESKY: We can muddle through that when we get down to 11. Let me move on to and Leslie could you cover--

MS. DOTSON: The next section my comment 5 addressed the site plan and by extension the related special

permit requirements which sort of by extension gets into the ability to determine whether or not it meets the zoning requirements and that's where I specifically did state that it overlaps with SEQRA to the extent that the SDEIS indicates zoning compliance, so I had some questions about parking and pedestrian arrangements, there really wasn't that much information on the plans with respect to the multiple dwelling area parking compliance. It wasn't clear that the housing mix complies with the code requirements, I wasn't sure.

MR. JACOBOWITZ: Can we stop there, you went to B, stop at A, on the plan we show all the parking spaces and we have a computation and a table, what may not be clear is that we didn't identify the symbol for the parking in the building and the parking outside the building but on the plan it shows dotted lines.

MS. DOTSON: It looked like everyone in the unit had a parking space.

MR. JACOBOWITZ: And there's parking for outside for everyone, so there's two spaces for every unit. Our legend should have been clear that dotted lines of the following format equal parking spaces.

MS. DOTSON: I figured that out but the distribution of the rest of it seemed a little odd.

MR. NOVESKY: Is this where the question of guests in the respective units would have to be parking somewhere distant from the houses?

MS. DOTSON: That's a secondary question.

MR. NOVESKY: Wait till the secondary questions.

MS. DOTSON: I figured that the dark line was interior parking space but--

MR. JACOBOWITZ: Then we have a table, John, that shows the numbers, how many in a building, how many out of the building, how many other ones. Your law does not require visitor parking area, however, our plan shows in the multiple residence area we show areas of visitor parking, those are identified.

MS. DOTSON: Yeah, I did not spend--

MR. JACOBOWITZ: I don't know what more we can do.

MS. DOTSON: I did not spend too much time on the multiples because that aspect of the plan was a little bit frustrating, it looked like some of the distribution of the open spaces might have been a little imbalanced.

MR. JACOBOWITZ: That's a plan issue though.

MS. DOTSON: Yeah, that part of it maybe if you're telling me that there's parking there I'm just saying it made it challenging to determine.

MR. JACOBOWITZ: Then the last sentence in there about the ability for fire trucks to move within the site, okay, that's something that's in the letter that we have from the fire and it's, we'll deal with that as a site plan matter.

MS. DOTSON: I did not, I was not sure did the fire district look at the multi or only--

MR. BRODMERKEL: He looked at the plan.

MS. DOTSON: He looked at the plan, I'm just thinking I don't know if the plan changed since they looked at that.

MR. JACOBOWITZ: We're mindful that we need to deal with it whether they mentioned it or not but we took it

to mean that the whole issue of fire access maneuverability and access are things that are, we have to deal with on the site plan.

MR. NOVESKY: We'll address that after Leslie's comments, we can try and deal with that as a separate issue.

MS. DOTSON: Okay, for unit count and type it wasn't clear to me that the housing mix actually complied with the Cornwall Code balance as indicated in the SDEIS and the plans they indicated a number of multiple dwelling units 162 that actually constitutes more than 30 percent of the total.

MR. NOVESKY: Excuse me for interrupting but going in we're identifying this as a site plan or--

MS. DOTSON: I'm addressing this as it's both, it's an overlap because it speaks to compliance with the zoning which the plan and the SEIS states complies.

MR. JACOBOWITZ: The computation of the units starts out with the developer's agreement that we entered into with the town and based on the developer's agreement we do not exceed the percentage because the definition of the area that we have to use to compute density is slightly different than what the zoning law says. So that, and on the first page or the second page is a table that does the computation of how many units we're allowed under the developer's agreement, 570 something or such and such number and the number we're actually doing of 490 so there's not an issue with respect to the number of units and there and we're using the developer's agreement standard that we're entitled to use.

MS. DOTSON: I guess I'm not seeing that as being the case because I'm not talking about the total number of units, I'm talking about the mix of the percentage of

multiple dwelling units which is set forth in the code.

MR. JACOBOWITZ: We took the percentage based on the allowable.

MS. DOTSON: I don't think so.

MR. JACOBOWITZ: We're within the percentage based on the allowable.

MR. NOVESKY: Dominic, what's your read on that based on the town?

MR. CORDISCO: They've got to comply with the Town Code and they've got to make that showing.

MR. NOVESKY: In your view, does the 30 percent cap is that based on the actual number of units or the allowable number of units in a site?

MR. CORDISCO: I'm not sure and I'm not ready to speak to that tonight.

MR. NOVESKY: We'll ask for that, that becomes a critical question.

MR. JACOBOWITZ: But is that an EIS issue?

MR. CORDISCO: I think zoning compliance would be an EIS issue.

MR. NOVESKY: That's question number one that we need to have answered. Everybody agree?

MR. GOLD: Yes.

MR. NOVESKY: Okay, so the methodology of computation against what's allowable by code and what's based on the number of actual units developed.

MS. DOTSON: Yeah, I was reading that section of code to speak to the percentages.

MR. BRODMERKEL: If they're starting out with a bigger number than you're starting out with that can be a problem.

MR. NOVESKY: They're saying they're allowed on a certain number based on 560 units.

MS. DOTSON: There's never, I mean, under no case is there ever a guarantee that you can fit the maximum potential number in the code, you commonly have people come before you with potential abilities to develop much more than they're actually able to.

MR. BRODMERKEL: The percentage of multi-family is higher than it should be.

MR. JACOBOWITZ: Under the code.

MS. DOTSON: Under the code, yes.

MR. GOLD: Seems we've asked Dominic to give us an answer.

MR. NOVESKY: Keep going.

MR. JACOBOWITZ: Could I just ask one other question just to clarify what the issue is? The question really is does the developer's agreement take precedence over the text of the zoning law?

MR. CORDISCO: And I think--

MR. JACOBOWITZ: Isn't that really the question?

MR. CORDISCO: Well, I think the answer to that is no. I think that the planning board is not party to the developer's agreement, the planning board is bound by

the zoning code. It's the only thing that you're entitled and allowed to look at by law and whatever the code says is what the code says.

MR. NOVESKY: So I'll ask you for an interpretation of that at your earliest convenience.

MR. JACOBOWITZ: But the Town Board granted us our permit, our special use permit based on these numbers.

MS. DOTSON: The Town Board also adopted the zoning.

MR. JACOBOWITZ: They're making the determination that it is in accordance with the zoning otherwise they wouldn't have given us the permit.

MR. CORDISCO: That may very well be so.

MR. NOVESKY: We can go back to that one, that's a, I have an asterisk, let's go to 6 just so we can kick through this lengthy document but we'll get back to that.

MS. DOTSON: I do mention a couple of other little net acreage deductions, they're really quite minor and they don't affect the total number of what's shown as the maximum. That would be the aqueduct easement and that tiny little area of the sewer easement, it's just a matter of completeness, this is just a factual thing, that's not a big deal.

MR. NOVESKY: I can put not big deal, acceptable SEQRA next to that, Leslie?

MS. DOTSON: C Actually turns to a question of what lot coverage means in the code, that was sort of strange. With the services that's just more of a courtesy to them just to say that for future submissions they'll need to provide additional information that's not an acceptance issue. Six is just more a question of

clarification, wasn't clear to me based on some of the language used in the SEIS whether clearing was the same as grading because there's some between the document and the plans that it doesn't seem to speak to clearing as apart from grading. I just thought it would be more helpful for everybody to be clear as to what was specifically supposed to remain as opposed to not proposing to clear it right away if you follow.

MR. JACOBOWITZ: No, I don't know what the difference is in the two words.

MS. DOTSON: The difference being is one is that we're specifically proposing--

MR. JACOBOWITZ: It's like denouncing and rejecting, isn't that the national debate so we won't get as much coverage?

MS. DOTSON: We're promising not to clear it.

MR. JACOBOWITZ: So grading and clearing, okay.

MS. DOTSON: Anyway--

MR. JACOBOWITZ: One has a different connotation, you want to us clarify?

MS. DOTSON: I want to clarify that's that area's being shown as not being cleared are specifically going to be preserved as part of the plan as opposed to being just not cleared right away.

MR. RUSSO: The areas that are going to be preserved are shown on the plans and labeled to be preserved.

MS. DOTSON: Okay, I guess it just wasn't all that clear to me the way the plan showed anyway. And again I have some specific comments about the foot path going through the area that used to being lawn that's now

going to be woods. I'm just thinking that there's a better way to do that that's into the SEQRA issue that's more a comment for your benefit. Again, for the land use and zoning for number 7 I felt there's no question that the use is compatible and there's no problem with compatibility ability with the land use and zoning, I wasn't sure that the comprehension of the submission was in detail enough to determine whether all the elements of the zoning requirements have been complied with as had been represented in the SDEIS.

MR. BRODMERKEL: Does that mean 7 is okay?

MS. DOTSON: I don't know, I mean, I think that they're thinking that they don't need to address some of this now, the special permit requirements for zoning compliance.

MR. JACOBOWITZ: In the SEIS?

MS. DOTSON: Yeah.

MR. JACOBOWITZ: I think all of the data and detail in there goes to satisfying those conclusions, the special use permit conditions are the standards that the board will use to decide, excuse me, those are the standards this board is going to look at to see if we have complied with the Town Board's grant. Town Board said you can do it if you meet these standards. This board will look at it and say okay, this plan does or doesn't.

MS. DOTSON: So you're saying that's a plan issue that we'll determine that once we get to the plan?

MR. JACOBOWITZ: Yes.

MS. DOTSON: Okay, so 8 goes into flow patterns and wetlands.

MR. NOVESKY: Dominic, we're subject to the Town Code not necessarily to what the Town Board determines, am I correct?

MR. CORDISCO: Well, the Town Board does have a role because they did approve the special permit that allowed the PAC at this site.

MR. NOVESKY: Okay, we'll return to the town's authorities in a moment. Well, number 7, continue please or 8?

MS. DOTSON: Eight we have basically already covered about that kind, that comment was already discussed in the context of number 2.

MR. BRODMERKEL: So that's okay.

MS. DOTSON: So for 9, water and sewer that's normally Mark's bailiwick but just for a SEQRA point of view it noted it wasn't clear whether there's pros and cons to the different water connection alternatives or any overriding limitations or restrictions that would influence the ultimate choice among the alternatives. As it is they are just presented and it's not clear like this one's good, they're all equal, what's the difference.

MR. BRODMERKEL: Why is that an issue?

MS. DOTSON: Because it doesn't give you any standards with which to say if one of these is chosen, if one of these is not chosen what the difference is, it just seems to me that that was an important issue to understand if you're going to make a decision on the project or on SEQRA to know if there's something else involved like oh, by the way, we have to cross a highway and it involves doing X, Y and Z or we have to rip our way through somebody else's property or something, anything, I don't know the answer.

MR. BRODMERKEL: So you're saying they're not showing the water and sewer systems?

MS. DOTSON: I'm just saying there's no evaluation of the different aspects.

MR. BRODMERKEL: You want choices.

MS. DOTSON: They have shown different choices of potential connections for water and sewer and they have shown that they can all provide what's necessary in terms of pressure and so forth, just not clear whether there are any other hidden issues that are associated with any one of these.

MR. NOVESKY: But does each alternative address the SEQRA question?

MS. DOTSON: I don't think it does and that was my question. So, for example, with Chestnut Woods, you knew that one of their alternatives involved the need to run a pipe for a really long distance, so that was certainly not, that was an impact that would have been associated with that alternative and you knew that that was something that was not your preference for that reason. That's all I'm saying.

MR. NOVESKY: But if every alternative were presented to the public, would the public be able to choose an alternate that's acceptable?

MS. DOTSON: The public isn't going to be making the choice.

MR. NOVESKY: We're looking for public comments and we're assuring the public that--my question is is this plan with regard to this issue adequate to allow the public to address the issues of concern? That's our question.

MS. DOTSON: I'm more interested to make sure that the board has enough information to comment meaningfully from the beginning. That's my thought. I mean the public is going to find what it finds.

MR. BRODMERKEL: Mark, engineering statement here as far as I'm concerned and do you have problems with the water and sewer systems that have been proposed?

MR. EDSALL: They have thoroughly explained their alternatives. The opportunity is available not only for the public to comment on the pros and cons of the various routes on alternatives but also the different departments, sewer department, water department, DOT, highway department and I would anticipate and myself as well I mean I anticipate that you will receive comment as part of both site plan public hearing because we have been told we'll have much more detailed plans on the site plan including anything off-site. I think the decision as to which alternative is appropriate and best would likely occur in your findings.

MR. BRODMERKEL: So then unless I'm misunderstanding that's a good reason to go ahead, this is an acceptable starting point?

MR. EDSALL: On this particular item number 9 I believe that the hurdle is to clearly identify the alternatives. But I think the point is that as long as they have thoroughly explained the different alternatives for both sewer and water it's a springboard for both the public and all the departments, our office and the board members to evaluate pros and cons as part of comment. I think it's uniquely fair that they are not telling us which one they want to pursue at this point.

MS. DOTSON: That's fine, okay.

MR. EDSALL: So that one ideally really I don't have a problem with, I'll look to waive the benefits at a later time.

MR. NOVESKY: Go ahead.

MS. DOTSON: So number 10 again ties into comment 2 so we have already addressed that. Traffic is 11, we have already--

MR. NOVESKY: Ecology and trees you're saying that that's adequately addressed?

MS. DOTSON: No, what I'm saying that was already discussed under number 2 so it's a question of, you know, whether--

MR. NOVESKY: Go back to number 2, I just want to make sure that we deal with this once and for all.

MS. DOTSON: So what Gerry is saying is that this is something he wants to get out there at this point to have people comment on and that there's very little additional information that they can provide.

MR. BRODMERKEL: Okay.

MR. NOVESKY: So you accept that, you recommend acceptance of that?

MS. DOTSON: That's a strong word, I'm saying I acknowledge what they said.

MR. CORDISCO: Right, it's not denounced.

MS. DOTSON: I'll talk with John and Michele and yeah, I'm not going to stand on that issue.

MR. NOVESKY: All right, number 11.

MS. DOTSON: Okay, so for traffic that's the one that we already discussed about the Academy Avenue Faculty Road intersection and signal warrants, that was already discussed previously. For community services number 12 I guess this is more my question I was not clear whenever the certain elements were going to be subject to full site plan review such as community services and fire protection. Because again this was just my observation that I was wondering whether the fire district might also have some concerns about servicing the multiple dwelling component.

MR. NOVESKY: Well, this is the road width issue, all too famous road width issue, shall we bring that to the floor at this time so we can get a discussion moving? So why didn't we have it, why don't you give me your comments on it?

MS. DOTSON: I was not commenting on it, I was primarily leaving that up to the attorneys.

MR. NOVESKY: Dominic, did you want to insert your opinion on this?

MR. CORDISCO: Well, I mean, just to reiterate what we had previously discussed last month the issue is before the planning board regarding the adequacy of the road widths shown on lot 10 the 490 unit development. The code does provide that private roads may be allowed within a Planned Adult Community subject in my mind quite simply to three levels of approval. First involves the planning board, also the planning board engineer and also the Town Board, each one of those entities has some level of approval authority in deciding whether or not to allow private roads and to what standards within a Planned Adult Community. Plans have been designed with a 24 foot width and preliminary comments on those plans from the fire district have been that the roads appear to be too narrow, I believe that comment was also echoed by the board's engineer

and that these comments were raised over the past year. In fact, I think they were first raised last February, February of 2007 and nevertheless plans remain as they are. Of course that's up for the board to decide as to whether or not they are acceptable and also the Town Board will be involved as well. So that's really from my point of view where we are.

MR. NOVESKY: Dominic, can I ask a question then? What if the Town Board ultimately is making a decision and attempting to resolve the private road width issue why isn't the recommendation of the planning board to return the responsibility of the roads to the town and make it a public road?

MR. CORDISCO: Well, I'm not sure I understand your question.

MR. NOVESKY: What's preventing us from just saying designate these roads as public roads?

MR. CORDISCO: Well, the planning board could certainly make a recommendation to the Town Board about this, in fact, I think that you should because you're, you know, the planning board is in the first line of fire as far as reviewing the plans and you have the most expertise in reviewing the plans. Bear in mind that there's a section in the zoning code that states specifically that the Town Board must approve the private roads within the PAC. But certainly there's nothing stopping the planning board from making a recommendation to the Town Board when it's making that referral.

MR. JACOBOWITZ: I don't really want to have to deal with the road width issue tonight in order to get passed the issue of whether this is complete. Our plan is consistent with the code, you can't say what we have is not authorized by the code. Whether it should be bigger, wider, no parking at all, whether we can design our plan to eliminate parking in certain areas, whether

we can do any of those things as part of the process that we're going to go through to try to deal with this issue about accessibility and maneuverability for fire and emergency vehicles, okay. So I don't think it goes to the issue of completeness. We comply with the code, I think it's difficult for you to take the position that it is not complete because we comply with the code but you have a different idea without the benefit of any study, any proposed mitigation or any dialogue by the alternates. So I don't need to take on the issue of whether we're right or wrong about it, all I think we have to do tonight is say does this comply with the code. If it does, then let's it move forward and we'll deal with these public safety issues as part of the process.

MR. NOVESKY: Okay and this is a question, not a statement but isn't the public safety issue raised by the road width a Town Code issue, first of all. And is it a question, a SEQRA issue, Dominic?

MR. CORDISCO: I think it's a SEQRA issue to some extent because as I pointed out in the memo that I wrote for the board last month if the board rejects the road widths as they are currently shown, it's going to have a ripple effect throughout the plan. One obvious instance will be revised storm water pollution prevention plan dealing with additional impervious surfaces and runoff so to that extent the plan and I appreciate the effort and the comments regarding focusing on the supplemental as being complete but they are related documents, both the supplemental and the plans in fact the plans of course are appended to the supplemental itself. So I don't think that you can divorce them completely. I think that they are ripple effects if, for instance, if you had to provide public roads throughout the entire project, the project of course would be, have a lot wider roads and might have necessary impacts to wetlands that wouldn't otherwise be necessary under the private road scenario. It's

difficult to say but it is certainly a possibility.

MR. JACOBOWITZ: Yeah.

MR. BRODMERKEL: Would it not be a procedural thing that could happen if we had a public hearing and decided with public input that the roads had to be wider that we could then say the roads have to be wider? Would that be something that's allowed?

MR. CORDISCO: I'm sorry, could you repeat that?

MR. BRODMERKEL: If we had a public hearing and due to the input--

MR. CORDISCO: Maybe if I can jump ahead, you can't make a decision right now on the road width issue, you can't make a final decision. I was never suggesting you do that and even the Town Board can't make a final decision because SEQRA is not closed.

MR. JACOBOWITZ: Right.

MR. CORDISCO: However, in all fairness to the applicant and this is why I was recommending this last month is that it would be helpful for the board at this point either this board or if it's going to be the Town Board, the Town Board to provide feedback, initial feedback as to whether or not the odd road design as shown looks to be acceptable. Because once again, like you're getting to this chicken and the egg issue, you know, as to the, well, in terms of moving forward.

MR. JACOBOWITZ: Well, isn't it possible that if you accept the document and circulate one of the agencies it will go to the Town Board so it's passes, it's part of the SEQRA review process that we'll end up within 38 days or whatever it is we'll have heard something. But if we don't get it going, all you can, all that we can do is say excuse me, I'm going upstairs and I'm going

to talk to the Town Board and they're going to ask a million questions for which we don't have answers and we're not going to really get the benefit of their thinking because they want to get the same kind of input and information as you want.

MR. NOVESKY: Excuse me, Mark?

MR. JACOBOWITZ: So that, okay, all right.

MR. EDSALL: I understand the chicken or the egg scenario that we seem to be hearing but I believe if the decision is not going to be pushed at this point in the game the document should be made complete and reference both alternatives, a project alternative with town roads and a project alternative with private roads and reflect the design criteria in the document. That way the public and all the involved agencies can comment on the alternatives. Because at this point it's clearly an issue that has not come to a decision but the document doesn't recognize that it doesn't recognize that the Town Board hasn't slammed the gavel and said yup, 24 foot private roads are acceptable or nope, 28 foot town roads are going to be required. I think the document should recognize that and should reflect as all good SEQRA documents do alternatives and that is an alternative that hasn't been decided yet and the document doesn't reflect that.

MR. NOVESKY: Gerry, do you want to comment on that?

MR. JACOBOWITZ: Well, for us to do that, I mean, it's Pandora's Box. There's a million issues that are all related to that that we would have to deal with in order to complete this SEIS and deal with the alternative. And that's going to take time, it's going to take money and it may be moot because there may be ways that we're able to satisfy this road width thing by design changes, other mitigating circumstances that we haven't got a chance to address yet because somebody

has said that what's in the code is not satisfactory and needs to be addressed.

MR. NOVESKY: Well, let me ask the consultants.

MR. JACOBOWITZ: That shouldn't be a basis for us to have to do an alternative.

MR. NOVESKY: But with your engineering planning knowledge could you see within the context of the 24 foot road width a resolution to the questions that are raised with regard to that.

MR. EDSALL: I don't think that's the question. The question is is that we have heard chicken or the egg but we have also now I think developed have your cake and eat it too. We don't want to deal with it now but don't want to discuss the alternatives and admittedly there are implications with both alternatives. But keep in mind the code is written that allows for either or it doesn't say this is it and by some override it becomes the other. It says that you can have private roads only if approved by the Town Board, hence, if it's not approved it becomes town road.

MR. NOVESKY: So this argument can be just carried before the Town Board?

MR. EDSALL: Well, my point being is that we're in a situation where we're being asked not to deal with it now but ignore it for SEQRA and I don't think that's appropriate, that's not what SEQRA is supposed to do, SEQRA's supposed to evaluate alternatives.

MR. CORDISCO: One of the benefits for providing the alternative analysis now would be to put everyone in the Town Board and the planning board in a better position to say yes, we want public roads or no we're going to allow private roads.

MR. NOVESKY: Okay, could we, we're going to pull that, we only have two separate issues because we have one more to go, that's number 13.

MS. DOTSON: Number 13 had to do with the confusion about the dates on the plan sheets not matching what's in the rolled set, that was a confusion that can be worked out. I also just mentioned I thought the lighting sheet was extremely premature given the lack of detail that there was on the site plan and I thought it might be more beneficial just to address some sort of an overall guiding theme to the intention for what you hope to achieve with the lighting cause look at the lighting, I think thought some it was way too low for a senior project but that wasn't specifically reviewed.

MR. NOVESKY: Leslie, to finish that you don't have significant concerns with regard to SEQRA per number 13.

MS. DOTSON: Right.

MR. EDSALL: Since I will end up reviewing the lighting plan I wouldn't want to review it now as part of SEQRA anyway, the plan, but what I'd like to see them propose is a level of lighting even if it's just verbally indicated for different scenarios for the public areas, the common areas, for the building areas, for the roadways just to set a standard so that when SEQRA's done, I have something to go back to and say yes or no, the plans match what was decided under SEQRA so if they just do that verbally.

MR. NOVESKY: That would be, that's fine. Do you want to respond?

MR. JACOBOWITZ: To the lighting?

MR. NOVESKY: Yeah, to Mark's lighting comments.

MR. JACOBOWITZ: I didn't hear what you said but I will agree with whatever you said.

MR. EDSALL: It was easy, there's no plan.

MR. JACOBOWITZ: Thank you but it's too early.

MR. EDSALL: It's still too early for that plan, just give us some guidance.

MR. NOVESKY: Can you do that?

MR. JACOBOWITZ: That's an easy one. Can I go back one step? Mark's comment about the alternative. We have what we're trying to do here is follow through with the scoping outline that was adopted January 9, the scoping outline didn't require us to deal with an alternative with respect to road in that manner, says specifically identify any internal road specifications which we did using the code, with attention to safe emergency service access. So the comment that's come in about the road width emergency vehicles I don't think generates something additional to what's in the scoping outline, we have to give attention to safe emergency service access and identify the internal road specifications, we have done that.

MR. NOVESKY: I think that the sense is that there's a possibility that was inadequately dealt with.

MR. CORDISCO: Well, I think you've already gotten written comments from the fire chief and planning board engineer.

MR. JACOBOWITZ: And that will be addressed as part of the process. Why are we taking just comments from the fire department and not taking comments from I read in The Local that the Conservation Commission is busily working on a review of the plan and wants to submit something? Okay, we'll deal with that, we'll deal with

that. What about if the Moodna Creek Protection Organization has comments they want to make, they'll come in and we'll have to deal with them. To deal with one comment at this stage in order to get passed the issue of completeness so everybody can look at it we can go on this way meeting every week, so there will be another letter here and somebody will say you should deal with this, otherwise, it's not complete and we'll never get down the road.

MR. NOVESKY: But I think what Mark is suggesting is that the alternative is to provide the two alternatives.

MR. EDSALL: I'm not responding to a comment, I'm responding to the fact that the Town Law has two different types of road systems for this type project, that's in the law, it's not a letter, it's not a comment and they have failed to address that and the impacts and limitations of the two alternatives that are in the law.

MR. NOVESKY: What we're suggesting is it's possible to move forward if we incorporate that those two alternatives into the, am I correct about that, is that what you're suggesting, Mark?

MR. EDSALL: What I'm suggesting is just what Dom said, that if you don't reach a conclusion with which way it's going to go then you've got to address both alternatives. And the only way to get it resolved is what you had one of the alternatives we talked about tonight was to refer back to the Town Board and get a decision, that way you've got a clear indication on what way the road's going to go and that's the way the document will go. But Mr. Jacobowitz requested that you not do that. What I'm saying you're left with two alternatives and the document doesn't reflect those two alternatives and study of each.

MR. BRODMERKEL: One of the things if we accept this under SEQRA it will go to the Town Board which Dominic mentioned.

MR. EDSALL: But what I'm saying it doesn't, what you have before you doesn't analyze those two approaches to the roads.

MR. BRODMERKEL: No, but it's an open document for people to comment on and say that it doesn't meet some standard.

MR. NOVESKY: Let me throw a wrench into this because of the nature of the quorum we have her which is four, it would require a vote of all four to accept or reject or anything else. So my recommendation would be that we consider all possible alternatives, since we need four votes unfortunately, we have to subject the public to an ongoing discussion but there's a requirement for a full four votes to get this moving. So let me just go back to the one other outstanding issue and then we'll come back to this one, last time the unit count and type is the only other one that I have as related to the cap issue, so why don't we address and get that in a complete sense and then we can give another five minutes for final discussion on this other issue and move along. We do have two more waiting patiently so each on that let's go back to Leslie's comment, actually Dominic it would be you that we'd return to for your interpretation. Let me get it straight, if you have it under Town Code allowable 100 units, 33 of them are 30 percent cap, three of them could be multiple use, multiple occupancy, does that mean that I could simply take the entire lot and put 33 units without putting the 67 single occupancy units in there.

MR. CORDISCO: That's not a question that I'm prepared to answer tonight as I said before.

MR. NOVESKY: I was expecting that answer.

MR. CORDISCO: So I mean I'm hesitant to do so in here because as Mr. Jacobowitz rightfully pointed out the Town Board did approve the PAC for this site, they do according to a particular plan so we'd want to review that and make sure that I'm advising the board correctly.

MR. BRODMERKEL: I have a question for Gerry, if you know the answer. The question as I understand it from our planner is that you're allowed 30 percent now the number you're starting with seems to be higher than the number that my code is allowing, are you still at that 30 percent?

MS. BABCOCK: Yes.

MR. NOVESKY: At 30 percent of what code allows.

MS. DOTSON: He's doing 30 percent of the maximum.

MR. BRODMERKEL: Time out, I want an answer from Gerry on my specific question.

MR. JACOBOWITZ: Our 162 is 30 percent or less than the allowable use but it is more than the, more than 30 percent of is more than 30 percent of 490, the difference being a quickly 147 versus 162.

MR. NOVESKY: Fifteen units.

MR. BRODMERKEL: Okay, and the question becomes which of those is the standard to which we hold them?

MR. NOVESKY: No, the question is which is allowable under code?

MR. GOLD: Just to reiterate, Dominic is going to research that and give us an opinion.

MR. CORDISCO: Yes, that's what I will do for the next meeting.

MR. GOLD: In my mind that means we can't proceed until we get an answer to that question.

MR. NOVESKY: So let me go to the other one so we can resolve that issue so we know exactly where everybody stands, period. The last question relates to the road width issue. And Gerry, my understanding is that you feel that you're not willing to allow for the consideration of two alternatives?

MR. JACOBOWITZ: Not for purposes of getting completely to get the process going. If you're not acting tonight we now have another 30 days that I frankly I was just going to go fishing but now that there's a question about whether there's an alternative that we should include and get us passed this I will cancel my fishing trip and we'll put together what's going to answer that part of it. So I'd prefer not to have to do that but if I'm going to wait.

MR. BRODMERKEL: It would be safer.

MR. JACOBOWITZ: Till next meeting, I'm going to put the time to good use and hopefully Mark and you folks will identify the kinds of things you want us to include in there and we'll try to get that done so then the only issue remains is Dominic's opinion about whether the developer's agreement and the special use permit have priority for 15 units.

MR. NOVESKY: So is the board in consensus now that those are the two remaining issues from Mr. Jacobowitz assured us he will address those, Dominic will provide an opinion by the next meeting and end of story.

MR. CORDISCO: Not quite end of story because the applicant has made a submission at the last meeting and

the board accepted it, your timeframe to act is actually tonight's meeting as we discussed last time so you either have to take a vote to accept or reject the supplemental in its current form unless the applicant's willing to extend that to the next meeting then I'd ask the board to actually take that vote tonight so--

MR. JACOBOWITZ: Well, on the record we'll consent to an extension of time for the board to render a decision as to completeness until your meeting in April which I hope isn't April 1st.

MR. CORDISCO: April 7th.

MR. JACOBOWITZ: April 7th.

MR. NOVESKY: Now, but I as a courtesy to the applicant then this board unanimously agrees those were the two issues that have to resolve and with the proper addressing of those issues.

MR. BRODMERKEL: I agree.

MRS. DEANS: Yes.

MR. GOLD: Yes.

MR. NOVESKY: Thank you very much.

MR. JACOBOWITZ: Thank you all for your patience, we appreciate that.

MILL_POND_SUBDIVISION_2005-12

MR. NOVESKY: Mill Pond subdivision.

Michele Babcock, Esq. and Mr. John Atzl appeared before the board for this proposal.

MR. ATZL: We're planners and engineers for the project. Last time we were here we were requested to make some changes to the plans, blow the plans up to actually larger scale which we have done. We have blown the grading plans up to one inch equals 30 feet so they can be more easily read. Miss Dotson asked us to revise the tree plan, we have increased the scale of that to one inch equals 30 feet for the existing conditions and we have shown the proposed conditions. We revised our drainage and we revised our grading. I understand Mr. Edsall's office has some issues with the drainage and the stone retaining walls, corrosion of property lines, the drainage system is basically a conventional system but since the town is going to be unwilling to accept them in easements and maintenance agreements do have faults we'll put our heads together and we'll meet with Mr. Edsall's engineer and Mr. Edsall to try and figure out what we're going to do with the drainage. The stone retaining walls crossing the property lines I think we can make that where each lot would have its own stone retaining wall. There will be a break in the wall, in other words, the wall will come and curve down into the lot, back down to grade and as far as Miss Dotson's comment about the slopes, we weren't aware that she needed a slope map for developed condition. We'll comply with that. Other than that, we have revised the driveway profiles, revised County Route 32 and resubmitted that to the county highway. We haven't received any comments from county highway but I believe those are really the outstanding issues.

MR. NOVESKY: We should note that the planning board is

not, Dominic, this is pursuant to your opinion letter that we're not to consider any property across the street, this is just the 12 lot subdivision, correct?

MR. CORDISCO: That's correct.

MR. EDSALL: Can I just pose a question to the board members that are present? Again, I'm not trying to throw a monkey wrench into the works with a design that may in fact work, but may be problematic because the maintenance structure hasn't been identified. Dom and I were just speaking as to a possible maintenance agreement that would be part of the deeds and similar to a private road maintenance agreement for a subdivision where you have a private road where each one of the lot owners would be a part of this maintenance group and they would vote let's say for a person in charge and they would contract to maintain that drainage ditch and wall and outlet pipe if in fact it needed annual maintenance or biannual. I'm just posing that because again the applicant did put in quite a bit of effort laying things out, I don't have an objection from a standpoint of it works or it doesn't work. My problem is is that I use don't know who the heck's going to maintain it because I know the town and county won't. Is that something if they provided a legal structure and submitted to Dom for review you'd be willing to consider?

MR. BRODMERKEL: My reaction would be that it works probably as good as the plowing and maintenance of private roads.

MR. EDSALL: I'm sure it can't be any better than that.

MR. BRODMERKEL: If you're not familiar with how well that works in town, it doesn't.

MR. NOVESKY: Well, I think that with let's poll the board, Jane?

MRS. DEANS: Well, how are these houses all going to be built, are only sold built as sold, suppose you build the 11 houses and say five of them get occupied, what, who's going to pay the maintenance on the houses that don't get sold?

MR. ATZL: Well, I believe the applicant's going to build all the homes at one time.

MS. BABCOCK: Well, I think there needs to be a distinction here, you know, are going to be built and sold as far as maintenance? I'm hearing that there could possibly be some form of agreement and that's something I can work on with Dominic as to the terms of that but as to the specific terms we haven't gotten that far yet.

MR. CORDISCO: Yeah, but I think Jane it's a very good question and the way that a maintenance agreement would work is that it would require to be filed and recorded as part of the chain of title before the lots are sold off so whoever, let's say under your scenario five homes are built and sold so you have five individual homeowners and then you've got seven more that aren't, well, the developer who owns the other seven lots is going to be paying.

MR. EDSALL: And there's another issue and it's back to the chicken or the egg, a lot of times you need to go in and do all the rough grading and the drainage work on the wall before any of the lots can be built and the last thing you want to have happen is half of them get sold and the other half something else happens to and you don't have somebody to come in, actually build a wall again it's subject to the applicant proposing it to the board. I would think that this is one of those unique cases where before any lots were sold you had to at least get that rough grading in and the wall in, drainage ditch in so when you sell the lots it's

effectively been prepared so that the drainage already works. So again, I'm just trying to think of ways, I've complicated the issue I'm sure for them by saying all right, it doesn't work because we're not willing to maintain it, I'm just floating some ideas from prior projects if they're willing to run with it.

MS. BABCOCK: What about the issue of a drainage district?

MR. EDSALL: No.

MR. GOLD: That scenario concerns me because I'm aware of developments that have been started by one development company and completed by another one who have abandoned any of the commitments of the first development company.

MR. NOVESKY: Can't you structure the agreement so that it carries.

MR. EDSALL: You have to be careful with that.

MR. GOLD: My concern is that again what happens if they go through a bankruptcy?

MR. EDSALL: Well, the point would be is that it would, you would not be able to sell any of the lots or maybe even worst case is you wouldn't stamp the plan or you'd get a conditional approval and say before the plan's stamped you have to get certain things in so that way effectively the common facilities are done before the lots get sold off.

MR. CORDISCO: No C.O.s would be issued until all the common development was completed so that way you can be sure that it would be done.

MR. EDSALL: If the board is willing to consider it, I just want to mention it so I can possibly work with the

applicant, if not, I think they're going to have to come up with a Plan B.

MR. NOVESKY: Let's discuss Plan A.

MR. BRODMERKEL: I go back to what I said, it's a road maintenance agreement type of document, road maintenance agreements often have situations where one of the people in the community are not pulling their load, kicking in what they're supposed to or whatever, this is not a situation where the town is going to tax for it and take care of it, that's been, that's a no-no, that's not going to happen. So you're dealing with something that's essential sewage.

MR. EDSALL: No, this is drainage.

MR. VINSON: Storm water.

MR. BRODMERKEL: Still pretty essential.

MR. EDSALL: No, it is.

MR. BRODMERKEL: Especially in that area.

MR. GOLD: There's an alternative to that that doesn't require the kind of agreement that you're talking about, I think that would be preferable.

MR. NOVESKY: That would be a no.

MR. GOLD: Yes, my concern mirrors Kenn's concerns.

MR. BRODMERKEL: We agree.

MR. ATZL: Our problem here is we're building, these homes are being built on an improved county road and they're in the side of a hill. We have to catch the water coming down off the hill as it now stands and divert it around the homes. We have to catch it well

within the lots, that's the problem, we have to catch it before it reaches the homes and to do that we have to install catch basins and drainage pipes up along the property lines below and above the retaining wall.

MR. NOVESKY: What they're both suggesting is that there needs to be some sort of plan in place that would address that issue up front, am I correct?

MR. GOLD: My concern is that if there's any kind of agreement that requires homeowners to cooperate in maintaining this system after you built it, it assumes when you build it it will work, okay, my assumption and this comes from living on a private road that has a road maintenance agreement with one of those people who doesn't pull his weight what happens homeowner three decides even though I'm party to this agreement, I'm not going to kick in my 200 or 300 bucks a year and from a purely practical standpoint, the other homeowners are not going to get together and sue him to recover that two or three hundred bucks. So it becomes their problem or the system stops working. Those are the two alternatives.

MR. NOVESKY: Mark, there's no hope of the town deciding to take this over?

MR. EDSALL: I think slim and none would be an exaggeration.

MS. BABCOCK: Based on the comments since we just received them tonight, we'd like the opportunity to go back and revisit the plans to see if we can come up with something slightly different or determine what alternatives we have to move forward.

MRS. DEANS: Can I ask one question? The coal bins that are there are they going to stay or go?

MR. ATZL: No, the applicant is going to take them out

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and regrade that area and plant.

MR. NOVESKY: Thank you.

WILLOW_WOODS_2005-06

MR. NOVESKY: Next is Willow Woods.

MR. MILLER: For the record, Mark Miller. Actually, if I have might take one minute before we get into the real topic of tonight's meeting I just want to bring the board up to date on a couple things when we were here last we were talking about a grading permit and this board conditioned that grading permit on our establishment of the drainage district. About an hour and a half ago upstairs the Town Board established the Stone Hollow or Cornwall drainage district. So that's in place so we'll work with your staff, I think that was the primary condition paying some of the fees or what have you so we can begin the grading.

MR. NOVESKY: Mark, we're aware of that?

MR. MILLER: The Town Board about an hour and a half approved the drainage district.

MR. CORDISCO: We had one remaining issued.

MR. EDSALL: I apologize for doing this side bar as it may be, we asked the applicant for Mill Pond to resubmit the EAF eliminating the commercial side that was withdrawn so the EAF only reflects what's before the board.

MR. NOVESKY: We cleared that up at the beginning of the discussion.

MR. EDSALL: We asked them to resubmit the EAF.

MR. CORDISCO: EAF contemplated not only the residential portion but also some commercial redevelopment and so the EAF since their no longer going forward with that, the EAF should be cleaned up so it's clear.

MS. BABCOCK: So if I can just make a simple clarification, we have revised the EAF to note the previous DEC activity that was on the commercial portion of the site so all of those attachments should now be removed from the document.

MR. EDSALL: From the EAF for this application.

MS. DOTSON: Yes.

MS. BABCOCK: Cause Leslie that wasn't one of your--

MS. DOTSON: Right, but yeah, the more we look at this the more we're realizing that this is an appropriate subject for segmentation just because yes, no, I remember that.

MS. BABCOCK: Did you see the excerpt as well as the documents?

MS. DOTSON: Yes.

MS. BABCOCK: So I will now take these off.

MS. DOTSON: Yes, I know this is Mill Pond.

MR. EDSALL: Our apologies, Mr. Miller, we dropped the ball right at the end of the last application so--

MR. MILLER: No, the Town Board adopted a drainage district so that's in place, so with respect to the grading activity that was the primary condition that this board had established so we'll work with your staff to put whatever else is in place. And just quickly one again the two remaining issues before the plat can be signed had to do with establishing an appropriate bond and working out a water agreement with the Village of Cornwall. We have worked out a water agreement with the village just being papered right now

so we expect that to be executed hopefully in the very near future. And we had some bonding issues associated with the water system since it's being built in the town but really for the village we just wanted to make sure we weren't getting double bonded but we have worked that out as well. And that will be addressed so I just wanted to bring the board up to date on that. What we're here tonight to talk about is our request for permission from this board to construct a temporary sales and storage facility adjacent to the model home that's constructed. Our typical situation on developments and not just for GEC is to construct a temporary sales office usually occupying the last lot that would be sold, sales office is removed and the last home is built. We submitted to you some photographs of the other sales office at other projects, they often as with this one start life as a double wide trailer but they're landscaped and the exterior is improved to make it a very attractive facility.

MR. NOVESKY: I will interrupt you there because the board's consideration in this matter is possibly moot because our counsel advises us that this might be against Town Code to begin with. Am I correct?

MR. CORDISCO: Not so much against Town Code just not permitted by Town Code.

MR. NOVESKY: So that's the issue the board itself can only discuss and approve things that are compliant with Town Code so we must address that specific issue first.

MR. MILLER: And we don't disagree and obviously you're guided by counsel, what we believe is that there's, that the language of the code which of course has to be construed in the event of any ambiguity is in the SR-1 zone, accessory uses are permitted one accessory use, storage of goods, equipment, raw materials or products accessory to a permitted use within a completely

enclosed structure. And as our submission indicates in addition to the sales that will admittedly take place there we do store all of the materials for the cabinets and the plumbing fixtures and the kitchen appliances and the like so that when a perspective customer comes they can see that material there, make their choices on site in a coherent and coordinated fashion without having to run all over the place to different showrooms. So while there's an again admittedly a sales element there's also a storage element and we perceive the sales element and the storage as an appropriate accessory use for this type of activity.

MR. NOVESKY: Well, let's hear what counsel says.

MR. CORDISCO: Well, when you talk about accessory uses like you're talking about an accessory to a primary use and here I don't see a primary use other than I mean an accessory use might be typically an accessory shed or something like that, the code does permit construction trailers and you can have one construction trailer per lot. Since this is a 29 lot subdivision theoretically you could have 29 construction trailers, although I don't think that that's something that anyone's really contemplating. And what they're asking for is not unreasonable, just a question of finding that interpretation in the code. It's my opinion that defining the sales trailer as an accessory use is a little bit of a stretch but the board might be willing to entertain it.

MR. NOVESKY: Okay, thanks for the firm legal opinion there, Dominic.

MR. BRODMERKEL: Ball is in our court.

MR. NOVESKY: We'll move on to Leslie's comments.

MS. DOTSON: Well, yeah, I just, I didn't see, I was a little less generous than Dominic. I really, I looked

very seriously at the code and I didn't see that once the subdivision was filed that you could do that because I think that there's a really serious difference between construction trailer when you say specific purpose as opposed to a sales structure, whether it's a trailer or whether a permanent installation. Town of Cornwall's always been concerned about not allowing accessory uses on a lot where there's no principal use. I know that has come up before, not in this form and frankly my understanding is for the Town of Cornwall that most construction firms do not do this. We as a matter of fact had discussed this at a previous work session as to having the sales office be within as is typical in the town within the garage of the model, that's typically what we have seen. We don't see that at least until as soon as the plan is actually approved that this would be on a separate lot so therefore, it would be an accessory. So, in other words, it would only be allowable until the plan gets signed which is not very long.

MR. O'CONNELL: Can I comment as we go along?

MR. NOVESKY: Please do, it's a relevant response, I assume.

MR. O'CONNELL: My name is Jack O'Connell with Ginsberg Development. We definitely did discuss this at the workshop.

MR. CORDISCO: At length.

MR. O'CONNELL: One thing that we'd be willing to do when we do subdivide it we could actually leave off this last subdivision line so the sales center and the sales model would be on the same lot and again that would be an accessory use to the sales model.

MR. BRODMERKEL: Come back and divide it later?

MR. O'CONNELL: Just subdivide it later.

MR. NOVESKY: Leslie?

MR. CORDISCO: It is possible to authorize the filing of the subdivision plat in phases which I take it would in this scenario be like the first phase would be the first 28 lots and the last phase would be carving off the final lot where the sales trailer is. There's no legal impediment to that.

MR. NOVESKY: Okay, good enough, Leslie.

MS. DOTSON: If that's the case that could be fine, otherwise, I don't see the development of the site as being the use, the development is not the use, a subdivision is the subdivision of lots. If that's the way they're proposing to do it then that removes the legal impediment as far as I would see.

MR. NOVESKY: Is that it?

MS. DOTSON: Yes.

MR. NOVESKY: Mark?

MS. DOTSON: But wouldn't this also have to have site plan and have to go to the county, yes?

MR. VINSON: Not if it's an accessory use. A residential, I mean, the way I would look at it is that the sales trailer would then be accessory to the single family house under construction and we'd be looking at it just like I would look at the shed is the way we'd be approaching it, you might think it's a little far but I think we can do that.

MR. NOVESKY: Mark?

MR. EDSALL: I didn't prepare written comments but I

will just bring to bear some experience I've had in other municipalities with this exact case. It is not uncommon to ask to have this type of trailer and I think the phased approach is best so we don't create a lot that has that kind of hanging accessory use on it. And I'm sure that one well placed, well manicured, well maintained trailer beats the heck out of 29, although I sense Gary would never allow 29 over there anyway. And you will not require a site plan since this is kind of a quasi site plan situation, as long as when you do a field review it seems to be one that's a pleasantly maintained and landscaped temporarily item other municipalities have done that and if it looks great and doesn't impose a negative view they say fine, you did a great job.

MR. NOVESKY: How are we going to do that?

MR. EDSALL: If there's an outcry or the board members think they did a very poor job then could you say we really do need that site plan showing us how you're going to landscape it.

MR. NOVESKY: Would you agree to that?

MR. MILLER: We'll be happy to be held to that standard.

MR. EDSALL: It's worked in other municipalities. One fell a little short and the board said either do this or we'll ask for the site plan. They did a good job making it look fantastic.

MR. CORDISCO: The authority to file a subdivision plat in the County Clerk's office in phases comes from the Town Law, the New York State Town Law, not the local Town Law and it only allows a developer to file subdivision plat within three years. So that between the time of the filing of the first phase and the filing of the last phase, second phase in this case you

have maximum of three years, otherwise, you actually can't file the subdivision plat the second phase, so you'd lose that lot so that's what I'm saying.

MR. EDSALL: Trailer's got to be out in three years.

MR. CORDISCO: That's what I'm saying, set a limit.

MR. BRODMERKEL: I don't know how to make it but make a motion we accept this subject to Dominic's--

MR. CORDISCO: I think that the board or at least the board's consultants would have to see a revised subdivision plat that shows phasing. I would assume that all of the common improvements, virtually all the improvements would be shown on the first phase.

MR. MILLER: Structure, yes, absolutely.

MR. CORDISCO: I would think that you would want to review that phasing plan.

MR. EDSALL: Well, a big note that requires that all work, all public work rough and finish grading must be complete prior to the creation of the second phase.

MR. MILLER: I think our plan is literally not to change anything else, hit the eraser and just remove that line, otherwise, everything else will remain the same.

MR. CORDISCO: Only thing on phase 2 would be the line.

MR. MILLER: That's correct.

MR. CORDISCO: And I think that the board would not need to see that but I would think that the board's engineer would want to.

MR. NOVESKY: I'll take Mr. Brodmerkel's motion to

approve resolution conditioned on the review of Dominic.

MR. BRODMERKEL: Outlined by Dominic and the applicant's acceptance of the standard we mentioned of the appearance of the facility being kept up. With that in mind, I will make a motion we accept this.

MRS. DEANS: Second it.

ROLL CALL

MRS. DEANS	AYE
MR. GOLD	AYE
MR. BRODMERKEL	AYE
MR. NOVESKY	AYE

MR. MILLER: Thank you all very much.

MR. O'CONNELL: Those are two examples of what quality of work that we do.

MR. MILLER: Believe me, we're not going to have a problem with that.

MR. NOVESKY: Your reputation precedes you. Motion to adjourn?

MR. BRODMERKEL: So moved.

MR. GOLD: Second it.

ROLL CALL

MRS. DEANS	AYE
MR. GOLD	AYE
MR. BRODMERKEL	AYE

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MR. NOVESKY

AYE

Respectfully Submitted By:

Frances Roth
Stenographer