

November 3, 2008

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TOWN OF CORNWALL

PLANNING BOARD

NOVEMBER 3, 2008

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

LESLIE DOTSON  
PLANNING BOARD CONSULTANT

GARY VINSON  
BUILDING INSPECTOR

ABSENT: KENNETH BRODMERKEL

REGULAR\_MEETING

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MR. NOVESKY: I'd like to call the meeting to order at 7:31, we're running one minute late. All members present except for Mr. Brodmerkel who has an excused absence and probably not going to be able to be here tonight but he may show up late.

CORRESPONDENCE

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MR. NOVESKY: The correspondence we have three pieces of correspondence that I'll forward to you, Mr. Loeb to the planning board, the building department to the planning board and the Village of Woodbury to the planning board.

MILL\_POND  
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MR. NOVESKY: We do have a request and Mr. Counsel should we consider this request for the Mill Pond condo extension?

MR. CORDISCO: You might as well do it now.

MR. KLOSKY: Move we grant the extension.

MR. GOLD: Second it.

ROLL CALL

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

APPROVAL\_OF\_MINUTES  
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MR. NOVESKY: Approval of minutes, I will ask for a motion.

MR. GOLD: So moved.

MRS. DEANS: Second it.

ROLL CALL

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

TOWN\_CODE

MR. NOVESKY: There's a request for revision of the town code which would require that all routine notices to be mailed out by certified mail and the request is for the planning board to consent to that so that I guess that would pertain to the notices.

MR. CORDISCO: It's referred to the planning board for its opinion and recommendation and at this point the Town Board has asked for your recommendation. They have introduced this as a local law change the Zoning Board of Appeals mailings to require certified mailings.

MR. KLOSKY: I move we direct our attorney to prepare the board's response to the--

MR. CORDISCO: Actually, it was my mistake, it was already prepared.

MR. NOVESKY: We have it in the form of a resolution.

MR. KLOSKY: Adopt the resolution, make a motion.

MR. GOLD: Second it.

ROLL CALL

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

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MR. NOVESKY

AYE

HENNESSY\_&\_LOPRESTI\_#2008-07

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MR. NOVESKY: First on the agenda is Hennessy & LoPresti.

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

MR. NOVESKY: The board has discussed this in I guess the last meeting pretty familiar with it so--

MR. CORDISCO: Yes, just to bring the board up to date we did have our public hearing at last month's meeting and the board also authorized us to prepare resolutions and a negative dec which is done and it's been before you and it incorporates the comments and suggestions from both the planner and the engineer in those resolutions.

MR. NOVESKY: Thank you.

MR. DRABICK: Following last month's meeting I did have the opportunity to meet with Mark in the field and look at the paving situation for the area of the driveway from the end of Center Street down to the applicant's property. Based on that meeting, I made some minor revisions to the plan that's before you now and added three additional notes, basically one of the comments dealt with the screening between the applicant's property and the old homestead property. And I have shown the existing tree and brush row that's there now, 90 percent of that tree and brush row is on the homestead property so it's not going to be affected by what the applicant does.

MS. DOTSON: This was one of my comments, most of the trees, the trunks of the trees are actually on the Sands Ring property so to the extent that the note clarifies what can be taken out but most of that is

really not even going to apply because it would only be what overhangs on their property that they can touch so that's a double safety as far as I'm concerned, so I felt much more comfortable on that. He also clarified about the private road improvements, planning board approvals required for any widening or changes, he did not incorporate any lighting because we had been concerned about any lighting or some disturbances, since he did not show that and that's not typically part of any town private road improvements I'm confident in saying that's not included.

MR. KLOSKY: So then for the record your opinion is that the impact on the views from the Sands Ring Homestead will be minimal to zero from this subdivision?

MS. DOTSON: Correct.

MR. KLOSKY: Good.

MR. NOVESKY: Was that your question?

MR. KLOSKY: That was my question.

MR. NOVESKY: Leslie, do you have additional comments?

MS. DOTSON: No, that's really it. So we prepared a draft negative declaration that basically goes through all those issues and it does discuss specifically the lack of impacts on the Sands Ring Homestead, the other thing the home itself is actually about 300 feet away even from the tree line and in addition to the tree line itself there are a couple of other trees that are between the tree line and the house. So given the fact that there's the topographic separation, physical separation and the trees that are already there I'm not concerned about this.

MR. NOVESKY: Okay, that's it?

MS. DOTSON: Yes.

MR. NOVESKY: Mark?

MR. EDSALL: I have three items that I suggest be conditions of approval, the completion of the sewer easement, the private road maintenance declaration and the completion guarantee for the private road. Our attorney has included that in the resolution so I feel comfortable they'll be addressed. And as I indicated to the board during the workshop I will just let you know that we did meet as Steve indicated in the field with the applicant, myself and Steve and went over the road. I will advise you that the applicant took a very positive attitude, we worked toward a solution on the private road that would cause the least impact to the neighbor and they worked that all out and plan reflects what we discussed in the field.

MR. NOVESKY: Very good. Dominic, do you have any comments?

MR. CORDISCO: Not at this time. As I mentioned previously the resolutions have been prepared and are before you tonight.

MR. NOVESKY: Okay, discussion?

MR. KLOSKY: It's the opinion of the consultants is there anything that we need to add or modify the resolutions in order to make them ready to be adopted?

MR. CORDISCO: Not that I can think of, there are no outstanding issues, of course the conditions in the resolution in the approval resolution have to be satisfied by the applicant prior to the plans being signed.

MR. NOVESKY: You got that, right?

MR. DRABICK: Yes.

MRS. DEANS: No, I think the only question was Led's really.

MR. GRABE: Nothing.

MR. GOLD: Nothing.

MS. BUNT: No.

MR. NOVESKY: With that in mind, I will ask for a recommendation that we adopt the negative dec for the lot line change first I guess we have to do that first.

MS. DOTSON: It's combined.

MR. CORDISCO: It's a lot line change and minor subdivision but it's the same thing.

MR. NOVESKY: Negative dec first?

MR. CORDISCO: Correct.

MR. NOVESKY: I will ask for a motion.

MR. GRABE: So moved.

MRS. DEANS: Second it.

ROLL CALL

MS. BUNT                    AYE

MR. GOLD                    AYE

MR. KLOSKEY                AYE

MRS. DEANS                 AYE

MR. GRABE                  AYE

MR. NOVESKY                AYE

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MR. NOVESKY: Then we have the resolution granting a lot line change, I will take a motion.

MR. GOLD: So moved.

MR. GRABE: Second it.

ROLL CALL

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

ALL\_FOR\_DOGS\_#2008-12

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MR. NOVESKY: All for Dogs.

Mr. Leroy Williams appeared before the board for this proposal.

MR. WILLIAMS: I don't know what I'm doing here yet.

MR. NOVESKY: Give us an idea of what you're here for.

MR. WILLIAMS: I'm a dog walker and I thought it would be nice to find a legal place where I can bring my dogs and have a good day during the day so I transformed--

MR. NOVESKY: You're a dog walker as in professional dog walker?

MR. WILLIAMS: Yes. so now instead of taking the dogs for a half hour walk maybe I take them all out, we go out and have a good day during the day, that's what I'm doing over there at 2319 Route 32.

MR. NOVESKY: Okay, so are we here asking if you can walk dogs?

MR. WILLIAMS: No, I'm trying to get a legal place over there, a legal business.

MR. CORDISCO: Mr. Chairman, he's applying for site plan approval for his dog sitting business and that application has come before the planning board, it requires a use variance from the Zoning Board of Appeals and the board the only action that the board can take at this time would be to refer it over to the Zoning Board of Appeals.

MR. NOVESKY: Okay, with that I will ask for Leslie's comments.

MS. DOTSON: Yeah, I did just have a couple comments which you can have, it's already been referred to the Orange County Planning Department based on it's fronting on Route 32. We're a little unclear as to how this action should be typed, whether it should be Type I or not, in any case because the ZBA needs to take action on this it may be better to wait for the planning board to do something cause it may make the whole issue irrelevant. I did have a question on the ownership on the proxy form authorizing the applicant to file the application cause I just thought it should be verified cause the property owner has to authorize.

MR. WILLIAMS: I have it.

MS. DOTSON: Because the signature looked like the same as the applicant and not the owner. You have to give that to Gary anyway, doesn't matter to me. And I just thought also that the narratives would indicate that whether there is a restroom and source of water in the frame building or any of the sheds or indicated whether the house would be used for that purpose. There are two bonafied uses being proposed on the property and it's a question as to how they mix together and how they don't so--

MR. WILLIAMS: Well as long as I'm approved, see, I don't know where I stand here but Mr. Cestaro says the heat and the water will be provided as long as I'm able to have the business.

MS. DOTSON: So it's not currently provided water now but--

MR. WILLIAMS: No, right now it's a hose that I use for clean-up water.

MS. DOTSON: What if you have to go to the bathroom, what do you do?

MR. WILLIAMS: Right now I'm not even there, I mean, I have right now six dogs right now, I have a litter of puppies and my stepdaughter has corrective surgery so my business that I want to have here right now is in my home, I have six dogs, they're not tied up, they're not chained up, they're all friendly, they're all well sociable. I just want to have my own dog park so to say just a place to bring them to run, they don't need to be there all day, just a place where I can open them up to let them run.

MR. NOVESKY: This is your property?

MR. WILLIAMS: Where they're at now I own my home in Beacon, that's where the business has been for almost six years so now my back yard has a swimming pool, I want a big opened up area for the dogs to run and that's what I want to do at 2319 Route 32.

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

MS. DOTSON: No, at this point the planning board can't do all that much.

MR. NOVESKY: There's nothing you can do, I will move directly over to Mark.

MR. EDSALL: Very limited comments at this point because obviously he has to go to the Zoning Board of Appeals, seems to be very limited disturbance and most of the operations appear to be within areas currently fenced or existing structures, should they be successful at the ZBA, I will move to a more detailed review and address any concerns the board may have.

MR. NOVESKY: That will be fine, thank you, Mark. Dominic?

MR. CORDISCO: No comments at this point other than to

reiterate that referral is required to the Zoning Board of Appeals.

MR. NOVESKY: In light of the fact that they have to go to the ZBA any brief comments by any member of the board to be attached to the referral to the ZBA?

MR. CORDISCO: It's within the purview of the board to include its comments.

MR. KLOSKY: There are two schools for the instruction of children that are in close proximity to the structure, Young Chefs Academy and Ivy League Daycare, I'd ask the ZBA to carefully consider the compatibility of the proposed use with those existing uses in granting that.

MR. NOVESKY: Thank you, Led.

MRS. DEANS: And you have to take into consideration that two doors away there's an historical house which is on the register and I don't know how that would work with the state.

MR. NOVESKY: So that would probably come in the form of some sort of review.

MS. DOTSON: That's why I mentioned in my comments that it would probably be Type I and just to be conservative so if he comes back he should probably fill out a full EAF which is longer than the short one he did.

MR. NOVESKY: Jane, any other comments?

MRS. DEANS: No.

MR. GRABE: I just wonder how about the barking with the neighbors.

MR. WILLIAMS: You don't really hear barking because

they're not tied up, they're not in crates, it's like your family dog, I have a whole bunch of family dogs around me.

MR. GRABE: Cause my son-in-law has two dogs and they bark and they have electric fences round the couple acres they have and they bark when a car comes up or when the neighbor comes out they'll bark.

MR. WILLIAMS: Well, between not being tied up, not being created or chained up and having them not being able to see the front road or people walking by the barking is minimal, very minimal, there's really nothing to bark at.

MR. GRABE: The reason I bring it up is that the zoning board should think about that, that's my comment.

MR. WILLIAMS: Like I say, this has been out of my house for six years now, no complaints.

MR. NOVESKY: Okay.

MR. GOLD: Dominic, can you clarify exactly what they're going to be asking the Zoning Board of Appeals for on the record please?

MR. CORDISCO: It would be a use variance because the use that they're proposing for the, which is a kennel is not allowed in that particular zone, and I'm being prodded with a note and it says applicant seeks a use variance to operate a dog kennel in an HC Zone which is a prohibited use.

MR. GOLD: Thank you.

MR. VINSON: That's what I would be writing for.

MS. BUNT: Just for my own understanding, you're not doing that on Route 32 now?

MR. WILLIAMS: I am yes and no, I was doing it, I didn't know it was illegal not to do it, Gary informed me that I had to get all the paperwork done and that's the process I'm in now.

MS. BUNT: How many dogs did you have there when you were doing it?

MR. WILLIAMS: At the most with mine maybe 13.

MS. BUNT: So you have a history, you have an experience of all these dogs running around there and no dogs barking or disturbing the neighbors?

MR. WILLIAMS: No.

MS. BUNT: For how long have you done that?

MR. WILLIAMS: Gary, how long was I there?

MR. VINSON: I watched his place for three months before I could determine he was operating and it wasn't by my observations that I could determine he was operating it was on a telephone call saying that there was barking going on. But my staff has been watching this property for three months because we could see a vehicle marked but at no time could I see the dogs or have a visual of it. Wasn't until I received a telephone call that the dogs were there at that particular time on that afternoon and that's when I went and visited him, explained to him the rules, gave him copies of regulations.

MS. BUNT: And the dogs go in the trailer that's there?

MR. WILLIAMS: No, it's a converted barn, it's pretty much stripped out, it's sheetrocked, it's going to have heat during the day, I might be watching T.V. you'll see five or six dogs on the couch watching T.V. with me

just like your dog comes into a different home.

MR. VINSON: Tell them about your video that you have.

MR. WILLIAMS: Well, I do have a website Allfordogs.net, you can see six years of the dogs in my house in my, they're just part of my life, in my swimming pool swimming with me and my girls, my wife and her stepkids or my stepkids.

MR. KLOSKY: Can I ask for a clarification? The recreational vehicle marked temporary that's not marked to be removed.

MR. WILLIAMS: It's free storage right now, I'd love to sell it if you want to buy it but that's just my personal property, I'd like to sell it, it's not involved in it.

MR. KLOSKY: But is it a permanent, I guess what I'm asking is is it a permanent structure?

MR. WILLIAMS: No.

MR. KLOSKY: Does it currently have wheels?

MR. WILLIAMS: Yes.

MR. KLOSKY: It could be put on the road right now?

MR. WILLIAMS: If you hook up to a trailer with it you can pull it away.

MR. NOVESKY: All right, I would just like to forward a letter of comment for the minutes from a neighbor so it's in the minutes anyway and possibly forward that to the Zoning Board, it's from Lorraine Bennett. Dominic, do I need a motion to refer it to the Zoning Board?

MR. CORDISCO: You do and we're talking right now about

the mechanics of that. Given that these members of the board raised some questions I think in your resolution you should identify your specific concerns, perhaps as they have already been reflected in the minutes and then perhaps authorize either Leslie or myself to provide you a written report to the zoning board so that they don't have to go through all the minutes to see your concerns.

MR. NOVESKY: Okay, then we ask for a summary to be provided and that the board's concerns be reflected in the motion and the refer to the zoning board.

MR. KLOSKY: So moved.

MS. BUNT: Second it.

ROLL CALL

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

STONE\_HOLLOW\_AT\_CORNWALL\_#2008-10

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MR. NOVESKY: Stone Hollow.

Mark A. Lukasik, P.E. from Tectonic Engineering and Surveying Consultants, P.C. appeared before the board for this proposal.

MR. NOVESKY: Your request here is for scheduling of a public hearing?

MR. LUKASIK: Mark Lukasik for the applicant. We did appear last before you approximately two months ago, I believe gave a general introduction for the project. What we were seeking just a quick summary we're seeking to take 15 lots as currently approved by this board a portion of the prior subdivision we reduce that to 14, modify some infrastructures such as water management to facilitate what we feel might be a more marketable better suggestion all the way around, not only for G & C but also for Cornwall. Primary goal is in fact to obtain whatever feedback we can from the board professionals this evening, hopefully schedule a public hearing to move forward.

MR. NOVESKY: With that we'll ask for the input from the consultants first really Leslie.

MS. DOTSON: I don't have too much to say, most of the things we have been waiting on were issues that Mark raised, they have addressed my concerns. I did want to mention that after I wrote my comments we did hear from the Orange County Planning Department and I'm not sure whether you received a copy of that.

MR. VINSON: I don't recall seeing it.

MS. DOTSON: Let me make sure you get it because sometimes the distribution is a little odd. Basically the county recommended a local determination on this,

they were concerned about the storm water on lot 17 and 21 being situated in close proximity to the proposed residences, concern about standing water and mosquitoes and they also recommended low impact design techniques. I did have an ongoing dialogue with the county and that I did explain in a lot of cases LID techniques we're saying that was not really all that practicable for municipalities to administer because the town has to come in and take care of these. So as compared to the way this was before verses the way it is now I explained that it was likely to be challenging to convert this LID but that's, they made the comments, it was still local recommendation, local determination so I think you're ready to set a hearing as long as there are no engineering issues.

MR. NOVESKY: Let's hear about the engineering issues right now.

MR. EDSALL: The plans have been submitted, the comparative review from the original approval to the plans is currently in progress, there was already one review done of the revision of the SWPPP, some minor comments that are being resolved at this point. I believe that it is in acceptable shape to authorize the public hearing.

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

MR. CORDISCO: Other than the fact that a public hearing is required even though this was a previously approved subdivision given the number of lots automatically triggers it as a major subdivision and public hearing is required and it sounds like they're ready.

MR. NOVESKY: Very good. Comments from the board?

MR. KLOSKY: Only that that one storm water pond though it's rare I do agree with Mr. Church that that one

particular feature is large scale so if there was some way to continue to work on perhaps downsizing that thing somewhat, although I understand the restrictions and I believe per our consultants meets the state requirements and all that but if there were some way to downsize that that will come up in a public hearing.

MR. EDSALL: I will look at that.

MR. LUKASIK: If I can quickly respond we're going for in this one pond, we're taking the two ponds which occupy essentially about 130 to 140 percent of the area of what we're now consolidating to, it's a more efficient facility for operational maintenance and environmental impact as well so we have taken the overall disturbance that was previously associated with storm water management and reduced it.

MR. KLOSKY: But maintenance becomes more critical when you go to a single structure from two in that if a structure bottles up if there's a problem you concentrate your failure. But there are some arguments for more structures than one. I'm not trying to say it's an unworkable plan.

MR. LUKASIK: You raised one point you previously asked us to take a look at potential impact and along the same line of discussion to Route 9W as part of what we have submitted currently under your review we did take a look at what that discharge might be whether there would be any impact, we didn't find anything regarding the traffic on 9W.

MR. NOVESKY: Thank you, Led. Jane?

MRS. DEANS: No, I think I'll wait till the public hearing and see what the people have to say.

MR. GRABE: No comments.

MR. GOLD: No.

MS. BUNT: No.

MR. NOVESKY: Motion to schedule a public hearing.

MS. BUNT: So moved.

MRS. DEANS: Second it.

ROLL CALL

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

MR. LUKASIK: Authorize your engineer to request to the Orange County department of Health that we establish concurrent review of this project so I do not have to wait until the board passes a resolution to go back to the health department, just help expedite the process. The county previously indicated they'd be willing to go that route if this board would actually support such. Obviously, you have your right.

MR. NOVESKY: Dominic, any issues with that?

MR. CORDISCO: I'm sorry?

MR. NOVESKY: Asking for concurrent review with the county health.

MR. CORDISCO: No, I don't think so. Do you have any issues with concurrent review?

MR. EDSALL: No.

MR. CORDISCO: Given the fact it's previously reviewed and they're eliminating a lot.

MS. DOTSON: No problem.

MR. EDSALL: Review would just be the realty subdivision because the utilities as I understand it, water and sewer are not changing so it's really just realty subdivision which is not--

MR. NOVESKY: As long as there are no legal, environmental or planning issue. Any member of the board? Okay, ask for a motion.

MR. GOLD: So moved.

MRS. DEANS: Second it.

ROLL CALL

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

MR. NOVESKY: We have one more issue, do we not?

MR. LUKASIK: No, I think we're good, thank you.

MR. NOVESKY: There was two, you held two fingers up.

MR. LUKASIK: Yes, but the other was a public hearing.

MR. NOVESKY: Thank you. Have a good evening.

CORNWALL\_COMMONS\_#2004-01\_&\_2006-19

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MR. NOVESKY: Cornwall Commons.

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

MR. JACOBOWITZ: Good evening, welcome back, Jane, nice to see you again. What's before you tonight is the FSEIS version prepared by your consultant and as Dominic mentioned earlier, we had a sit down across the table, we spent quite a bit of time going over everything, the chair was present at that meeting as well and we made a lot of progress. Leslie's been a scrivener of what it was we all talked about and not to cast any aspersion on her scrivener ability at all there are three items that I'd like to try to talk to the board about tonight that we'd like to have reflected in the FSEIS if you're going to adopt it tonight which is what I hope is on the schedule. Page 40, actually it's page 39 if you look at the paragraph 1, 2, 3, 3 from the bottom.

MR. NOVESKY: Increasing the amount of untreated sewage?

MR. JACOBOWITZ: Yes, this is the comment that was made by comment 51 and Leslie provide a response to it in the paragraph that's on page 40 at top but it's a sentence that's in the middle of the paragraph talking about storm drainage. If you go to page 40 at the top it says the DEIS addressed the potential environmental impact on the project delegation of significant site drainage to the Moodna. This project will not create any direct or indirect water quality affects on the Moodna Creek. Then the next sentence there's no evidence that additional sewage flow generated by this project will cause an adverse environmental impact on the Moodna Creek, therefore, there is no discussion. What we're suggesting is that that sentence come out of

there because the rest of the paragraph is all about storm drainage, again, take that out and make it a separate paragraph and in that separate paragraph a little more demonstrativity, there is no plan or possibility that sewage will be pumped into the Moodna Creek, the commentator made the assumption that somehow we're going to be discharging sewage into Moodna Creek. That's what's prompted that comment that they have there. We want to negate that right away, we're not pumping any sewage into the Moodna Creek. This project does not adjoin the Moodna Creek or the Title Marsh area, there is no evidence that treated sewage flow generated by this project will be discharged into the Moodna or cause any adverse environmental impact on the Moodna and therefore there is no discussion of mitigation. I mean the comment said we're going to discharge to the Moodna, there should be discussion and mitigation, it's erroneous.

MR. CORDISCO: Mr. Chairman, members of the board, we don't have a problem with this.

MS. DOTSON: No objection.

MR. NOVESKY: You're not--

MR. CORDISCO: It's a reiteration of the language that was--

MS. DOTSON: It makes it stronger, I have no objection.

MR. JACOBOWITZ: Thank you.

MR. NOVESKY: Board, no one here has a concern with that, correct?

MR. GRABE: No.

MR. NOVESKY: Okay.

MR. JACOBOWITZ: Page 43 is dealing with comment 54 and the commentator in 54 said that there should be attention given to alternate modes of transportation with reference to the traffic issues at this site. We thought it would be appropriate to say alternate modes of transportation such as train rail and fixed route bus service are not available in the town. The comment could be made somebody made, the comment to you look at alternates, you mention, you don't mention anything, they could then argue you didn't take a hard look at the question of alternate transportation facilities, by adding the sentence I think we eliminate the question of whether or not you thought about it and took a reasonable collaboration and made a decision that there didn't have to be anything addressed about alternate modes because there aren't any in the town.

MR. CORDISCO: That one is okay as well.

MR. NOVESKY: Any board member have any issues with that?

MR. KLOSKY: No.

MR. GOLD: No.

MR. NOVESKY: Okay.

MR. JACOBOWITZ: And the last one is the one we talked about at the work session briefly and that is the one that's on page 14 and trying to move this along and not be a nitpicker, I have no trouble with the suggested language that was discussed here by the consultants. What we're adding is the sentence that says we're adding after the sentence that says single family detached units will not exceed a maximum 45 feet in width or 60 feet in length, what we would be adding is excluding roof overhangs, trim elements, handicapped ramps and cornices and we're leaving out patios, porches, in other words, we're leaving those. I had

requested we include those words. The consultants said it may affect drainage and Mr. Klosky did a quick computation that said it will be three more acres of impervious surface if every lot had a 20 x 20 patio so I'm eliminating porches, patios from what could be outside the 60 x 45 box, all that could be outside are cornices, roof overhangs, handicapped ramps and trim elements, those would be the only things and those basically--

MR. CORDISCO: That's correct, porches, patios and decks would be included.

MR. JACOBOWITZ: Would not be within the bounds of the 60 x 45.

MS DOTSON: Which is consistent with the code given there are certain specified areas that aren't included for setbacks, these include things like belt courses and cornices so I think that that's consistent with the way the rest of the code reads and I have no problem, the other things he was suggesting previously and he's backed off so I'm fine.

MR. GOLD: Can we clarify that so we know what's in and what's out?

MS. DOTSON: Anything that would be impervious area would be like significant impervious area like a patio or a porch.

MR. CORDISCO: Would have to be within the building envelope.

MR. JACOBOWITZ: Inside. All that can be outside are the four items that really are hanging, overhangs, cornices, overhangs, trim.

MS. DOTSON: Handicapped ramp makes sense because you have to get there and that would be no different than

any other walkway.

MR. NOVESKY: Anybody have an issue? Hearing none--

MR. JACOBOWITZ: Then basically nothing more to say other than hopefully somebody will make a motion and a second.

MR. NOVESKY: Okay, we'll go with Leslie first.

MS. DOTSON: I have nothing else, I mean, I tried to get this out to you early enough unless anyone has any questions or changes we would file this as soon as possible and we'll get to you a draft findings statement. You have had a draft previously we're still working on that to amend it along with circulating it to the applicant and working with them as well.

MR. NOVESKY: Thank you, Leslie. Mark?

MR. EDSALL: I'm fine with what's proposed.

MR. NOVESKY: Dominic?

MR. CORDISCO: Mr. Chairman, I have prepared a resolution where you would adopt a final environmental impact statement and as prepared and we could make a revision, it could be subject to the revisions that were discussed tonight.

MR. NOVESKY: Then as a matter of record I also would like to put on the record that my compliments to the members to the consultants as well as the principals, I had to bear witness to the lengthy discussions and work session at Stewart and it did require a great deal of work and great deal of effort and without commenting on the motion I just think it was truly a true work effort amongst the entire group. So with that, any comments from the board?

MR. KLOSKY: No, I think that the public was conscientious in their comments to the applicant and I think the applicant and our consultants have addressed the public concerns more than adequately in this document and I'm ready to support adopting this.

MRS. DEANS: No.

MR. NOVESKY: No?

MRS. DEANS: No comments.

MR. GRABE: No comments.

MS. BUNT: No.

MR. GOLD: No.

MR. NOVESKY: Ask for a motion adopting a resolution adopting a Final Supplemental Environmental Impact Statement for Cornwall Commons.

MS. BUNT: So moved.

MR. GOLD: Second it.

MR. NOVESKY: All in favor?

ROLL CALL

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

MR. CORDISCO: And at this point just to make the record clear Leslie will be providing you with a draft of the findings statement which should be considered at

the December meeting. One of the key elements of adopting a Final Supplemental Environmental Impact Statement is that the findings statement now must be adopted within 30 days of the next board meeting you should be considering for adoption the findings statement for Cornwall Commons.

MS. DOTSON: Just also to correct the record the physical document will be distributed in the same manner that the DEIS was, it's going to take a few days to actually get that together, I will coordinate with your office in terms of the physical dynamics of the distribution.

MR. CORDISCO: It will also have to be posted on-line by the applicant.

MS. DOTSON: Correct.

MR. NOVESKY: Okay.

MR. KLOSKY: Can I ask a couple of quick questions? In terms of the looking forward on the project I see kind of two things that were perking at the last meeting, one was Dominic's memo on the existing easement and the resolution of that easement so hopefully the applicant will work with our consultants to move forward on that issue. The second was I was wondering if there was possibility I will address this with Mark of perhaps resolving the fair share idea that lies in our uncertain future for the traffic light that lies at Academy and 218. And I was wondering if there would be some way of setting a value on this improvement now and warrant that when it's met that would kick in and that amount would then be known to the applicant and it would be a known cost right at the outset and we would have much less chance of dispute in the future between the town and the applicant, you know, when the warrant is met for the new traffic light because it seems like a fair share contribution seemed to be difficult to

calculate to me.

MR. EDSALL: Well, I can tell you that it's a lot cleaner now than it was before we had our meeting out at Stewart cause I had no clue how we were going to do it. Now at least it's based on the percentage of the trip generation at that intersection relative to peak background traffic and total traffic at the intersection. The only, and that's from the traffic study, and I have confidence that Phil Greeley's numbers will be accurate and usable, the cost of the signal to predict what that is going to cost when the traffic warrants are met I don't know if we can build in an inflation factor and try but I'd say we should talk about that before final approval, that's really the issue, the percentages I think are manageable, the cost that's a moving target. And if it takes seven years, eight years before the signal warrants are met and Joe's still working at that point on the project and meets these thresholds for me to set a number now would be possibly a detriment to the town rather than let it be dealt with when we have real numbers.

MR. KLOSKY: Okay, I just want to make sure that there's a, that the mechanism is relatively well defined so when the moment comes to actually go forward with the signalization that we don't get caught in any kind of dispute over the actual cost.

MR. CORDISCO: It would be fair to say it would be more defined in the findings statement but then it will also be spelled out on the plans when they're ready for approval and contained in the resolution for the approval of the site plan so we're moving in the direction.

MR. EDSALL: We have come to an understanding, we have to memorialize it on the site plan approval or subdivision approval I guess it would be as well.

MR. NOVESKY: With that, any other comments?

MR. JACOBOWITZ: One clarification at the December meeting will the board be acting on the approval of the plan itself?

MR. CORDISCO: No, at this point--

MR. JACOBOWITZ: Because of the timeframes--

MR. CORDISCO: Hold on, let's take a step back for a second, we don't have a final plat, there's two approvals that are potentially before the board, we have a subdivision approval and a site plan approval. But we don't have final plans for either the subdivision or the site plan.

MR. EDSALL: We have got no sewer and water yet, the applications haven't even gone to DEC or the health department.

MR. JACOBOWITZ: There's no preliminary site plan.

MR. CORDISCO: Correct.

MR. JACOBOWITZ: So that's not going to happen December we'll get findings.

MR. CORDISCO: You'll get findings.

MR. JACOBOWITZ: And based on the FSEIS and the findings we've got as much assurance as we can get at that point before we go out and get the other approvals.

MR. CORDISCO: Correct.

MR. EDSALL: That's as far as we can go and I would anticipate they'd work on them getting the application packages to DEC and health department, we'll review the

public portions and the private but the public will do, we'll do that, we need to advise, to advise the town supervisor on before he signs the sewer of course you'll work with the village on the water and they move on.

MR. CORDISCO: Just so that the record is clear as we discussed at the workshop that we had we expect the applicant to provide something in writing indicating that you're waiving the requirement for the board, otherwise once you close the public hearing and you have closed SEQRA there's a 62 day period where you have to actually either grant or deny the application. Since the application isn't ready yet we don't want to have to be in a position where you have to deny the application so but and also we don't want to be in a position where you're granting a default approval so the applicant needs to waive that 62 day time period in order to move on and adopt the findings.

MS. DOTSON: At the same time there's protective language that's going to be included in the findings that protects we feel both the applicant's interests and the board's interests to make sure that it is clearly stated what it is that you have reviewed and the limits of what changes you'd be expecting to see. So, in other words, I'm sure the applicant doesn't want to go all the way through the process to feel like other issues are going to be cropping up. So the bottom line is that it will state what kinds of changes you may see that they'll be limited to things that arise from changes that the outside agencies made and may address in their approvals and that sort of thing, any new changes so, you know, we understand that the applicant's going to want some level of certainty to the finding, will attempt to mark that balance.

MR. JACOBOWITZ: That's the reason there's things in the FEIS to identify that we have to the extent possible met the standards and the requirements that

you have.

MR. NOVESKY: Thank you.

MR. JACOBOWITZ: It would be nice if there had been a preliminary approval part of your procedure.

MR. CORDISCO: It doesn't exist in our code.

MR. JACOBOWITZ: It's not in there.

MR. CORDISCO: As Leslie was pointing out the findings will make it clear what has been reviewed and what has been addressed and typically closed issues at that point.

MR. NOVESKY: Thank you all. With that and prior to the motion I'd like to welcome Jane back, we have missed you greatly, your contributions are tremendous, so nice to have you back. With that, I will ask for a motion to adjourn.

MRS. DEAN: So moved.

MS. BUNT: Second it.

ROLL CALL

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

November 3, 2008

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MR. NOVESKY

AYE

Respectfully Submitted By:

Frances Roth  
Stenographer  
11/6/08