

May 5, 2008

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TOWN OF CORNWALL

PLANNING BOARD

MAY 5, 2008

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

LESLIE DOTSON  
PLANNING BOARD CONSULTANT

GARY VINSON  
BUILDING INSPECTOR

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

MR. NOVESKY: I'd like to call to order the May 5, 2008 meeting of the Cornwall Planning Board. For the record, could you put in the minutes that we urge the Town Board to expedite consideration of new planning board member so we can have our full quorum at each and every meeting? It's been since January we have not had a member.

CORRESPONDENCE \_\_\_\_\_

\_\_\_\_\_ WILLOW\_WOODS/STONE\_HOLLOW \_\_\_\_\_

MR. NOVESKY: We have Ginsburg name change, this is an ordeal. Are you guys here? Do you want to talk about that for a second?

MR. O'CONNELL: Jack O'Connell from Ginsberg.

MR. NOVESKY: Did you go to the Town Board meeting?

MR. O'CONNELL: No, they're interviewing for a planning board member, it's delayed.

MR. NOVESKY: So it's irrelevant, we're just waiting.

MR. O'CONNELL: Well, like official name change of the community from Willow Woods to Stone Hollow at Cornwall.

MR. NOVESKY: Dominic, let me ask you should we consider that before the road change or is there, is this a cart before the horse or something like that?

MR. CORDISCO: Just so I understand correctly you're proposing a name change of the community to Stone Hollow but right now the name of the road, proposed road is still Willow Woods, correct?

MR. O'CONNELL: The road is Stone Hollow and we're asking for approval upstairs but like we said we didn't get to it yet.

MR. CORDISCO: I'm a little bit confused because Stone Hollow as the road name as proposed was rejected by the building inspector and so you're upstairs before the Town Board seeking an appeal of that?

MR. O'CONNELL: Right, but the community name

regardless of the street name it would still, we'd still like it to be Stone Hollow at Cornwall.

MR. CORDISCO: I think that they're coupled, I think perhaps it would be best just to table this to the end of the meeting at least later on so you can present upstairs so you can square getting from the Town Board because I would think that the board would want the name of the road to match the name of the project itself, match the name of the development.

MR. O'CONNELL: We'd like to as well.

MR. NOVESKY: In the interest of continuity, thanks.

MR. O'CONNELL: We'll be back down.

MR. NOVESKY: I'm sending this correspondence over to you, okay, thanks.

DRAINAGE\_DISTRICT\_RESOLUTION \_\_\_\_\_

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MR. NOVESKY: Drainage district resolution that was passed by the Town Board, Dominic, do you want to give us a brief on that?

MR. CORDISCO: Yes, Mr. Loeb had prepared a resolution that would standardize the process for recommending the formation of a drainage district for new developments and that was just a process that we should follow and that was adopted by the Town Board asking us to do that.

MR. NOVESKY: So we don't have to do anything?

MR. CORDISCO: No.

MR. NOVESKY: That's an acknowledgement.

DOWNEY\_FARMS\_ARTICLE\_78 \_\_\_\_\_

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MR. NOVESKY: Downey Farms decision. Dominic, I've asked for to you make a comment.

MR. CORDISCO: The decision did come down from Judge Slobod. I provided a copy of the decision to the board and it's our intention to discuss that with the board in an executive session at the close of the meeting.

AMATO/ROADWAYS\_(04-01\_&\_06-19)

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MR. NOVESKY: Okay, Amato roadways, Dominic, your last and final moment in the sun.

MR. CORDISCO: We did receive a request from Mr. Jacobowitz to speak tonight and Mr. Amato has sent in a letter to the board regarding another alternative on road widths. I think as a courtesy to them they should be allowed to speak, but just to remind the board that last month you did reject the Draft supplemental Environmental Impact Statement on the basis that it failed to include the public, the road alternative, they are here tonight to talk about their letter so without further ado.

MR. JACOBOWITZ: Mr. Chairman, members of the board, actually there are two things that I would like to mention to you. Okay, and the first one is we need clarification about the alternative of public road. I have read through the verbatim minutes and there's some confusion and we need it clarified so we know what it is that we would have to be putting into the resubmitted DEIS and the confusion stems from three things. One, on page 33 in a soliloquy by Dominic he mentioned the issues that it, at the end of last month's meeting the board as I recall had asked for an alternative analysis including an alternative showing the project laid out with public roads. Later in the evening, Mr. Edsall, Mark said I don't believe that we have ever asked the applicant to do as Mr. Jacobowitz indicated which is to prepare completely new site plans with 28 foot roads with all new water lines. That coupled with the fact that at the work session it was next and I was not present so I'm giving you hearsay that the 50 foot road alternative required that we submit plans as against a verbal discussion of the, of that alternative and its impacts and benefits. I was not here, I had gone outside and I was outside the building and it was mentioned here at the work session

so we need to get clarification on whether or not we have to have a set of plans showing a 50 foot road or are we able only to be able to give you a narrative discussion of it, identify the impacts, quantify impacts and give you that kind of information without doing an actual set of plans because an actual set of plans is a very substantial undertaking and the 50 foot public road is an alternative and frankly it's not our preferred alternative, I don't think it was the town's preferred alternative when they granted us the special use permit for a PAC. But we don't want to go through the effort of doing this EIS again and not having in it what it is you meant. So I need clarification of that so we can go forward and we'll discuss as an alternative the public road alternative.

MR. NOVESKY: Confusion is understood. Dominic, do you want to clarify?

MR. CORDISCO: Well, actually, I think that I attempted to do that in my May 1st memo to the board which you should of received a copy of and we understand that the roads as proposed with a 24 feet wide width with parking on one side as private roads is what the applicant would prefer to do. Nevertheless, the code does provide for the fact and the possibility that private roads may not be allowed and in that event the roads would have to meet public road specifications.

MR. BRODMERKEL: Can you tell me the possibility of public roads may not be allowed?

MR. CORDISCO: Because the private roads have to be approved by the planning board, planning board engineer and the Town Board. The language is written specifically in the code and included in the fact that the Town Board must consider emergency vehicle access so if they don't approve private roads then the only other available alternative is public roads. Does that answer your question?

MR. BRODMERKEL: Yes, but gives me a question on something else, okay.

MR. CORDISCO: So under that scenario what you have is what's proposed by the applicant and they have done their plans based on the 24 foot wide roads with parking on one side 40 foot right-of-way and then you also have the possibility and it's a distant possibility that the town will only allow public roads in this 490 unit subdivision or site plan, excuse me, it's not a subdivision. And in that scenario, you have two alternatives that must be evaluated. I think Mr. Edsall can speak further on this but I would think that as a minimum you would want a sketch plan showing that they can actually achieve the layout of putting 490 units on a plan with private, excuse me, with public roads. I don't see that that sketch plan would require full detail, full engineering details for final approval but nevertheless, it should be a sketch. To make things even more confusing is that there have been a number of proposals now of other alternatives and those alternatives fall somewhere in between what was originally proposed and then the public road standard as well. In other words, there's been an alternative that's been proposed with varying road widths of 24, 26 and 28 feet wide then there was--

MR. NOVESKY: That wasn't one of those including a 40 foot right-of-way and a 50 foot right-of-way?

MR. BRODMERKEL: Yes.

MR. CORDISCO: They all included a 40 foot right-of-way because they were all proposed to be private roads then there was a second alternative that included more 26 and 28 foot roadways with I think just perhaps with 24 feet wide and then there was a third alternative that was mentioned by Mr. Amato in his letter that would keep the road widths at 24 feet wide but not allow

parking on either side throughout the development, if in my opinion and I tried to lay this out in my memo is that those are all alternatives that the applicant is free to propose and they may have either but at the minimum the two that you must consider is the minimum 24 feet with roads on one side and public roads. In the event that the town, either the planning board or the Town Board reject private roads in this development--

MR. JACOBOWITZ: We have no problem tonight telling you we intend to give you the information on the 50 foot public road and the 40 foot private road, private road with parking and without parking as two alternatives so we do that. The only issue is whether or not we have to do a plan and a sketch plan sounds like it's not much but a sketch plan is a very substantial undertaking on this property, it will change lots of things that are on there and to go through that whole exercise to focus on whether or not the road should be a particular width we think is really a waste of everybody's time, effort and money. So we will give you alternatives, we'll analyze all the alternatives but we don't want to have to do a plan for the, for a 50 foot wide road.

MR. NOVESKY: Well, let's ask for the view of the board then.

MR. BRODMERKEL: Mr. Chairman, two things, I think a sketch plan would satisfy my needs completely and wholly. The second thing is if we want to accept private roads as a board and through the public input that stays that way if it's the board then the Town Board would then have to take an action either way.

MR. CORDISCO: Yes, it requires approval by both boards.

MR. BRODMERKEL: Our recommendation to the Town Board

from everything I've heard would be that we stay with private roads 40 foot wide and we may have to go to a 50 width foot or, excuse me, 28 foot width but that would be a recommendation we would give to the Town Board. My very strong feeling is that if we recommended that they would just go with that.

MR. NOVESKY: Wynn?

MR. GOLD: I'm going to query both Mark and Leslie in terms of what they're going to need to see in order to do an adequate analysis to advise us.

MR. EDSALL: I will just preface it by Gary read a portion of the minutes and I apologize if what's in the minutes maybe I wasn't clear but my comment was more in the vein of to analyze an alternative layout. I didn't need utility layouts and all that. The sketch plan as he referenced it, as Mr. Brodmerkel said would be adequate, that's really all you need to look at to see geometrically how it lays out. I don't need water mains and sewer mains and as a matter of fact I'm not so concerned about grading.

MR. CORDISCO: Or lighting.

MR. EDSALL: Right, landscaping, all that stuff, part of a final design but a sketch plan that showed the unit layout, the road configuration would be in my mind adequate to see how the project lays out. The only issue that accompanies that they have brought it up many times is the impact on the storm water facilities and that very well may be where they reserve areas on the sketch plan and then go into a dissertation in text to explain how they would accomplish it via a combination of methods besides the water quality basin they may use alternative technologies that the law allows them, in fact, requests that applicants consider of late that's a preferred alternative to look at secondary technologies so that could be in the text but

without a sketch plan I don't know how could you review it.

MR. NOVESKY: Well then go ahead.

MR. BRODMERKEL: I don't, if we get a sketch plan or a plan that we currently have and it shows us I think the latest one we saw was for a combination of 28 and 26 and 24 foot roads, I don't see any reason why we can't have an SEIS that includes that and not need another set of plans that show a 50 foot wide road, excuse me, a 28 foot wide road all over the place.

MR. CORDISCO: Well, the issue typically is the width of the right-of-way because, if it was public roads then the minimum right-of-way is 50 foot right-of-way and that affects--

MR. BRODMERKEL: I hear what you're saying but what I am saying if we recommend as a board we stay with private roads that's our recommendation.

MR. CORDISCO: But it puts the applicant in a difficult position because if the Town Board overrides your recommendation and requires public roads there's still no plan.

MR. EDSALL: And there's no complete analysis done so we're back in having a gap in the SEQRA analysis.

MR. NOVESKY: I just want to know how we can expeditiously move this thing in one direction or another up or down or whatever you want to call it.

MR. CORDISCO: The question is actually quite simple that's before you, are you going to require a sketch plan.

MR. NOVESKY: Good. Let me continue. Led?

MR. KLOSKY: Are we now re-scoping the SGEIS?

MR. CORDISCO: No, you have been asked for a clarification on behalf of the applicant, just to clarify, you did reject the draft supplemental last month for its failure to include this alternative.

MR. KLOSKY: That's what I'm asking since the draft supplemental was rejected where does the process stand in terms of the, what the next step is? I'm not proposing that we re-scope it, I'm just wondering what the next step is.

MR. CORDISCO: I think you have been asked for an informal verification of what you want to see in the next draft.

MR. KLOSKY: Mr. Chairman, I defer to our attorney's letter on this issue which I thought was clear and to Mr. Edsall's advice that we get a sketch plan.

MR. BRODMERKEL: Can I have a definition of sketch plan?

MR. NOVESKY: Mark, would you clarify for Mr. Brodmerkel the sketch plan?

MR. EDSALL: Sketch plan is basically a scaled drawing which depicts the road layouts, maybe will have dimensions and they show radii on the roads, going to show unit locations and it's going to show setbacks, whatever, so you're showing that it meets zoning, showing the road criteria and the unit locations. But what you don't need and again my last my comment from last month's meeting was clear that there's just an alternative so I didn't think it was necessary to get into water, sewer, and grading which are real equivalent to preliminary drawings on a subdivision.

MR. BRODMERKEL: Basically what you're saying the

sketch plan would be take that plan and just put 28 foot roads.

MR. CORDISCO: Well, they have already prepared alternative sketch plans, multiple alternative sketch plans but you're asking them to prepare one more.

MR. NOVESKY: Sketch plan, Mr. Jacobowitz, are you in agreement with the definition of a sketch plan? I'm sure that I just want to come to some sort of resolution on this now so that you walk out of here feeling that you have an understanding of exactly what it is we're looking for and that's really fair to you so I'll go to Jane.

MRS. DEANS: I'm in favor of a sketch plan.

MR. NOVESKY: We know what a sketch plan is?

MRS. DEANS: Yes.

MR. GRABE: I don't know yet, I've got a question on Mr. Amato's letter, I don't know if Mark read it column 3 of the letter where we're back to the 24 foot private road and they have a definition here that no parking 24 foot wide road he has more width than if he had 28 foot road with parking on one side.

MR. EDSALL: That's one of the things when you're reviewing the alternatives you reach conclusions about the pros and cons of different alternatives, the discussion is not which is better I think that's a determination you have to make after you have all the alternatives in front of you.

MR. GRABE: Does that make sense to you?

MR. EDSALL: I know what they're trying to say but I'm not quite sure I'm in agreement at this point but my point for this stage of the discussion, the discussions

looking at the alternatives and what is this board going to require to have it as part of the analysis of the alternative for public roads and that's where the sketch plan discussion comes in. Clearly once you have your alternatives and they may interject three in the middle as Dom said other combinations that's their business, 16, who knows what they want to give us. The point being is that you will have all those alternatives that's when you start looking at the analysis and comparisons.

MR. GRABE: The sketch plan is a lot easier to look at when I have three alternatives.

MR. NOVESKY: It appears that the board wants a sketch plan, the consensus, is that something you can accommodate?

MR. JACOBOWITZ: It can be done, I ask that we not have to do it, but if you say that's what you want then that would be part of what it is that we'll have to consider. So this whole thing about the public road private road, I mean, it is not in the scoping outline and it's not there because we never ever expected that we're going to be involved with this issue at this time so it's technically as far as I'm concerned not in the scoping outline but we're willing to try to accommodate it in order to get by this and we're going to study all the possibilities we can think of and we're going to put them in the plan. But we really don't want to have to do a sketch plan for every single possible one and that's really what the issue is. So if you want a sketch plan that will be your decision and we'll then have to consider whether you know that's what we're going to do.

MR. NOVESKY: I will take one final poll of my board to make that determination.

MR. BRODMERKEL: I make a motion we don't require a

sketch plan.

MR. NOVESKY: I won't take a motion because we're just asking a discussion.

MR. GOLD: I want a sketch plan.

MR. KLOSKY: Yeah, I will defer to Mark on that.

MRS. DEANS: Sketch plan.

MR. GRABE: I want a sketch plan.

MR. NOVESKY: Sketch plan.

MR. JACOBOWITZ: Okay, I heard you. One other item that Dominic raised with us, made a suggestion which makes some sense I think and not because that came out the wrong way, it may be more work than the time saving that Dominic was hoping to do and that is that we take back all the submissions and we use those to create the new ones instead of having to print everything all over again. I'm not sure that that's going to be a help because I think there's going to be a lot of changes in the text of this whole thing so may not get us any savings. Dominic was well intended by the suggestion but I don't know that we're going to save a lot of time but if that's, we can have that option if that's what you're willing to do, some of you may want to keep them so you can compare the old to the new.

MR. NOVESKY: I think the entire process that has been most professional, I'm happy to turn my back to you if you want to replace the parts that need to be replaced.

MR. CORDISCO: I think it's really up to the applicant, we were making a suggestion that in order to save them money but if it doesn't work out for them then it doesn't work. The standard way is for them to submit an entire new set but we're just trying to save you

some money.

MR. JACOBOWITZ: I understand and appreciate it but if we don't get them all back we can't do that and whether we get them back is everybody's decision so that's why it's a topic think, I probably it would be easier just to run the whole thing again.

MR. KLOSKY: I'm happy to take my 8 1/2 x 11 sheets in a PDF format, I don't know if, what that does to the planning to the office but if it's identical to the others then I mean--

MR. CORDISCO: I think Mr. Klosky's asking for an electronic copy so rather than printing his out if you can provide it on a CD and avoid the printing costs as far as the text is concerned, I don't think you can open a CD with maps and be able to read them.

MR. KLOSKY: If you want to.

MR. JACOBOWITZ: That would be your copy?

MR. KLOSKY: If you want to.

MR. JACOBOWITZ: If we're printing 15 or 18--

MR. NOVESKY: You can do the same for me whatever is convenient.

MR. JACOBOWITZ: Okay, I think I know how we're going to proceed. Thank you.

APPROVAL\_OF\_MINUTES\_DATED\_APRIL\_7,\_2008

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MR. NOVESKY: Approval of the minutes, everybody got a copy of the minutes? Any discussion? Motion to approve the minutes.

MR. GOLD: So moved.

MR. GRABE: Second it.

ROLL CALL

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

RESOLUTION\_-\_ORANGE\_COUNTY\_RADIATION\_ONCOLOGY\_(07-11)

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MR. NOVESKY: We have a resolution on Orange County Radiation Oncology, we authorized Dominic to prepare a resolution last month and he has done so. I do not know where they are but they're here somewhere for site plan application for Orange County Radiation Oncology medical office expansion. Can I have a motion?

MR. GOLD: So moved.

MR. BRODMERKEL: Second it.

ROLL CALL

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

MR. NOVESKY: Motion for site plan approval for the Orange County Radiation Oncology medical office expansion.

MR. KLOSKY: So moved.

MR. BRODMERKEL: Second it.

ROLL CALL

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

PUBLIC\_HEARING\_-\_MILL\_POND\_SUBDIVISION

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MR. NOVESKY: It's now 7:54 and I'm calling a public hearing on the Mill Pond subdivision. I gather some of the audience is here to be part of that so with that in mind I'd ask the developer to come up and explain briefly.

MR. JACOBOWITZ: Good evening, Mr. Chairman, members of the board, Gerry Jacobowitz. What we have done here up on the board the map further down shows the whole project and includes lands on the other side of the street which are not part of the project. The next two sheets are a blowup of this project. It's a single family detached residential subdivision and it's along county highway that's commonly known as Mill Street. The history of this is that the property that's the subject of the subdivision on this side of the street was zoned industrial until about nine months ago when the town changed the zoning from industry to residential. And up until then, that side of the road where the houses are now proposed could have been industrial use for that property, not compatible with the neighbors, the neighboring property, is all single family detached residential dwellings, you could have had industrial uses there now that's no longer possible because we asked the Town Board, they considered it, the planning board considered it, they went through hearings, went through SEQRA analysis and the Town Board then decided to change the zoning to make it residential so it was compatible with whatever it was on that side of the county highway. Once the zoning was changed we were able to lay it out in a residential format. The board had seen that rough layout before, they changed the zoning because they said well, we want to see what it's going to look like, how are we going to develop this property if we do change the zone, so the plan that you see there in an earlier version showed similar lot layout, similar use and that was all before the boards when they decided whether to change

the zoning. As I mentioned it backs up to existing homes right along here, this is all residential along here, right here these are all residential existing and the proposed uses are along here laid out in these lots as are depicted on this plan and we have a total of 11 lots, 12 because of the across the street is the 12th lot because this was all one part of one title. Technically, what's across the street over here was once within this entire track, this piece on the other side remains to be a separate lot divided by the county highway. But for technical purposes it's a 12 lot subdivision, 11 lots are residential, one lot is the old historical factory complex. The proposed use is single family detached homes, that means one house on one lot, single family, front yard, rear yard, side yards, all of which comply with the zoning for that district. No variances are needed in order to do the project as it is depicted. And the plan as it's before the board we hope reflects all the technical comments that were made by the town's consultants over the past I think it's about four years. Now, one of the things that's going to be happening here is that the existing area of homes is served by a sanitary sewage pump station that's the town's property, it's the Firthcliff District, it's a very old pump station, it has a checkered history of efficiency and operation and at some point in the not too distant future as it's explained to us that pump station will have to be replaced. In order to provide sanitary sewer for this property, we need a sewer pump station so the engineers suggested let's not have a new one and a replacement for an old one, let's have a single one to serve the whole area and the developer must build that at a hundred percent of the cost as part of the subdivision approval process. And so the new pump station is going to be across the street right in here, it will be built by the developer of this property, title to the real estate where the pump station is will be deeded to the town sewer district, there will be an easement for the main that's going to be coming in and out of it and the

sanitary sewage will then be pumped from there the same way it is now by the existing pump station down to the Firthcliff sanitary sewer pump station which is north of the property. The town, the planning board will make that a condition of any approval if they grant an approval. We have given the Town Board an agreement that provides for doing all of that, their approval of the engineering, the pump station must be one of the type that the town approves as for pump stations they have tried to make them uniform throughout the town so the pump station we must do, must comply with those plans and specifications and that agreement is at the Town Board for them to review and approve and any action by the board before they give final approval will be conditioned on the Town Board having agreed to approve the design of that pump station and for its construction and turnover to the town on the property. Now, if the planning board grants a preliminary approval that allows this project to then go to the county for their review, to NYS Department of Environmental Conservation for their approval and to the Orange County Department of Health, all of those agencies get an opportunity to review the plans from each of their perspectives. When we do obtain those approvals and if we do obtain those approvals then we come back to this board, provide them with the evidence of those approvals and then address any other comments that their consultants have based on going from now till final approval and at that time the planning board would have the power and authority to grant a final approval subject to the Town Board signing off on the sanitary sewer pump station arrangements. So all of that is what we have been working on for four years and where we are today and where we're going to go from today depending on what actions are taken. John Atzl's here, he's the gentleman who's designed this development and has done the surveying and so on and is available to answer any questions that either the board the consultants or the public have with respect to the proposed project.

MR. NOVESKY: Thank you, Mr. Jacobowitz. And this is a public hearing, I will ask if you want to come up, have a comment on the project or have a question that you keep your comments to three minutes to allow everyone to speak. If we have an opportunity to do so at the end we'll bring you back up if you have more to say. With that, I'd ask you to introduce yourself by name and place of residence, at this point, I will ask if there's any member of the general public wishing to make comments on the project?

MR. KENNEDY: Bob Kennedy, Mead Terrace. My only concern is this is a fairly ambitious project and in an economy where real estate prices are going down is this a very highly leveraged transaction so if the price of real property keeps going down this will fall through?

MR. JACOBOWITZ: Mr. Chairman, how do you want me to do this, do you want to listen to all the questions then we'll answer them all at once?

MR. NOVESKY: Yes, we'll bring it back.

MR. BRAUER: Bill Brauer, B-R-A-U-E-R. I was wondering how far back are they going to come? Like I know there used to be a railway, a right-of-way, how far back are they going to come from Mill Street like towards Harold Avenue because there's a deep slope there? I'm just wondering.

MR. VINSON: Your house would be on the map if you want to show them on the far left map your name will be on there.

MR. NOVESKY: Purpose of the comments are to educate the planning board on issues that the public might have. Do you understand, Mr. Brauer?

MR. BRAUER: Yes.

MR. NOVESKY: Okay, any other member of the general public wishing to comment?

MR. ZUMACK: My name is Ray Zumack, I live on Scofield Lane. You're going to put a new pump station on Harold and pump up to the second pump station in my back yard? I can smell it now.

MR. EDSALL: No, the new pump station would discharge to the same location where the current pump station is discharging. The current pump station would be taken out of service totally.

MR. ZUMACK: Well, you're going to pump it back to the end of Harold?

MR. EDSALL: Back to the gravity lines coming on Willow Avenue where it then runs down to the plant.

MR. ZUMACK: On Howard?

MR. EDSALL: The existing pump station would be eliminated.

MR. ZUMACK: I don't care about the pump station, I care about the pump station at the end of Howard Street.

MR. EDSALL: Waste water treatment?

MR. ZUMACK: Yes. Is that not where it's going to flow?

MR. EDSALL: It's where it will flow now.

MR. ZUMACK: And where the 11 homes will be?

MR. EDSALL: Yes.

MR. ZUMACK: I smell it now once in a while, put 11 more homes there I wonder how that's going to impact me, how much more am I going to smell? And it's probably not just me, I'm probably the only one that heard about this meeting tonight. I talked to a few other people, they all complained about the smell, Frost Lane, Howard Street, that's my beef.

MR. NOVESKY: Thank you. Any other comments? Mr. Kennedy? Hearing none, I will ask about Mr. Kennedy's comment, do you want to respond?

MR. JACOBOWITZ: I can answer that. If everything went wonderfully we would not be in a position to commence construction of the first house for probably two years, so the market conditions that are, we're living with today are different than they were two years ago, we hope that two years from now they'll be different but this is very low leverage, this property has been owned by the same owners for over 20 years and so the land costs to them has not been mortgaged, so there's no kind of risk of financial problems.

MR. KENNEDY: Jobs are traditionally done with OPM and if you have a job and you're doing it in a time of decreasing prices which may not change very well might be the case that the town's stuck with a half built premises.

MR. JACOBOWITZ: Well, everything that must be done here that will be a public improvement will be bonded by a bond satisfactory to the planning board, the town attorney and the Town Board, all three of them get a say about that.

MR. KENNEDY: Is there a bond securing the razing of uncompleted properties?

MR. JACOBOWITZ: If they start construction of a house and don't finish the house?

MR. KENNEDY: Right.

MR. JACOBOWITZ: No, there's no bond for that, but you're asking what's going to happen if the market risks are there and the owner steams ahead full blast ignoring reality and he could end up having a lot of homes built that are not completed?

MR. KENNEDY: Right.

MR. JACOBOWITZ: Those are an economic reality, this is a risk no intelligent businessman is going to try to do.

MR. KENNEDY: But that's a burden to the town.

MR. JACOBOWITZ: No, it's not, there's no burden to the town. The property still is owned by the private property owner, private property owner has equity in it and will have to take care of the property. If it's an unsafe building there's a Town Law that gives the town the power to go in and secure an unsafe building, board it up, knock it down, whatever they determine.

MR. NOVESKY: Not to interrupt you, the role of the planning board is to make sure that the project being requested is in compliance with Town Code, that's the issues that the, that this board has got to consider and I think that this scope of the discussion of the economics of that go outside of the purview of this board anyway, although I'm sure Mr. Jacobowitz will be pleased to respond to you in economic terms, it has little bearing on what this board is considering. Okay? Thank you. Are there any other members of the public wishing to comment?

MR. KLOSKEY: Could we give a more direct answer to Mr. Brauer's question about the setback from his property?

MR. ATZL: If I may, John Atzel, I believe Mr. Brauer lives in this area, the clearing limit from the edge of Mill Street to the clearing limit line which we won't go passed any further in this area is about 110 feet and the distance from the clearing limit to his property line is roughly about 240 feet.

MR. BRODMERKEL: Thank you.

MR. NOVESKY: Thank you. And does anyone want to respond regarding the issue of the sanitary and the--

MR. EDSALL: I don't believe that the number of units that are proposed will have any accountable difference in the operation of the plant. However, it's important that that comment was shared with us and we can share and I will on behalf of the board share that with the sanitary superintendent and the Town Supervisor advising them that there were concerns raised about current odor problem at the existing plant.

MR. NOVESKY: Thank you, Mr. Edsall. With that, Dominic, do you have something to say?

MR. CORDISCO: No, I have nothing further at this point. If there's no further public comment then the board is free to close the public hearing.

MR. NOVESKY: Okay, hearing no public comment, I'd ask for a motion.

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

MR. GRABE: Second it.

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE

MR. GOLD                    AYE  
MR. GRABE                   AYE  
MR. BRODMERKEL            AYE  
MR. NOVESKY                AYE

MR. NOVESKY: With that however Dominic I'd like to ask you a question in terms of consideration for any further action on the part of the board.

MR. CORDISCO: Well, the application was circulated for lead agency purposes for SEQRA on April 10 and that requires a 30 day period before the board can act. So at this point, the board cannot act but if there aren't any significant concerns the board could direct its consultants to prepare resolutions adopting a negative declaration and granting preliminary approval for consideration at the June meeting.

MR. NOVESKY: Okay, what is the pleasure?

MR. KLOSKY: I have a couple questions. My first question is you show a stone wall with fence detail and you show a stone and rough wall detail, those details are quite different and I was unable to discern from the plan which areas would have which types of walls and there was some concern from not this evening but from some of the public about the walls.

MR. ATZL: Actually, this stone wall detail where we're showing the fence detail is more of a generic just to show the relationship between the stone wall and the split rail fence that's going to be up above the stone wall, the actual detail of the stone wall that's in depth that's shown on the plans on the right side is the wall with all the specs that we're going to be using when the wall is constructed.

MR. KLOSKY: My second question was the dry wells with sand filter beds, I like this quite a bit, it re-charges local ground water rather than removing it

from the system and dumping into the Moodna so I'm in general and am in favor of that. I'm just concerned Mark I thought I'd ask about the sizing of these structures. I don't know anything about that. I was wondering if you checked that.

MR. EDSALL: I have not reviewed it but our office looked at it and matter of fact we had quite a lengthy meeting with John's office to try and work out an arrangement that would eliminate that shared improvement problem that raised its ugly head in the past meetings and I know that John Szarowski, our storm water specialist reviewed this and John and his staff and John advised me that it was an acceptable form so I can't attest to specific review cause I didn't do it but he did tell me it was in good shape.

MR. KLOSKY: Any concerns with long term maintenance of the dry wells?

MR. EDSALL: They require maintenance like any other system again depending upon the quality of the discharge into the filters it could lead to premature failure but it's a recognized technology and they all need maintenance like everything else.

MR. KLOSKY: Okay.

MR. EDSALL: For normal use you'd expect they'd last quite a few times under residential situations.

MR. KLOSKY: Okay.

MRS. DEANS: No, everything I had was in the paper that Mark, the comments we had and the responses, my questions were answered.

MR. NOVESKY: Did you like the format?

MRS. DEANS: Yes.

MR. GRABE: My questions were answered also.

MR. GOLD: Mine as well.

MR. BRODMERKEL: Good.

MR. NOVESKY: In which case Dominic you mentioned that the only action this board can take is authorizing you to prepare resolutions for next month pending the date of May 10 that has to pass before?

MR. CORDISCO: Correct, it's assuming you're not binding the board but it's assuming that you're going to be lead agency.

MR. NOVESKY: Well, with that consideration make a motion that we authorize Dominic to prepare resolutions for next month.

MR. EDSALL: Relative to SEQRA one of the things I want to make sure we wrap up and Gerry correct me if I'm not heading in the right direction one thing I don't know that Gerry mentioned is that there's a district extension associated with this whole sewer situation, Town Board has actually extended the sewer district as part of the agreement to replace the pump station so we need to make sure that if there's a SEQRA resolution that Dom coordinates with I guess Steve Gaba to reflect the district extension as part of what was considered.

MR. CORDISCO: That would be a consideration for the preliminary approval that before they came back for final approval that the district would have to be extended.

MR. NOVESKY: Okay, with that do I hear--

MR. KLOSKEY: Only one other question, Mark, we also talked briefly about that, about the easement, the

drainage easement issue?

MR. EDSALL: I talked to John about that, there's the fourth bullet on my comments notes that there's an easement through lot 10, the easement they were hopeful the difficulty is that it's a county highway, the town really has no other reason to be in that area doing any work, the town doesn't want easements freestanding with no benefit so John's going to work on a restriction that would require that that area remain undisturbed and allow free flow of drainage, I'm sure between Gerry and Dom they'll come up with something to call it rather than an easement to the town.

MS. DOTSON: One comment that also needs to be made is the plans have been referred to Orange County Planning Department under Section 239 of General Municipal Law, they have not responded yet, I did ask if they would do so before the meeting but they were not able to do that. Potentially they could come up with some issues that might need to be addressed.

MR. NOVESKY: Anything that we ask to be prepared can be put off an extra month.

MS. DOTSON: I'm just noting that we don't have all the information yet.

MR. NOVESKY: With that though do we want to consider resolution being prepared for next month do we not?

MR. BRODMERKEL: I don't think we do, I'm hearing a lot of questions.

MR. GOLD: I have no opinion.

MS. DOTSON: I think there are things that could be addressed if I may within the context of the resolutions.

MR. NOVESKY: I will ask the board one more time.

MR. KLOSKEY: I hate to keep having questions with the easement thing, some of the drainage shows passing through lot 12 right there's a sort of orphaned piece on 4A of 14 which doesn't show any match lines or anything I was unable to place what the heck that is or what it is attached to.

MR. ATZL: Yes, this easement this actually is over where the pump station is, the driveway entrance to the mill.

MR. KLOSKEY: I'd like to see that clarified and I wanted to know if this actually needs to exist a formal easement through lot 12 to cover the long term, let's say that something happens with that line and the residents of the newly created lots wish to do maintenance on that line to preserve their drainage they would need to have some sort of right to do so and I'm not sure that that confers naturally with the plan.

MR. EDSALL: No, I don't think that it can be given to the people on the other side of the road because it was coming off a county highway so the county, when the county gets their hands on this in final form the county is going to likely look for them to own what is it lot 12 commercial lot to grant to the county the right for that storm water discharge and that they would have to meaning lot 12 owners would have to maintain flow downstream.

MR. KLOSKEY: There ought to be some right for entry in case they chose not to maintain that.

MR. EDSALL: That would probably go to the county because this is coming off a county road.

MR. KLOSKEY: It would be great to show a couple match lines.

MR. ATZL: We'll clarify that in the future.

MR. NOVESKY: I'm gathering the sense of the board is not to prepare resolutions because you have so many questions, am I correct?

MR. CORDISCO: Just one additional comment, Mr. Chairman, there were some items in terms of Mr. Edsall's comments, those should be done and submitted in advance of next month's meeting so we can verify that those corrections have been made and that way the resolutions can proceed.

MR. NOVESKY: So shall we have Dominic prepare resolutions or shall we not one more time?

MR. KLOSKEY: I think most of the issues are relatively minor, I'd ask Mark.

MR. EDSALL: Yes.

MRS. DEANS: Yes.

MR. GRABE: Yes.

MR. GOLD: Yes.

MR. BRODMERKEL: Take a vote.

MR. CORDISCO: A motion.

MR. NOVESKY: Thank you very much, informal poll.

MR. CORDISCO: Usually--

MR. NOVESKY: Take a formal--

MR. KLOSKEY: I move we instruct our attorney to prepare a formal resolution for possible adoption at the next

meeting.

MR. GOLD: Second it.

ROLL CALL

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

MS. DOTSON: Could I also just correct the record, I believe Mr. Jacobowitz made a statement at the introduction of the project saying that the zoning had been changed I believe it was something like seven months or nine months ago, in fact, the zoning was changed in 2005 after the plan was adopted, it was not, I know it seems like only yesterday.

MR. CORDISCO: Also as long as we're going back the application was submitted in 2005 three years ago.

KEITH\_&\_ROBERTA\_LEWIS\_#2008-06

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

MR. DEKAY: I haven't been here in a while, I think you remember me, don't you?

MR. NOVESKY: Absolutely.

MR. DEKAY: I'm here representing Keith and Roberta Lewis. They own property on Angola Road. I surveyed it for them originally eight years ago. At that time, they had a lot that had been subdivided by a previous owner in 1973 by the name of Coddington. I brought the map along just so if anybody wants to look at it, this is what the planning board approved in 1973, it shows the driveway coming into their house and a 20 foot easement right-of-way to a lot in the rear of their property. I'm just showing you this for information that this property was subdivided in 1973. Here's Angola Road and you come in the driveway and you circle around and they have a lot in here. They have eliminated this lot cause they got two tax bills, are you with me on this, so now what we're doing is we're coming back with a plan that I prepared that shows lot number 1 their existing property and lot number 2 which is a brand new property in the back comprising two, well, it's on the lower left-hand corner all the details as far as the bulk table and what they propose to do. Also here tonight are two of their neighbors, Mr. Patak is here along with Keith and Roberta and this fellow here, Mr. Wojen (phonetic) is here also. What they propose to do is to improve the existing road here, it's called Sunset Drive and they would construct a turnaround for emergency purposes back here which I have done on other subdivisions in the Town of Cornwall.

MR. NOVESKY: Dick, how many private lots access the

private road?

MR. DEKAY: There's three now, this is the old Angola Rink, if any of us are old enough to roller skate in Angola Rink, it was quite a lot of fun in the old days.

MR. NOVESKY: And there's only three private lots that access that?

MRS. DEANS: I think there's four.

MR. NOVESKY: Gary, is it six maximum?

MR. VINSON: I think that's one of the questions Leslie's going to ask them to demonstrate.

MR. DEKAY: So it is within the regulations as far as that's concerned.

MR. NOVESKY: Thank you. Leslie?

MS. DOTSON: Comment number 1 just explains what this is, 6.9 acres, it was previously two parcels and it had been combined and he's creating a modification of what had originally been subdivided. Comment 2 is just noting that this parcel is basically surrounded by roads on three sides, he's got Angola Road on the south, Sunset on the west, J.R. Court on the north and there's also another, it's not a named private road but it's another driveway easement on the north side.

MR. NOVESKY: J.R. Court is a private road?

MS. DOTSON: That's correct, yes, so he's surrounded by roadways. I was not sure and I may have been miscounting when there was the 5th or the 6th lot on this roadway but the town engineer also addresses this, you can have these, again, we just need to know whether or not this has access or has a right the access off of Sunset. Comment 3 just noting that this appears to

meet the zoning bulk and dimensional requirements and don't appear to be any deduction to lot area, I was not clear on your derivation of the listed road frontage figure for lot 2, it's just questioning if you can just check cause I wasn't sure if it was a typographical error.

MR. DEKAY: Excuse me, the requirement is 150 feet.

MS. DOTSON: Yes, and it also seems to have 300 feet of frontage on J.R. Court even though you can't use it, it still counts so I'm using the table lists 420 instead of 450, I'm just saying check the math because you shortchanged yourself there, just making sure that all the numbers are correct. Comment 4 just noting that the future plans should show a building envelope for this lot, just make sure to show the front yard setbacks from Sunset and J. R. as well as the main side yards. Comment 5 just noting this is going to require referral to the Orange County Planning Department because it's on Angola Road, this hasn't been referred yet but it will be done.

MR. NOVESKY: Thank you. Any other comments?

MS. DOTSON: That's it.

MR. NOVESKY: Mark?

MR. EDSALL: My first comment overlaps what Leslie's are relative to the use count, best I can tell looks as if there are the four permitted interior lots with the new lot included and the two additional lots that have frontage on Angola but if Dick can just or Richard either one can add a table onto the plan identifying the users of the private road that would be the end of it.

MR. DEKAY: Yeah, we can do that.

MR. EDSALL: The next two paragraphs under comment 1 are an issue that the board has dealt with in the past, it's when there's an existing private road and it's functioning and the users of the road are in agreement to allow the additional lot to utilize the road the board still asks usually looking for direction that we did a field visit to go out and just look to see what kind of condition it's in, if there are any usually minor enhancements that could be done to bring it closer to compliance with the current regulations or it looks fine and there's no problems. So I'm anticipating that you're going to want me to go out and just take a look with the DeKays and if there needs to be another, in other cases where it's been needed to have resurfacing there's been a detail added to the plan so we'll look at that and--

MR. NOVESKY: Does this road have to be 24 foot wide?

MR. DEKAY: No, no, sir.

MR. EDSALL: There are private road regulations but again this is an existing private road.

MR. DEKAY: We're upgrading what's there.

MR. NOVESKY: But this is an additional access.

MR. EDSALL: The private road regulations calls for 18 foot of traveled way with shoulders and then if there are needs for drainage swales they're outside the shoulders so--

MR. NOVESKY: But even though this is a request for an additional lot onto an existing road that doesn't re-constitute the requirement. Just a question.

MR. CORDISCO: It would, if it was an additional lot that triggers the requirement that it be improved to a public road standard and we have had that on a number

of different applications, in other words, if this was beyond the six that was allowed and this this was the 7th lot then the entire stretch would have to be improved to a public road but they're not there.

MR. NOVESKY: So if a private road has one unit on it, one residence on it and they want to expand to five residences on that private road that private road can still be 15 feet wide?

MR. EDSALL: Well, it's 18 foot wide plus the shoulders. The general rule that the board has guided me in the past if there's a significant increase if you're going from 2 to 6 and clearly there's not enough capacity for six here you're going from five to six it's not percentage wise it's not a great increase in the amount of use. But nonetheless the board's always asked that I go out and look at it and even maybe some moderate improvements but I will if that is acceptable I will go out and look at it with the DeKays and Lewises and report back.

MR. NOVESKY: My only concern on this is a literal interpretation of the rules if we're putting Cornwall Commons through trials and tribulations regarding the issues of the private road.

MR. EDSALL: If it was new private road there are clear guidelines for new private roads.

MR. DEKAY: This road had been in existence for over 58 years so what we're doing is we're making it a little better, you understand, that's why the adjacent owners are here.

MR. EDSALL: One of the things the board has always asked for is when we have an opportunity to add a turnaround--

MR. NOVESKY: So there would be a road maintenance

agreement.

MR. EDSALL: If I can just finish--from an emergency access standpoint, the board has always asked if there's an opportunity to provide a turnaround that that would be constructed in accordance with the current road standards for private roads but the balance of the road that already exists we're just looking what can be done to enhance it thus the reason why Mr. DeKay shows the turnaround and we'll need a detail to show that.

MR. DEKAY: One thing I just mentioned you don't have any drainage problem here, we don't have any ponds or swamps and the land is relatively gentle slope up to the back, you can see the contours, how they loop around in that lot 2 in the back and it's a beautiful house site here off to the north, northwest.

MR. NOVESKY: And you have, Mark, we have discussed this now that we have this map that's proposed general citing of a house, am I correct?

MR. EDSALL: Well they're not even showing a house, they're showing sanitary which the Orange County Local Law relative to realty subdivisions requires that they show the sanitary location but they don't show a house location.

MR. NOVESKY: Show the--

MR. DEKAY: Well, the front yard is 60 feet and the back yard is 60 feet and it's in the table down here on the left.

MS. DOTSON: You're going to show us a building envelope.

MR. DEKAY: Yeah, I can show a building envelope on here without any problem.

MR. NOVESKY: You will eventually?

MR. DEKAY: Yes, between the well and the septic you see how the contours loop around it would be right in that general area and keep in mind that we have, you know, quite a depth here to this lot where the house site would be.

MR. NOVESKY: From all sides of your lot line?

MR. DEKAY: Yeah, we're all set on that.

MR. NOVESKY: Okay, Mark, do you have any other comments?

MR. EDSALL: Reminder for Mr. DeKay under comment 2 about the perc test being witnessed. Based on my understanding of the extent of the disturbance it would not require a SWPPP so that's not necessary for this application. And I under comment 4 ask that they coordinate 9-1-1 addresses with Mr. Vinson.

MR. NOVESKY: Okay, board members any questions?

MR. KLOSKY: Only that I'm not clear looking at the plan which lot the T turnaround lies in.

MR. DEKAY: Lot 2.

MR. KLOSKY: Kind of show a property line to two so you might want to use a different callout. The lines are shown.

MR. BRODMERKEL: Whom does it belong to?

MR. KLOSKY: Because that's the main purpose of the plan.

MR. DEKAY: I did this on Trinity Place here and I did

it out on Orrs Mills Road.

MR. KLOSKY: The turnaround I like.

MR. NOVESKY: We're losing focus for a second here.

MR. DEKAY: Is it possible to have a public hearing for the next month?

MR. NOVESKY: I'm not done polling my board yet.

MRS. DEANS: No, I have no questions.

MR. GRABE: No.

MR. GOLD: No.

MR. BRODMERKEL: Would it be improper or would it be acceptable to since we have the people living on this road here now to get their input at this point in time?

MR. NOVESKY: We'll certainly have no objections to it.

MR. EDSALL: No, in fact, it would help me to hear if there were any concerns about the road as it exists.

MR. NOVESKY: With that, yes?

MR. SCILEPPI: I'm Thomas Scileppi, I just want to make a clarification because I believe that it was said that the land abutting J.R. Court it doesn't actually abut J.R. Court, my property is J.R. Court and it goes to the stone wall and a little bit beyond the stone wall.

MR. NOVESKY: Stone wall's on the opposite side of the street, correct? House, street, stone wall.

MR. KLOSKY: There's no thought of using J.R. Court, it's not germane.

MR. NOVESKY: Just information.

MR. SCILEPPI: As a clarification doesn't about the road.

MR. NOVESKY: Any other people? Mark would appreciate any comments.

MR. PATAK: Chris Patak, P-A-T-A-K on 11 Sunset. I guess well my concern and a little question I need a little clarification on what quote unquote private road really means and what the improvements, I can tell you the road right now is only 10 or 12 feet wide at places except the connection to Angola so I just am wondering and Mr. Edsall said something about walking the property with Mr. DeKay and the Lewises and I was wondering if I could be part of that.

MR. EDSALL: Absolutely.

MR. PATAK: I'm also here representing the Zaskis (phonetic) cause their son who co-owns the property his mother lives in Arizona, he asked me to attend, I'm just trying to figure out if it's currently a private road, I mean, and current state that it is, I mean, it's in okay condition. The Lewises are offering to improve it so they have access but I just need a little bit more understanding of exactly what the Town Board is going to ask the improvements to be because if it means widening the road to a certain width and cutting into my property and so on and so forth, I don't understand the T turnaround.

MR. CORDISCO: Yeah, I don't think at this point anyone is proposing improving this to a public road where the town will actually take it over.

MR. PATAK: I understand that I'm saying that that, I'm being offered to have someone improve the road for me which I'm fine with but I don't know what constitutes

like the requirements.

MR. BRODMERKEL: It's 18 foot wide.

MR. EDSALL: Generally, the intent is where it's possible to make the road closer to the current private road standard and obviously we're, we can only do that with the agreement of all the people that currently have the maintenance responsibility and rights to the private road. So as far as I'm concerned if we can arrange it where all the parties on the private road were available to walk it that would be fine too. I'd rather do it once and have everybody be happy how it's resolved.

MR. PATAK: So that being said, if the improvements kind of stay kind of roughly where they are or if it's just a minor, is there any reason for a turnaround? Because I feel like that really impacts our house the most and I have witnessed fire trucks and garbage trucks turn around in my driveway all the time.

MR. EDSALL: The turnaround impacts the Lewis' property, the T turnaround is entirely on that property.

MR PATAK: It's right across from my front porch though ten feet away.

MR. EDSALL: Generally, what we found is that then the UPS trucks and everyone else won't turn around in your driveway, they'll turn around in the turnaround.

MR PATAK: I guess what I'm getting it I'm trying to preserve the natural atmosphere of what's back there.

MR. EDSALL: We can meet with all the parties.

MR PATAK: How would I be notified?

MR. EDSALL: If you can give me, just write down your phone number I'll coordinate with the DeKays and Lewises.

MR. KLOSKY: Mark, it might be possible to push the T turnaround further into the benefiting lot.

MR. EDSALL: There's ways of doing it's that it's not as obvious as well, more like a beginning of a driveway.

MR PATAK: Thank you.

MR. NOVESKY: Any other member?

MR. DUGGAN: Chris Duggan, 2 J.R. Court. My property is across the street abutting that property.

MR. EDSALL: This isn't a public hearing, we're looking for Sunset.

MR. NOVESKY: If we open up for comments we have an obligation.

MR. CORDISCO: Then understand that there will be a public hearing on this application and you should understand--

MR. NOVESKY: My decision.

MR. CORDISCO: I understand it's your decision but Mr. Duggan needs to understand that his comments should be made again at the public hearing so that they're part of the formal record of that process.

MR. DUGGAN: Understood. Question that I had was being that we were talking about maintaining the atmosphere, you know, it's a wooded area at this point there seems to be a lot of chain sawing that's going on, a lot of clearing of the lot. In that the subdivision hasn't

been granted I was wondering if there are town rules related to clearing property prior to a subdivision also maintaining that what kind of buffer zone we're talking about between Mr. Scileppi's property and that property?

MR. NOVESKY: Thank you. I will ask Mr. DeKay do you have any idea of the site clearance going on on that site?

MR. DEKAY: Well, the trees there are not, you know, they're not ornamental trees, they're just being cleared out so I can get in there with a backhoe and dig a hole. You understand I have to make a pathway.

MR. CORDISCO: For the septics.

MR. NOVESKY: For a septic before--

MR. CORDISCO: For percolation tests.

MR. BRODMERKEL: Deep pit.

MR. NOVESKY: Gary, you'll have a look at the site?

MR. VINSON: Yes.

MR. EDSALL: The applicant should be aware that there's a section of the Town Code that prohibits grading and clearing once you have an application, until such time as the board had a chance to review it and determine what areas are appropriate to be cleared or graded and what areas are to be maintained as buffers one of the exceptions is necessary clearing to get in and do the testing in support so as long as that's the limit. If it isn't, I'm sure Gary will--

MR. NOVESKY: We'll have Gary check it and in fairness we have an obligation to live up to that.

MS. DOTSON: At the same time I do have to point out the fact that there are no specific requirements for buffering from a residential lot against another, I mean--

MR. NOVESKY: But we have aesthetic concerns which have been expressed in a lot of projects and we have the same concerns on this one so I think that this is well within the purview of the board's review. Any other questions or comments? Okay, thank you very much.

MR. BRODMERKEL: Question was do we want to have a public hearing?

MR. NOVESKY: Dominic, our next step?

MR. CORDISCO: Well, we have Willow Woods or Stone Hollow, I'm not exactly sure here. I'm sorry, is there more?

MR. NOVESKY: Request for us to schedule a public hearing.

MR. EDSALL: I would suggest that you do it subject to the field testing for the percolation tests being complete.

MR. NOVESKY: And we could do that subject to and schedule the public hearing.

MR. EDSALL: I will advise Gary's office if it's all done and they can move forward.

MR. CORDISCO: Subject to the changes that were discussed to the plans.

MR. DEKAY: Thank you.

MR. CORDISCO: So we'll authorize that.

MR. KLOSKY: Authorize a public hearing for next month.

MR. GOLD: Second it.

ROLL CALL

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

MR. VINSON: Mr. Lewis is asking about the material that has been fell, can he continue to clear that out of there? Do you have any objections? I think he understands that he needs to limit his clearing to the septic area.

MR. LEWIS: I just found that out.

MR. NOVESKY: Well, I'd just as soon have a look at the site and see what the situation is.

MR. VINSON: I'll stop over. Thank you.

WILLOW\_WOODS/STONE\_HOLLOW

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MR. O'CONNELL: Jack O'Connell here for Stone Hollow at Cornwall subdivision. We're in front of the planning board for a name change from Willow Woods to Stone Hollow at Cornwall, we were just upstairs at the Town Board, they denied the street name that we requested so we'll be submitting another name to Gary which will be Knoll Crest Court and we would ask Gary if he can take a look at it.

MR. VINSON: Send it to me in the office tomorrow.

MR. O'CONNELL: Has less similar street names, there's a Crestview, hopefully that is acceptable so either way we would like to move forward with the approval of Stone Hollow at Cornwall for the community name even though the street name is different.

MR. NOVESKY: Is that something that we decide?

MR. CORDISCO: Well, they typically do as part, I mean usually the name gets set by the time that you have preliminary approval the name comes that's part of an application but there's no specific part of the code in regards to that.

MR. BRODMERKEL: They can call it whatever they want, is that correct?

MR. VINSON: That's why we want to project numbers because it became a major problem.

MR. CORDISCO: It's not the road name.

MR. EDSALL: My only request would be that they submit once they hear back from Gary and get the final blessing of the road name that the plans and the offers of dedication reference the right name.

MR. NOVESKY: Right, I agree as long as there's consistency because I have been so confused about the names of the projects.

MR. CORDISCO: So once they settle on a name of the road and whatever the name of the actual project is that those should be reflected on the plans.

MR. NOVESKY: As far as the name of the project Dominic as Stone Hollow as long as it's called Stone Hollow they can call it that, the street name doesn't make a difference for us.

MR. EDSALL: Town Board takes care of that.

MR. NOVESKY: Okay, so does anybody have any problem with this?

MR. BRODMERKEL: No.

MR. NOVESKY: Okay, you've got it.

MR. O'CONNELL: We would also ask that I think this is the last outstanding item is the street name is that once we resubmit everything with the right street name on it and hopefully that can happen this week that we would look for planning board signature on this.

MS. DOTSON: Make sure you hear from Gary before you print it up.

MR. O'CONNELL: Of course.

MR. CORDISCO: Right, the board's already granted final conditional final approval, I assume that you're well through the process of satisfying all your--

MR. O'CONNELL: We have everything satisfied.

MR. CORDISCO: So at that point plans will be ready for

signature.

MR. NOVESKY: Okay, thank you.

MR. CORDISCO: At this point it's my suggestion that you go into an executive session to discuss the Comito Article 78.

MR. NOVESKY: Take a motion to go into executive session.

MR. BRODMERKEL: Motion we go into executive session.

MR. GOLD: Second it.

ROLL CALL

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

(Whereupon, the board went into executive session)

(Discussion was held off the record)

MR. NOVESKY: Motion to adjourn?

MR. GOLD: So moved.

MR. GRABE: Second it.

ROLL CALL

MR. KLOSKY	AYE
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May 5, 2008

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

Respectfully Submitted By:

Frances Roth  
Stenographer