

CORNWALL PLANNING BOARD

CORNWALL, NEW YORK

DATE: NOVEMBER 5, 2007

TIME: 7:30 P.M.

BOARD MEMBERS PRESENT: KENN BRODMERKEL, ACTING
CHAIRMAN

DEKE HAZIRJIAN
WYNN GOLD
WILLIAM GRABE
LED KLOSKY

BOARD MEMBERS NOT PRESENT: NEIL NOVESKY
JANE DEANS

TOWN ATTORNEY: DOMINIC CORDISCO

TOWN ENGINEER: MARK EDSALL

GARLING ASSOCIATES: LESLIE DOTSON

BUILDING INSPECTOR: GARY VINSON

CORRESPONDENCE

MR. BRODMERKEL: We're opening the meeting. Tonight Neil Novesky, the chairman, will not be here. I will be standing in for him as deputy chairman. And also Jane Deans will not be here. The rest of the members are present.

First item, we have a number of correspondence that we can go over. And, Dom, if you would help me in putting these in order as needed. The Otter Brook we will do later. Orange County Department of Planning, a letter from them, I don't know if it's pertaining to you. Probably.

MR. CORDISCO: Regarding which project? I think we can save that for the discussion with Otter Brook. And likewise the response from the New York State Parks and Recreations. Also the Parks and Recreation Historic Preservation with regards to Cornwall Hospital Cancer Treatment Center, I think we could probably deal with that during that agenda item. The only other thing is the adoption of the 2008 meeting dates.

MR. KLOSKY: We also have a late correspondence from Holloran Properties.

MR. CORDISCO: Yes, I saw that on my desk.

MR. BRODMERKEL: We would need the motion to adopt this schedule.

MR. GOLD: So moved.

MR. BRODMERKEL: Do I have a second?

MR. KLOSKY: Second.

MR. BRODMERKEL: Discussion? All in favor?

MR. HAZIRJIAN: AYE.
MR. GOLD: AYE.
MR. GRABE: AYE.
MR. KLOSKY: AYE.
MR. BRODMERKEL: AYE.

CORRESPONDENCE

MR. BRODMERKEL: The planning board 2008 meeting dates have been adopted.

MR. CORDISCO: You are correct, Mr. Brodmerkel. There was a letter from Pat Brady on behalf of Holloran noting that they received preliminary approval and he was asking for a 90 day extension. My recollection is that they did get preliminary approval but the 90 day extension is usually not what you grant when you are dealing with preliminary, it's typically a six month extension. I do not want to be accused of offering someone more than what they asked for.

MR. EDSALL: I think that's what's recognized in the code. Mr. Brady I think was misspoken in his request.

MR. KLOSKY: Well, even though this came in late I'd ask Mary to pass that along to Pat. I'd still move that we adopt the six month extension to the Holloran property subdivision preliminary approval.

MR. EDSALL: Do I have a second?

MR. HAZIRJIAN: Second.

MR. BRODMERKEL: Discussion?

MR. CORDISCO: Just to clarify, it would be six months running from when it expires. I mean it's not six months running from tonight. I mean if it expires --

MR. KLOSKY: I am assuming given the facts that it expires sometime in the next 30 days.

MR. CORDISCO: Correct.

MS. KLOSKY: Good enough. So moved as Dominic says.

MR. HAZIRJIAN: I second.

CORRESPONDENCE

MR. BRODMERKEL: All in favor?

MR. HAZIRJIAN: AYE.
MR. GOLD: AYE.
MR. GRABE: AYE.
MR. KLOSKY: AYE.
MR. BRODMERKEL: AYE.

MR. BRODMERKEL: Approved. Leslie, I have a memo to the Town Planning Board from yourself regarding Willow Woods.

MS. DOTSON: Yes. Willow Woods has received conditional final approval. They've been coordinating with Mark Edsall's office with respect to some of the conditions of approval. One of the things that I happened to pick up in one of the letters that they sent to Mark was that there was a slight revision to the project boundary that required the slight revision of some internal lot lines. They had represented that those lots continue to meet the zoning requirements. I thought it was appropriate to have someone check on behalf of the planning board. So I did review their most recent plan and I found that the revision did in fact comply with the zoning. It did not create any new zoning issues and actually not only was the change consistent with your previous subdivision approval, but it's actually an improvement.

MR. BRODMERKEL: Dom, do we need to take any action on that?

MR. CORDISCO: No, sir.

MR. BRODMERKEL: Leslie, this other letter is the same thing, Stone Hollow at Cornwall?

MS. DOTSON: That's it. Yes, that's the same thing.

MR. BRODMERKEL: I have a letter here from the County Department of Planning and Approval for the Brothers Barbecue, I think, if I remember correctly.

CORRESPONDENCE

MS. DOTSON: Right.

MR. BRODMERKEL: Yes, Brothers Barbecue from their point of view. We'll go over that later with the hospital review.

The big report here from Chazen, is that what you just addressed, Leslie?

MS. DOTSON: Yes. Just my part of it. Mark does the rest of it. But typically you don't, Mark, doesn't necessarily address every item, you advise the chairman when it's ready for sign-off.

MR. EDSALL: Yes.

MR. BRODMERKEL: Dom, we have a letter from your office.

MR. CORDISCO: Yes, on behalf of the Town Board referring a proposed local law zoning amendment.

MR. BRODMERKEL: Which we will go over later.

MR. KLOSKY: Also one about the fire district. That was for information purposes only.

MR. CORDISCO: Regarding Cornwall Commons, that's correct, there's nothing for the board to do, it was really the applicant for Cornwall Commons to walk them through the process that they're going to need to go through because their property after the annexation, one of the outstanding issues is that it still has, fortunately it's within, it's bisected by two different fire districts. And that's something that they're going to have to wrestle with.

MR. BRODMERKEL: Okay. And the last communication we have is to the town supervisor, a copy to us, Mark, regarding Harbory letter?

MR. EDSALL: Yes, we can discuss that with Otter Brook, if you care. That's the

CORRESPONDENCE

drainage issue that was related, brought up during that subdivision.

MR. BRODMERKEL: I couldn't comprehend what that really said. It must have been engineering terms.

MS. DOTSON: Yes.

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MR. BRODMERKEL: We will move along to the first item on the agenda with the Chestnut Woods.

MR. DONNELLY: Good evening, Mr. Active Chairman, members of the board. Mike Donnelly, the attorney for the applicant. All of the other members of the team are here this evening in case you have any questions. They will not, unless you ask though, make presentations.

I just wanted to bring you up-to-date as to where we are and where we think we are going. As you remember this process started back in May of 2003. We did a draft environmental impact statement, a findings statement. There were a number of mitigation measures that were drafted along the way and built into the findings statement that was issued in February.

Just quickly, as you recall, the building heights were reduced in many cases, particularly building four, which was one of particular visual significance to the neighbors, building seven was relocated, buffering fencing was provided.

Architectural review was done in terms of textures, colors, styles. We reduced roof pitches in a fashion that we think greatly helped out the visual appearance of the project. We've agreed in mitigation measures were imposed in the findings statement of a number of traffic improvements including a widening of Route 32, well passed our project area and passed Jacqueline Avenue, the installation of sidewalks from the area down to the Hanafords.

And when we were here last what remained were a handful of engineering issues and some of those still need to be resolved and that had been affected by the last development that has been holding us up and that is the issue of water. As you remember the proposal that the environmental impact statement addressed two mutually exclusive alternative water sources. This project is in the Firthcliff Heights district. The Firthcliff Heights district gets its water

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from the Town of New Windsor. A contract exists between the Town of New Windsor and the Town of Cornwall under which there is an allocation of water for that district.

The amount of that allocation, however, is not sufficient to meet the demands of this project. Therefore, unless there was some movement or increase in capacity in the New Windsor side this project could not be accommodated under that agreement. We, therefore, went and met with the Village of Cornwall that was -- that has sufficient capacity and we began to discuss with them the possibility of having the Firthcliff Heights district served by two potential sources, the Village for our project, the Town of New Windsor for the balance.

But while those discussions were ongoing and within the last several weeks New Windsor has been able to satisfy or solve their water issues. From a capacity point of view they have additional water and they are in the process of completing the work that's needed to be done to filter that water. And the only issue they had not resolved for themselves is the issue of a pump station that would be necessary to get that newly acquired water to the Firthcliff Heights district. And the owners of the Chestnut Woods project had met with the Town of Cornwall and have agreed to fund the construction of that pump station.

With that in place the Town of New Windsor and the Town of Cornwall stand ready to renegotiate the allocation as between them, which would make the Town of New Windsor the water source for this project. The paperwork needs to be done, but we met both with the Town of New Windsor Supervisor and I spoke with Mr. Randazzo.

MR. BRODMERKEL: A verbal agreement, but not a signed document?

MR. DONNELLY: That's correct. I know Dominic is working on contractual language now. I've spoken with Mr. Blythe, the

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attorney with the Town of New Windsor. While those details do indeed need to be worked out the agreement in principle is there.

With that, what I'm suggesting we are asking for at this evening's juncture is that we get a letter from the board that we can take to the other agencies that have approval authority over this and there are a number, the DEC, the DOT and the health department, being among the most significant, so that we can begin to process those.

Of course, we prefer to ask you for a conditional final resolution, but we recognize with the 360 day duration of that under your coat and the possibility of being held up with the negotiation of these contracts and those other agency approvals of a time beyond that then conceivably we would wish 360 days from now that we hadn't asked for that. So we are going to ask for that letter instead. But what we want to make certain of is that other than the engineering issues and certainly Mark has to look at the newest ones involving the water connection, that there are no other issues that need to be resolved. So that when we come back with those other agency approvals we're not faced with a checklist of things that we didn't think were needed. That's why we brought everyone here to answer your questions to make sure that is where we stand so that we can get on with the task of going to those other agencies and then return here for final approval after we've completed that.

MR. BRODMERKEL: Thank you. Leslie?

MS. DOTSON: I have given the plans to the landscape architect just because there are a few questions I have in terms of some of what's proposed and where that are really beyond my expertise. I wanted to make sure that the plans weren't in a position where they were going to shift before that was done. That's more of a detail.

MR. DONNELLY: I think the rendering that you're looking at is confusing. So the same

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thing, it looks like there's a clearing there, but I am sure we can straighten that issue out.

MS. DOTSON: I just see that you're proposing some very large tree plantings.

MR. DONNELLY: That's just the artist rendition.

MS. DOTSON: We call it the artist misconception. I understand why they did it, it was more to show the building. But I did have some concern in particular about some of the trees, the size that was being shown, whether they were able to be planted where they were without a certain amount of damage. So there are a few details. And in some cases it works to your advantage because oftentimes the landscape architect is able to even come up with money saving ideas.

MR. DONNELLY: We are willing to meet and discuss that as between them and work out those items.

MS. DOTSON: I consider that to be more of a detail, but I expect a report from her within the next month or so.

MR. BRODMERKEL: Mark?

MR. EDSALL: I understand where they are and we are in fact moving forward with good progress on a detailed review of the plans. Just as Mike indicated, those issues can be addressed before they move on to the health department or any other agencies so they don't have to rework things when they come back. It would be my intent to have that detailed review done in their hands so they can address those comments while they are packaging up for the outside agencies.

I'm more than willing, if the board cares, to authorize our office to write the letter in a form that can be used so that they can move on to the health department and I'm very familiar with the intermunicipal

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agreement, I've worked with both attorneys that created the one that exists now. I just got done meeting with the DOT, I know what they are going to be looking for so I would be more than happy to work with Mike and Dom on getting that letter in proper form.

MR. DONNELLY: There are actually three agreements Chestnut Woods has to enter into, an agreement with the Town of New Windsor to fund that improvement and then the two towns have to themselves enter into a reallocation agreement. I said three, it's two. But those are the essential ones. And, of course, there are agency approvals that are involved in that, but all of that is doable now that there is an agreement in principle.

MR. EDSALL: The only activity that the applicant has to proceed after they execute an agreement with the Town of New Windsor is the County Department of Health approval. The Town of New Windsor will have to pursue the approval from the New York City DEP and work with Cornwall for the intermunicipal agreement. And I'll unfortunately be involved in all of it. It's time consuming.

MR. DONNELLY: We do understand that Mark has a number of engineering items. We are sure we can work those out as we go forward. We just wanted to make sure there weren't policy issues that remain and I believe those are all being taken care of. And I just want to make sure before we go into that hiatus while we secure the other agency approvals that there isn't something else that needs to be done.

MR. BRODMERKEL: Mark, are they aware of all of your concerns?

MR. EDSALL: No. As I indicated first off we're right in the middle of reviewing the plans in detail, they had submitted a set over. I'm looking to get them comments and if necessary meet with their design engineer so they are all resolved before they move on

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to the health department.

MR. BRODMERKEL: If they're not aware does that mean we're not aware of all your concerns?

MR. EDSALL: These are detail comments, you know, things that are not of any substance to overall site layout, but maybe just plan corrections, detail corrections.

MR. BRODMERKEL: Anything we would be concerned about to hold up the project?

MR. EDSALL: I really don't think so. I think these are probably so -- I'll send a copy to him, to the board obviously, but I don't think it's anything that will really be of any real concern to the board members, just details.

MR. BRODMERKEL: Dominic, did you wish to comment?

MR. CORDISCO: No, sir, I have no comments.

MR. BRODMERKEL: Do you have a feeling on, to a nonlawyer type this sounds rather complicated, getting two towns to agree on anything much less two towns?

MR. CORDISCO: You would think, but there's already the framework to do so because there is an existing intermunicipal agreement between the Town of New Windsor and the Town of Cornwall to supply the Firthcliff Heights water district with water. But there's, it's tapped out, no pun intended, at an allocation that it's already been reached. So what you have to do is you have to raise that cap.

MR. BRODMERKEL: Now, Firthcliff Heights water is provided by?

MR. CORDISCO: The Town of New Windsor.

MR. BRODMERKEL: So we want to supplement that with water from the village?

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MR. DONNELLY: No, no, I'm sorry. New Windsor didn't have, when we started this process, sufficient capacity. They now do.

MR. BRODMERKEL: Okay.

MR. DONNELLY: The one thing they are missing is a pump station and we have agreed to build that for them or pay for the construction of it.

MR. CORDISCO: This past August the Town of New Windsor entered into an agreement with the City of Newburgh to buy more water from the City of Newburgh and as a result they have the theoretical capacity to service this project, what they need is a pump station. And pump station to bridge that water in from the City of Newburgh. I believe that the developer is offering to provide that pump station which will then get them the water which can then be sold from New Windsor to Cornwall.

MR. HAZIRJIAN: Mark, can I ask a technical question? So the Town of Cornwall, which this project is in, didn't have the capacity to supply the water to this project?

MR. EDSALL: Correct.

MR. HAZIRJIAN: New Windsor offered but didn't have enough water?

MR. EDSALL: They did have enough water but they didn't have the adequate pressures to transfer, that's what they needed a pump station for.

MR. HAZIRJIAN: They now have the proposal to look at a bigger pump capacity so they could have the water?

MR. EDSALL: Correct.

MR. HAZIRJIAN: If that capacity was offered to the Village of Cornwall-on-Hudson would it change, would it expedite this project?

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MR. EDSALL: If the capacity was offered to the Village from who?

MR. HAZIRJIAN: From the developer who wants to give it a new pump?

MR. DONNELLY: Or the village has more than enough water they don't have a capacity --

MR. HAZIRJIAN: So it's not about capacity from the Village?

MR. EDSALL: The Village's issue was more that they had to get the water to the site which meant that you had to put a new transmission main all the way along Route 32.

MR. HAZIRJIAN: Running pipe.

MR. EDSALL: Whereas, the Town of New Windsor because they already feed Firthcliff Heights, the feed main, the brand new 10-inch main that goes over to ABC Orange subdivision, runs right through their property, but because of the capacity problem they couldn't use it. Now they merely got to go within their property and put a tap. It is very convenient.

MR. CORDISCO: It's much more feasible.

MR. HAZIRJIAN: I get it. It just seems to me that we're throwing good money after bad. Why didn't we do it the other way around, but I understand.

MR. EDSALL: The second issue is now you don't have, you don't have two different sources of water that you've got to segment within one district. It's all from the same source.

MR. DONNELLY: We think it's a win/win. In addition, the pump station will benefit New Windsor residents beyond just the Firthcliff project. So it's better than having to connect to the Village sewer. New Windsor, solves their problem.

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MR. BRODMERKEL: This will also help the water pressure issues and concerns.

MR. DONNELLY: I don't think it affects pressure. I would love to tell you that.

MR. EDSALL: The ten inch main will help the pressure that isn't online yet. Another footnote, when the last municipal agreement was negotiated a whole discussion of increase in capacity was in concept agreed to. The Town of New Windsor said we'd love to give it to you, we want to work with you Town of Cornwall, we just can't do it yet. Now they have made the yet possible.

MR. BRODMERKEL: Okay.

MR. CORDISCO: Back, Mr. Chairman, I saw no problem with authorizing, the board authorizing your engineer to write a status report that the applicant can then use to go to the outside agencies to show where they are in the process which is, I think is essentially what you're asking.

MR. DONNELLY: Yes. And we hope to come back once and only once when we're done with that and ask you for an approval and then leave you alone. That's our game plan.

MR. BRODMERKEL: Do we need a motion?

MR. CORDISCO: I think you should do it in the form of a motion authorizing the engineer to provide a status report.

MR. KLOSKY: Then we can talk about other standing issues with the project.

MR. BRODMERKEL: We can talk about that any time. If I have a motion I'll accept.

MR. GOLD: So moved.

MR. BRODMERKEL: Do I have a second?

MR. GRABE: Second.

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MR. BRODMERKEL: Discussion? All in favor?

MR. HAZIRJIAN: AYE.
MR. GOLD: AYE.
MR. GRABE: AYE.
MR. KLOSKY: AYE.
MR. BRODMERKEL: AYE.

MR. BRODMERKEL: Motion carried. Did you wish to comment?

MR. KLOSKY: I just had, I mean you said one of the reasons you were here tonight is to try to make sure that there were no remaining hurdles. We talked about building seven perhaps a dozen times already and I appreciate very much the high quality rendition that you have supplied to us. I want to say this is some of the highest quality visual impact work I've seen come through the board. I really appreciate the applicant taking the time and expense to make these available to us.

I think I've come to terms myself with the size of, with the size of building seven. I can't speak for the rest of the board, but I feel like it's going to work out. I was, however, surprised seeing this rendering at the number of light tones that were picked for the exterior of the structure. I had the impression that everything that was showing towards the creek side was going to be earth tones, and that that was part of how we were going to mitigate the impact of this project on the culturally important corridor that runs through there along the window.

I was particularly surprised to see bright white because a number of bright whites showing towards the creek on this rendering, that may be an error, I don't know. Additionally, there is a gable end, two gable ends which are shown in a light cream which that's going to be highly visible out there and I don't like that at all. Additionally, the siding that's on there is, again, fairly light and I would call it unnatural color.

So, you know, I was concerned that one

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of our big concerns was the bulking of the building. The CVS, which is in the main town because of just some simple color changes in the roofing became much larger and that really, you know, made the board unhappy. And so if it seems like our concern over this is large it's because before we've seen projects that had large visual impacts due to mistakes with the coloring. So I'd like to hear what --

MR. DONNELLY: AJ Coppola, the project architect, can perhaps address your concern.

MR. COPPOLA: Basically the renderings are imperfect. I can't tell you they're exactly the way that it's going to be built. The architectural elevations are more accurate. The colors that we're showing you here are the actual materials that are being used. But this is kind of an imperfect size thing. Every time I do one of these it comes out different, I can tell you that. And the four that we've given you we've gone over them like a thousand times in my office and the colors just aren't exactly correct or consistent.

MR. BRODMERKEL: Would it be possible to supply us the designated numbers and a chip of that color?

MR. COPPOLA: Well, let me do that because this is the rendering from October of 2006. And if you look at this and you look at that there are some things that are the same and there are some things like you're saying that are slightly different. The white columns are there. But the broad banding here I've noticed it's designated white here and designated brown here. So we could clean those up. I understand, I think I understand.

MR. KLOSKY: I think having bright whites, I think any bright whites that are facing the creek I'm not in favor of. We had talked many times about making sure that the face

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that was against the creek was an earth tones. I mean, Leslie, correct me if I'm wrong.

MS. DOTSON: Yes.

MR. KLOSKY: When I saw this rendering, number one, all the trees are missing. And number two, it was all these really light colors on here which concern me.

MR. COPPOLA: It's not that different from the one from 2006, that's what I'm saying. The colors are identical to the colors that we gave you last year. These are the colors. And that's already a year old.

MS. DOTSON: And that wasn't so bright because I do remember seeing them and they are listed on the rendering, but that's the thing because the techniques that you use to print these on --

MR. DONNELLY: I don't know if this helps but this one here, I guess it explains what A.J. is telling you is the same pallet of colors as this one here and just printing difference. I think you can tell that this is darker.

MR. KLOSKY: I'm just wondering what purpose it is serving having any bright whites back there.

MR. COPPOLA: Well, personally I like to be able to see the columns. If you want us to just tone those out, we'll tone them out. They were white last year, but at this point in the project --

MR. KLOSKY: No one sees it. You can't see this from the parking lot. You can't.

MR. COPPOLA: That's the easiest thing we can do.

MR. HAZIRJIAN: I feel the same.

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MS. DOTSON: I think they were more that sort of toned-down kind of --

MR. COPPOLA: They are white here. This is from October 2006.

MR. DONNELLY: We will redo the rendering and the presentation on that side to remove those and give you accurate material designations for what those colors and materials are.

MR. BRODMERKEL: I think the board is unanimous in feeling that we'd like to see the white diminished greatly.

MR. COPPOLA: I understand.

MR. BRODMERKEL: Not completely removed. And that if that is the pallet of actual colors, chips included, if you could present that to Led to look at.

MR. COPPOLA: Sure. That's your siding, there's the sample, I have the sample of the cultured stone behind me, if you want to see that, back over there. I'll grab that, Led.

MR. KLOSKY: No, I think the stone is going to look beautiful.

MR. COPPOLA: And the fiberglass shingles in the packet that's in your hand.

MR. DONNELLY: We'll represent that rendering without the white on that side because I think it would be a loss to the architecture of the building to remove it.

MR. BRODMERKEL: Can we have this entered into the applicant's --

MR. COPPOLA: Take the whole thing.

MR. KLOSKY: Which shingle are you using?

MR. COPPOLA: The shingle is heather blend.

MR. DONNELLY: If we gave it to you on a list

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with the part numbers?

MR. EDSALL: What you want to do is once the board comes to a conclusion as to the color selections, a noncolor illustration with a schedule and just identify the item, the manufacturer, the selection of the color and it's got to match the samples you okay and we'll deal with it.

MR. BRODMERKEL: Is the paint color on there more acceptable?

MR. KLOSKY: Gary is the one who has to look at it at the end and know it's right.

MR. VINSON: Make and model number.

MR. DONNELLY: We're with you, that's the way to do it.

MR. COPPOLA: They're on here. We'll put them on every drawing. I think we are also going to put them on the site plan drawings.

MR. HAZIRJIAN: What's the lightest tone, the siding?

MR. KLOSKY: You see, if they get rid of the white, that's the siding that will stick out the most. But those gable ends are like cream or something, I don't even know what those are.

MR. BRODMERKEL: I think you know what we're looking for, right?

MR. COPPOLA: Yes.

MR. BRODMERKEL: Led, anything further?

MR. KLOSKY: No, that was my main concern.

MR. BRODMERKEL: Bill?

MR. GRABE: No.

MR. BRODMERKEL: Wynn?

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MR. GOLD: I'm good.

MR. BRODMERKEL: Deke, you're good?

MR. HAZIRJIAN: I think we are. I just didn't know if there was anything further. I want to get them while they're here. So I think we were okay, there wasn't anything further that we wanted to talk about?

MR. BRODMERKEL: They reduced the size in the front.

MR. HAZIRJIAN: And all looked good.

MR. DONNELLY: I did want to explain this rendering that shows building number seven from that side, the artist cut down the trees, we're not going to do that.

MR. HAZIRJIAN: That would be good.

MR. DONNELLY: That's so you can see the building.

MS. DOTSON: That's why I took it and compared it to the tree plan and this is not right.

MR. HAZIRJIAN: And the spec is 12-foot pine, which is nice.

MR. KLOSKY: As long as you can get those 12-foot pines in there without ruining anything.

MS. DOTSON: The root ball may be so big as to require a certain amount of clearance, so I wanted to check to figure out what the effect is going to be.

MR. DONNELLY: Thank you.

CORNWALL HOSPITAL CANCER TREATMENT CENTER 2007-05

MR. BRODMERKEL: Cornwall Hospital Cancer Treatment Center.

MR. ROSS: Robert Ross, vice president with St. Luke's Cornwall. Based on the recommendations at the last Planning Board meeting, concerns expressed in a letter we received on October 18th from the fire chief as well as recommendations made at our last work session revised plans had been submitted, what you have. What I will do is briefly go over those revisions and actions that have been taken since our last meeting since the public hearing that was closed last month.

Smoking was an issue that was brought up. The day after the public hearing cigarette receptacles were placed along Laurel Avenue at each entrance to the hospital near the property. In addition each day by 8:00 a.m. the areas around the hospital along Laurel Avenue are cleaned. I personally inspect those every day and they are clean areas. So I think we have addressed some of the issues raised at the last meeting.

As far as sidewalks, there will be sidewalks where the sidewalks are broken up in a little bit of a spot towered 9W, that will be repaired. But there will be sidewalks along the entire perimeter of the hospital. Obviously accepting along the tree line or the Quaker meeting house. But sidewalks completely around the entire property because of that issue.

The helicopter, at the last workshop meeting Charlie Robinson, who's a supervisor and pilot for STAT Flight -- by the way, he is the one who helped us develop the path on our Newburgh campus. He confirmed, first of all, that there are relatively few flights that go in and out of Cornwall. The numbers I gave you at the last meeting are accurate.

With his assistance we reviewed the plans and you can see the heli-pad noted on the revised plans. And those were, those plans were done with his assistance. He stated that that is a sufficient landing area

for the helicopter. In addition he stated that we will, we're going to volunteer to do this, get FAA approval, Federal Aviation Administration approval for that so it is a published landing site.

What that means is the flight path through that pad becomes published and every helicopter pilot that comes in will follow that path. The path is not anywhere near Laurel Avenue where the houses are. It will actually come over Nick Bambino's office and would come over that way so it wouldn't be near the houses.

As you can also tell the pad was moved inward to the campus away, further away from Laurel Avenue. The pilot felt we couldn't go any further along because of tree lines and wires and other issues. He also mentioned, that once you have an FAA certified pad you don't need the fire department present.

The view from the Quaker meeting house was brought up. We have submitted pictures from that as well. I understand the Parks Commission has submitted a letter stating there was no impact on the Quaker meeting house from this project. Lastly, the fire chief submitted comments which were received on the 18th. A letter went back to the fire chief last week addressing every one of his comments and some of the items may not be in the plans because we received his comments late. So every one of his comments have been addressed sufficiently. So I trust that you'll find all the concerns that have been raised since June, since we originally submitted, have been addressed.

MR. BRODMERKEL: Thank you. Leslie?

MS. DOTSON: I think it actually probably makes more sense to start with Mark on this one because of the fire department's issues.

MR. BRODMERKEL: Mark?

MR. EDSALL: I will go through the whole list because as Robert indicated there's been a lot of progress on items. Rather than just

focus on part of it I'll go through the whole comments.

One, the off street parking sidewalks, they have revised parking layout in a couple of areas where the fire chief had asked for some modification. They have made those changes on the plans you have. And there had been some shifting of the parking lot and it's my understanding that the same number of spaces are being provided as on the prior layout, you just move things around.

Second item, the access drive to Elm Street which the board asked us to look at that is not on the plan and I did discuss with our engineer the possibility of that being added and the difficulty is that because of the pollution prevention plan requirements that are mandated by state and federal guidelines the grass area down parallel to Elm Street is being utilized for that purpose. That conflicted directly with the construction of a permanent driveway out onto Elm. And, candidly, there's just no room for them both, in grass area and by gravity for them to move that storm water system. So, I thought it was an issue that the board asked us to look at.

MR. BRODMERKEL: The system encompasses the whole?

MR. EDSALL: Basically a portion of it is at the surface and then the subsurface system is probably between a third and half of the land area from Laurel back toward the middle of the field.

MR. WEBBER: That would be correct.

MR. BRODMERKEL: And would it be possible to put a driveway there?

MR. EDSALL: Because of the type of system that is required for the subsurface disposal and the type of construction and the shallowness of the system there just isn't enough to put a road on top it. It's a grass area.

MR. GOLD: Can the system be modified to accommodate access and egress from Elm?

MR. WEBBER: The problem -- Tim Weber with Clark Patterson Associates.

MR. BRODMERKEL: Can you stand and state your name please, again?

MR. WEBBER: Tim Weber with Clark Patterson Associates. Our storm water specialist back in our office took a look at it and the problem was the water quality portion of the whole system which involves, includes a sand filter. We already have an existing system that's to the west or southwest of the site. And so that leaves us the northeast portion of that grassy area. And to collect storm water coming off of both sides of that parking lot essentially you've got to include a sand filter which is that smaller ponding area, if you will, that collects the water and the water filters out through the sand, collected into a storm line and then it is transferred into that chamber system. So putting a road in there it basically is in the way of those sand filters.

MR. BRODMERKEL: What if it was over a culvert?

MR. WEBBER: We wouldn't have enough area for our sand filters.

MR. BRODMERKEL: All right. Then I missed something. Mark indicated it was taking up one-third to one half of the area.

MR. WEBBER: The chamber areas.

MR. EDSALL: The chambers are and you progress into the other portions of the system. Years ago all you had to deal with was water quantity. Now the guidelines are both quantity and the water quality. So they occupy a much, much greater area of space on a site to deal with both those issues.

MR. BRODMERKEL: Is the drainage system stated on a particular page in here?

MR. HAZIRJIAN: Yes.

MR. KLOSKY: Can I ask another question? On a couple of recent projects we've seen this area marked new underground storm chamber system. We've seen these underground storm chamber systems actually lying beneath the parking lots.

MR. WEBBER: Yeah.

MR. KLOSKY: Would it be possible then to move that storm chamber underneath the parking lot.

MR. WEBBER: If you do that now you have gravity issues as Mark was referring to earlier because that whole site drains towards that corner of Laurel and Elm and that's where the chamber system needs to be.

MR. KLOSKY: I see.

MR. BRODMERKEL: How far from the corner would it be allowable to put this entrance? In other words, from the corner of Quaker and Elm?

MR. EDSALL: Over 100 feet is minimum spacing between the town road and access drive.

MR. KLOSKY: The other option of course is to decrease the amount of impervious space by decreasing the number of parking spaces which would mandate a smaller facility. I mean that's the other way to do it, right? If it won't work on the existing piece of property one of our duties as a planning board is to evaluate whether or not the size of the facility is suitable for that piece of property.

And so, you know, another way to get around this would be to have a smaller parking lot, but that would mandate also less square feet in the cancer center. So that

would be another possibility. I'm not saying that's the only way to solve it, the only way to skin the cat, but that's another possibility.

MR. BRODMERKEL: Mark, if I'm looking at this drawing correctly you're saying somewhere in the area where the proposed new 4-foot wide concrete sidewalk is going would be as close as the entry way could be put? I'm looking, I'm guessing that would be somewhere close.

MR. EDSALL: The spacing we would be looking for is probably some place on the left third of the storm chamber system, underground storm chamber system. We wouldn't want the curb cut coming out that close to Laurel. So we'd have to move down at least 100 plus feet which gets you, by looking at the dimensions of the parking spaces, probably toward the end of the underground storm chamber system.

MR. BRODMERKEL: I'm looking now to push it somewhere --

MR. EDSALL: Which now starts to push you.

MR. BRODMERKEL: -- adjacent to where the walkway is proposed.

MR. EDSALL: Then we're starting to get close to the cuing of the traffic signal.

MR. BRODMERKEL: Assuming we are 100 feet away.

MR. EDSALL: Well, 100 from a normal intersection or nonsignal intersection I would prefer to stay as far away from Quaker intersection as we can. So we're looking more down toward the area where the sand filter and storm chamber system is the preferred location.

MR. KLOSKY: Can a road run over the top of one of these underground storage storm chamber systems?

MR. EDSALL: Not the type system that --

MR. WEBBER: Over top of this storm? With traffic duty storm chambers, yes, you could. But our understanding is is where the driveway, you know, what we were looking at was putting it right through where our sand filter is and that obviously doesn't work.

MR. KLOSKY: If it went over top of what you show a storm chamber system then, yeah.

MR. WEBBER: We'd have to look at the grades.

MR. EDSALL: The issue, I thought it was in speaking was the grade issue, to have the proper cover for the road to start to encroach down into the structure which means you couldn't develop the capacity which means again you push the system down, then it wouldn't drain to the existing storm water system down in the corner. That's my understanding.

MR. WEBBER: Typically you're correct. You could put it over but as Mark mentioned, reminded me, the elevation of those, it's too deep and then therefore we couldn't drain into the storm system.

MR. KLOSKY: Because the bottom of your storm chamber would be below the --

MR. WEBBER: Correct.

MR. EDSALL: I called their office as a follow-up to your request to make sure it wasn't an open item for tonight and that's the answer I got back. Obviously Tim can reconfirm what I was advised with my discussions.

MR. BRODMERKEL: I don't know about the other members but I would ask that they reconfirm and come back with some sort of a review of that, it is allowed. There was a clear request by the public, a request that I, as a nonengineer sitting and looking at it, am not

quite sure that I understand why you can't do it. I hear my engineer saying yes but, I don't hear him saying no.

MR. ROSS: There would be an increase on the amount of the impervious space, therefore an increase in the --

MR. WEBBER: Yeah, it would increase the size of the chamber system as well. Every time you add more asphalt area to the site you increase the size of the system. And since we've had to move some of the parking spots down below it's increasing impervious area because now we have more drive aisle and we have added a whole other row of storm chamber system.

MR. BRODMERKEL: The amount of asphalt we're talking about --

MR. WEBBER: I understand but it still impacts it. We have to take a look at the SWPPP, Storm Water Pollution Prevention Plan.

MR. BRODMERKEL: The question is does that water run off onto the town road anyway? It probably would.

MR. WEBBER: It may but it doesn't matter because what we have to, what it means is even though if it went off into the town road that means we have to store more from the other portions of the site.

MR. GOLD: Also as a nonengineer is there something preventing you from increasing the size of that new underground storm chamber system? Is it either something geologic or something physical?

MR. WEBBER: No.

MR. GOLD: So it could be increased to accommodate what we're asking for, it might have to be reconfigured as well, correct?

MR. WEBBER: A knee jerk reaction just

looking at it possibly.

MR. EDSALL: I look at it more as a grade issue.

MR. WEBBER: Right.

MR. EDSALL: I mean there's room to expand the system if they have to. To me it's straightforward, either they can get the road constructed with the proper cover and construct proper grade for their subsurface system or they can't.

MR. WEBBER: It's not a matter of area this way. When you look in the plan the matter of area this way it's the matter of the depth and your chamber systems. I don't know if we have a detail.

MR. KLOSKY: You can't make the system wider instead of deeper?

MR. WEBBER: No, no, they come as they are.

MR. KLOSKY: These are prefabbed pieces?

MR. WEBBER: Exactly. Your section is approximately --

MR. EDSALL: C ten.

MR. WEBBER: -- 48 inches deep.

MR. HAZIRJIAN: Let me ask the Board, one of the things we are looking at is another way to get in and out of this parking lot. Is there another way to get in and out of this parking lot on Laurel as well down below so it doesn't impact this elevation? One of the concerns is it's a big lot, one in and out. In other words, to have another one of these here (indicating).

MR. BRODMERKEL: That may be an alternative, but I think or thought initially was from Elm would be the obvious pass.

MR. GOLD: I think the whole idea is not to have an in and out that has more headlights going into the houses across the street as opposed to coming out of Elm, at least that would be my concern.

MR. BRODMERKEL: Nick is not there at night so he won't mind the headlights.

MR. HAZIRJIAN: So there is two issues, one is, one is a capacity to get in and out in terms of is there in fact enough capacity as exists. Is that a traffic study?

MR. BRODMERKEL: There has been a traffic study, we haven't seen it yet. Evidently Mark just got it.

MR. CORDISCO: My understanding, there was a traffic study that was prepared in May of 2007. One copy has been provided to Mr. Edsall. I don't believe that additional copies were provided to the Board.

MR. BRODMERKEL: No, they have not.

MR. GOLD: I would certainly like to see an alternate, an alternative to this that allows for another means of access and egress preferably to Elm Street.

MR. GRABE: As an egress.

MR. GOLD: As an egress.

MR. KLOSKY: Even if it was just a way out that would be okay, too.

MR. GRABE: They have a way in. So another way out --

MR. BRODMERKEL: They have an in and an out.

MR. GOLD: Right now it's the same entrance.

MR. GRABE: If they move the egress down further on Elm Street Laurel Avenue would --

MR. GOLD: You have the issues of cars coming out at night and the headlights. That's one of the things we've been asked to try to mitigate.

MR. KLOSKY: Because this parking lot when it's finished, Mark, correct me if I'm wrong, but this parking lot when it's finished will be servicing both the cancer center and the main hospital?

MR. EDSALL: Right.

MR. KLOSKY: Whatever the operating center this parking lot will be used for the hospital.

MR. EDSALL: Is your largest concern egress from the site?

MR. KLOSKY: My main concern is headlights, the constant stream of headlights going out for people across the street.

MR. EDSALL: Which is the exit?

MR. KLOSKY: I guess that's fair.

MR. EDSALL: We're looking just quickly at squeezing in an egress lane basically where it shows the sand filter and subsurface chambers spreading apart a little bit and putting a 10, 15-foot lane out there.

MR. HAZIRJIAN: Onto Laurel.

MR. EDSALL: Onto Elm so we can have exiting traffic from the lower lot, we can even make it right turn only and set it up that way so it points them out to the new traffic signal.

MR. HAZIRJIAN: That's a good idea.

MR. GRABE: That works.

MR. HAZIRJIAN: That works.

MR. EDSALL: Again, we are just trying to

come up with options because --

MR. BRODMERKEL: I think ideally the board, from what I'm hearing, would like an in and out at that location. We would be glad to entertain just an exit. I don't know whether we need it to be only one way out. Mark, that would be your expertise, but I don't know why it would be.

MR. EDSALL: I think as a matter of what they can fit and as far as capacity, it's a matter of preference on how.

MR. BRODMERKEL: I mean turning out of there, why would it have to be one way only?

MR. EDSALL: It doesn't have to be. It's a matter if they can fit two or not. They have to just look at the grades and see if they can fit that in.

MR. BRODMERKEL: If you would look into that and come back with a proposal on that point.

MR. KLOSKY: We haven't worked our way through Mark's list.

MR. BRODMERKEL: Item number two, Mark.

MR. EDSALL: Next 3, the sidewalks, they've added sidewalks. As Mr. Ross indicated it's on the plan.

Heli-pad, they've shown the heli-pad on the lower parking lot. They've showed you the fire chief's concerns. Under comment two the traffic impact study I did look at. They concluded in the report that there's no significant negative impact as I discussed with the board during work session. There's roughly a 50/50 split for volume heading toward 9W and traffic heading down to Elm and then to Quaker.

MR. BRODMERKEL: Total traffic we're not talking about hospital traffic, just talking about traffic?

MR. EDSALL: Hospital generated traffic. And obviously there is a significant volume of traffic that uses that connection to get from 9W down to Elm and then distributes in both directions on Elm.

MR. CORDISCO: And the issue from the traffic analysis would be, correct me if I'm wrong, Leslie, is to evaluate whether or not this additional facility is going to have a significant negative impact on the existing traffic conditions?

MS. DOTSON: Correct. It would be the question of what increase does this create.

MR. GOLD: Mark, did that traffic study take into consideration the light in the process of being installed?

MR. EDSALL: Yes.

MR. KLOSKY: I have another question, you skipped the sidewalk thing real quick. The sidewalk is just before the traffic light there and the pedestrians going across there, I mean is there going to be a striped crosswalk there and where does it end up going? I mean if somebody makes that walk down to that corner where do they go?

MR. EDSALL: The sidewalk is existing on Elm, now they are just tieing into it.

MR. KLOSKY: Okay.

MR. BRODMERKEL: They cross that street, there is nothing there, the town has agreed to put in a sidewalk.

MR. EDSALL: That's something the town is undertaking is to button up all the connections and crosswalks out on Quaker.

MR. KLOSKY: That would be great for the people coming out of the hospital for lunch or whatever can access Cornwall Plaza across the way. It is successfully the growing

commercial center along that space, so.

MR. EDSALL: If you recall there's a new crosswalk on, near the post office entrance as part of the Woody's Restaurant site plan. That's in progress now. There's also the possibility of another crosswalk being considered but that is a town issue.

MR. KLOSKY: I just want to make sure a pedestrian can get safely from the hospital to the commercial. I mean they're going to want to walk down to Fiddlesticks, Canterbury Brook Inn, Woody's. Now there's a lot of draw down there, at least I hope so, that's going to bring in some of this commercial traffic. I want to make sure pedestrians can do it, that's all.

MR. EDSALL: The issue from the new traffic signal by CVS down to the traffic circle is a town issue that we're working with the town board on.

MR. KLOSKY: Okay.

MR. EDSALL: The report indicates that the signalized intersections have adequate capacity and Laurel is capable of handling the increased flow. From a percentage standpoint the additional trip generated from the cancer center is not significant to the background traffic and overall traffic in the area.

The parking issue as far as capacity has been an ongoing discussion that the Board is looking at the balance and access which we just discussed. The SWPPP is done, but obviously subject to adjustment based on the driveway access for Elm. Sewer main relocation, resolved that issue that we had raised a concern on.

Miscellaneous corrections, just two minor notations that need to be called out on the plan note. Comment two is a synopsis of a meeting I had with the fire chief because of the timing involved and the fact that they were working on the responses before the

plans or after the plans were submitted. I wanted, if possible, not to have any further delay in getting the issues on the table so I setup a meeting and went over all of these issues.

Site hydrants, although the hydrants were not addressed on the plans you have, we had a submittal made, we have reviewed it and that is fine. There was only one relocation of a hydrant, one is pointing right in a parking space. So moving that more facing toward the main entrance of the existing building, just rotating the hydrant around is a minor correction. And just making sure that those lines are in place and available for the construction phase in case there are any problems with the construction of the building.

The heli-pad, the chief's concern is one of size and location. The plan shows a 70-foot diameter allocation for the landing area, whereas STAT Flight had, is on record with the fire district saying they want 100-foot by 100-foot area. Especially that being for night landings and also spacing for utility poles, wires, lights and he has a concern about that. Obviously if they're going for FAA prerouting and approval and if that is something that's an obligation of the site plan and that takes it off the table or effectively out of the informal review between the fire district and hospital and it becomes an FAA issue. And if in fact the response doesn't become necessary once it's got that status, I don't know that if you made that a condition of approval to move forward on that and get it accomplished and if for some reason they have to change the layout just come back with an amendment to the pad, that may be the answer.

Clearly STAT Flight told them one thing and apparently the work session, I was out of town on, they said one thing and STAT Flight has told the fire district something completely different. We're not going to solve that tonight.

MR. BRODMERKEL: No.

MR. EDSALL: The solution being if they go to the FAA they have more control over helicopters and planes than all of us have. So that might just be the answer that we want to make as a condition of the site plan approval and get that certification. If you can't, you got to change something, come back with only that aspect. Just my suggestion.

Fire lanes, enforcement, the additional fire lanes that were requested in the front of the building and around the loop in front of the new cancer building are on the plan, supplemental plan that we discussed with the applicants. That's fine. Pat is just asking that the same courtesy for signage be given to the medical office building because they have had some problems. I'm not quite sure if the signs exist there or not, but apparently there's been a problem there.

MR. ROSS: It's been corrected.

MR. EDSALL: Last but not least he is looking just to make sure that the hospital and the police department, town police have an enforcement agreement so that the police have the ability to enforce the traffic or the fire lanes without the need for a complaint being filed. That way it just self-corrects itself. The same as Cornwall Plaza and other areas where fire lanes are created.

And the knox box issue, apparently the medical office building does have their own arrangement for access that isn't via the hospital security, that's why that was needed. If the cancer building is in fact under your direct control it will have hospital security. The knox box is not an issue. That will only be an issue if the format of operation changes. We seem to have come to some good impasse.

MR. BRODMERKEL: Leslie?

MS. DOTSON: Most of my comments have basically been superseded by Mark's comments and the fire chief's comments. The only, I mean obviously we can't say too much about the FAA certification. I just don't know how much time it would take to get the FAA certification, if that's anything you have --

MR. ROSS: It's something we do not have control over. Past experience, if anything we can start obviously construction, doing what we're doing. We will submit the FAA plans and we will get approval prior to opening up. But, you know, I can't control how long it takes the federal government to approve something.

MS. DOTSON: I wasn't sure if you had any experience.

MR. ROSS: We did. It takes several months. Everything we do is done along with STAT Flight and they know exactly what the FAA requires.

MR. EDSALL: It's very realistic if you pursue that you can have that before the building is opened up?

MR. ROSS: I would expect that. But I can't speak for the federal government. But it will be submitted as soon as possible.

MS. DOTSON: Okay. The only one comment I have is probably kind of obvious, but the proposed designated heli-pad obviously requires some changes to the landscape plan. Obviously it would involve for lower shrubs that would replace the small trees that had been proposed in that area. The trees basically were shifted closer to Elm Street. They weren't eliminated, they were just relocated. So just in case anyone is looking at that from that advantage point that's what happened to it.

Comment four has basically already been superseded by the comments with the board with respect to the traffic study and

the second access.

Comment five just notes that accommodations have been made for smokers and for routine cleanup of debris. I don't know if that's something that the board may want to have, you know, more formally address, just if that's something that, you know, to the extent if you're able to.

My question number six is just with a request to the revised parking layout, and this may change again in the future if you're going to be making additional changes to the plan, whether it affects the development coverage in any way because the figures in the zoning compliance table were the same, it just looked like they were slightly greater for the current layout.

Last question is that the board members may want to make some further consideration of the architectural details at least with regards to the railings and window trim that had been discussed previously. But I don't recall that any decision was reached. They resubmitted visual impact materials and they mentioned the letter from OPRHP, that puts to rest any concerns for visual impacts to Quaker meeting house. And we did concur with that agency's findings, but the record doesn't reflect any final decision on the railings and the window trim whether you want the soldier courses across the windows so all the windows matched or what. That's it.

MR. BRODMERKEL: Dominic, do you have anything you wish to add?

MR. CORDISCO: Yes. Regarding Leslie's issue number five, I think that the hospital has made an offer as to how they were going to address the issue regarding smoking and cleaning up. And I think that that is a fair offer but should be incorporated in terms of a note on the site plan. And as a result the building inspector would be happy to build it to ensure that they are in compliance with that obligation.

MR. BRODMERKEL: Are you in agreement with

the sidewalks?

MR. CORDISCO: The sidewalks have to be shown on the plan.

MR. WEBBER: They are.

MR. ROSS: They are on the plan.

MR. BRODMERKEL: Actually they won't be on the plan because if we agreed to sidewalks that aren't on this plan, they are on the overall hospital plan but they're not on this plan.

MR. EDSALL: It's part of the overall set.

MR. BRODMERKEL: Along Laurel that run passed --

MR. WEBBER: Look at the overall site plan and that's where it is.

MR. EDSALL: Overall site plan is part of it.

MR. ROSS: It shows sidewalks around the perimeter.

MR. BRODMERKEL: My mistake.

MR. CORDISCO: Mr. Brodmerkel, it seems from my perspective that the two major outstanding items at this point are the entrance or the exit along Elm and the heli-pad. The remaining issues seem to be fairly not minor, but at least cleanup issues that could easily be addressed.

MR. BRODMERKEL: Other than those two?

MR. CORDISCO: Other than those two.

MR. BRODMERKEL: Board, any desires?

MR. KLOSKY: I have some comments. I read through the stuff so I have some comments.

MR. BRODMERKEL: All right.

MR. KLOSKY: If you want to do that now.

MR. BRODMERKEL: Go right ahead.

MR. KLOSKY: Leslie, we came with, right across the street we came up with a developer's agreement with Mr. Danza at the time we did that project in order to cover many of these details, maintenance of the landscaping, you know, protecting the cover between the Quaker meeting house and the new facility. For instance, you know, replacement of landscaping, clearing.

Another thing that comes up is clearing of the new sidewalks, who's going to be responsible for that. Making sure that we take care of having some long term agreement about how we're going to collect cigarette butts and how we're going to police that difficulty that the residents were concerned about.

MS. DOTSON: Dominic had just suggested, if it's a good idea, if it's incorporated as a note in the site plan it's something that the building inspector can enforce. With respect to the maintenance of landscaping something that's shown on the plan is required to be part of the landscaping. So that, if it's there it's supposed to be there and it's supposed to be there effectively for all time.

MR. KLOSKY: Do the plans currently show an extent of clearing between them and the Quaker meeting house and a replacement plan in case any of the vegetation that's in that existing wooded screen, I mean it's gotten to be pretty thin.

MS. DOTSON: They are not doing any clearing in that area. The existing vegetation that's there is there. It's mature. I think the bigger question for potential disturbance of that is related to the previous building, the MOB. And that was all shown that they showed individual trees. That was really studied

very extensively.

MR. KLOSKY: I was just wondering if anything in the plans precludes them from cutting down any portion of that cover. I don't see anything that looked like a note or extent of clearing. Usually there's like an actual line that says extent of clearing. I mean I understand it's not their intent at this time to do anything like that, but is there anything in the plan which specifically precludes that?

MS. DOTSON: There's nothing that allows it, so therefore any vegetation that's not shown as going to be cleared is supposed to be retained. In fact, that's one of the things specifically that's very beneficial about your code because it not only allows but it encourages you to try to keep existing vegetation. It allows you to count that instead of requiring new vegetation to say let's have you leave it, so.

MR. KLOSKY: That's a good vegetative cover between the two buildings and one of the main things we are supposed to be looking at is visual impacts. So long as there's something in the code or in the plans that --

MR. EDSALL: Clearly their intent is not to clear that but you can affirmatively say that area is to be kept as a buffer which is what they told us. We could add a note.

MR. KLOSKY: I thought a note and a simple dash line showing extent of clearing on one of the sheets of plans would be a simple thing to do and certainly make me feel more comfortable about the hospital's --

MR. EDSALL: Similar to the buffer that you required on Quaker?

MR. KLOSKY: Right, exactly. Right across the street we had them show some dash lines.

MR. CORDISCO: By calling it out on the plans

gives the building inspector the ability to enforce that.

MR. KLOSKY: Okay. And in terms of the enforcement I'd certainly like to see some kind of letter or something indicating that there is an existing enforcement agreement between the town and the hospital so that we can keep these fire lanes clear. It's not -- I've heard some, the town police and the hospital, I have not seen that letter of agreement. We talked about that briefly last time.

MR. BRODMERKEL: It does not exist.

MR. KLOSKY: It does not exist at this time?

MR. BRODMERKEL: At this time.

MR. KLOSKY: So right now one of the outstanding issues then is fire prevention in the event that someone does park in the fire lane whose got the right to tow those cars out, ticket them and generally enforce that fire zone. That was Pat's concern, I share it. I'd like to see some sort of letter or something.

MR. EDSALL: I'm sure that Rob can communicate with the attorney's office and get something on the record.

MR. KLOSKY: Okay.

MS. DOTSON: Dominic said that that really has to be with the town.

MR. CORDISCO: It would be a town board function.

MS. DOTSON: Right.

MR. KLOSKY: I remain enthusiastic about some connection to Elm, but we will talk about that another time.

MR. GRABE: I'm not too happy about the

smoking on Elm Street. It seems like it's still the town's problem. You're putting ashtrays out on the sidewalk and people are coming home bringing groceries in their house, meanwhile somebody is across the street smoking looking at them. It's really an intrusion, I think, on the residents there by the hospital. Not putting a smoking area on their own property you are basically putting ashtrays on a public road.

MR. BRODMERKEL: Does the state law preclude or mandate the action that they're taking?

MR. CORDISCO: Sorry?

MR. BRODMERKEL: State law, how does that impact this smoking?

MR. CORDISCO: Not that I'm aware of, no.

MR. BRODMERKEL: Is there a minimum 100 feet away from an entrance of a building?

MR. CORDISCO: It's not an area that I'm familiar with unfortunately.

MR. BRODMERKEL: I'm fairly certain of it.

MR. KLOSKY: For a state facility?

MR. BRODMERKEL: Excuse me?

MR. KLOSKY: I don't know if that's for private facilities or state facilities.

MS. DOTSON: Public facilities. I think I remember something about it being public facilities.

MR. BRODMERKEL: Are you aware?

MR. ROSS: I'm not. Actually 50 feet from the building, but then you got an issue of where the building ends and where they smoke. That's been brought up.

MR. BRODMERKEL: Unless I'm wrong, I've been

told more than once it's 100 feet from the entrance of the building which would put us close to the road. So the state is forcing people to go out there and smoke.

MR. GRABE: People that live there I guess they're okay.

MR. BRODMERKEL: What's that?

MR. GRABE: I guess if you don't live there that's okay to look at.

MR. BRODMERKEL: I have a problem outside my store, the same kind of thing going on.

MR. ROSS: It's a state law and joint commission requirement which regulates our industry, regulates the hospital.

MR. GRABE: Well, that's okay. I was under the impression by a friend and neighbor since the residents are against smoking across the street --

MR. ROSS: I am not disagreeing. I don't have a solution. We are following the regulations that are placed upon us. I don't have a solution to the -- we proposed something that was unacceptable.

MR. GRABE: The other end of the parking lot in the back?

MR. ROSS: I understand what you are saying. The joint commission requires that we have a smoke free campus. Most campuses in the United States are going smoke free and I can show you article upon article. And what is happening, there is an example in Middletown of exactly the same thing that has been in the Times Herald Record. So what we're doing is not unique. Unfortunately, yes, it does impact.

MR. GRABE: It's not unique, but it's also not mandated by the state either, am I correct? In other words, everybody is

agreeing to it but it's not mandated that all facilities --

MR. ROSS: But the joint commission, which is the national regulatory body for hospitals, does require that, that you have smoke-free campuses.

MR. KLOSKY: That requires no smoking anywhere on the property?

MR. ROSS: Absolutely.

MR. KLOSKY: That's like an accreditation organization of hospitals?

MR. ROSS: Correct.

MR. KLOSKY: That's not a State of New York function or a town board function. It's not a regulatory requirement that we're bound by.

MR. VINSON: You're caught between a rock and hard place. He understands what you're saying. He doesn't have a solution and he's cognizant to what everyone is saying, but he doesn't have a solution.

MR. ROSS: As I said, I personally inspected since our last meeting to make sure my guys are cleaning up at those entrances. It has been cleaned, I've seen it personally. We put the receptacles there. I'm trying my best, I just don't have an answer for that because I have requirements in order to get accredited and we have to be accredited.

MR. BRODMERKEL: Anything further?

MR. GRABE: No.

MR. GOLD: I just want to reiterate that I'm very much in favor of finding a solution to access and egress from Elm but I can live with just egress. That's really the only thing I've got at this point.

MR. HAZIRJIAN: I concur. I think we're, I

mean I'm okay with getting at least one egress out of that parking lot. I think it will alleviate a lot of the problems. I think they've worked on everything else that we've asked them to work on. The FAA can do what they are going to do and if that's part of the accreditation process then I think we are in good shape.

MR. BRODMERKEL: I would ask that if we can't go with an access and egress off of Elm that we be told why.

MR. ROSS: Just for clarification, any other follow-up from the helicopter --

MR. EDSALL: There's going to be a note on the plan.

MR. ROSS: Per FAA requirements and approval.

MR. BRODMERKEL: If we go with that that will be a condition of the C of O.

MR. KLOSKY: That would be what route you can go. We can also require them to have it squared away before we go with the plan.

MR. EDSALL: I don't know that that's fair to the extent that they're going to have a stake in having the building open up. So it gives them a parallel tract.

MR. KLOSKY: But can we confine the helicopter to a particular portion of the site? I don't want to see it moved over right next to the neighbors on Laurel.

MR. EDSALL: The intent would be to have them pursue where it is shown on the plans.

MR. ROSS: The only question right now is the size of the plan for night landing, I think everything else is fine.

MR. EDSALL: If the routing is fine that the utility poles along Elm and the location of the two light poles in the parking lot

doesn't pose a problem for the route that they're going to come out to the site then and the size is fine, then they're all done.

MR. ROSS: The pilot reviewed all the lights and trees and everything is comparable with the plans.

MR. BRODMERKEL: I would feel confident that the FAA will do a good job.

MR. KLOSKY: I just don't want to see it pushed over --

MR. EDSALL: No. If they have to change the landing site at all they would have to come in with a revision to that portion of the site plan.

MR. CORDISCO: Correct.

MR. BRODMERKEL: Dominic, I want to revisit the smoking issue just for a second. And I understand that you can't smoke on campus, that's not my issue. Is there anything that we can put either as a note so that after this building is up, after they are done with the planning board and the town they are compelled to continue to maintain?

MR. CORDISCO: Yes. That's what I was driving at, in terms of placing that commitment as a note on the site plan, that gives the building inspector the ability to enforce it in case that it for whatever reason is not being followed.

MR. GOLD: Thank you.

MR. KLOSKY: Who would be responsible for snow removal on all of these sidewalks?

MR. ROSS: We are currently.

MR. KLOSKY: Even the walk along, I guess the walk all the way down to where it connects with Elm. But the town's clearing the rest of it?

MR. EDSALL: The town law does not require the property owners to clear sidewalks within the town right-of-way. That may change. A lot of municipalities have changed but Cornwall has not yet.

MR. KLOSKY: Okay. The architectural details that Leslie referred to, we haven't seen any change or movement on that either?

MS. DOTSON: No. But to be fair there didn't seem to be any clear direction with respect to the railings and the window trim. Those were the only two items that I saw that there was not any one specific direction from the board, just in looking at the minutes. So the question is did you want all of the window trims to match because with the second story of this it didn't have the soldier courses across the top.

MR. KLOSKY: It had like this weird case stone which is sort of floating.

MS. DOTSON: Just kind of floated without the soldier courses. So the question, you know, did you want the window trims to match? I mean I thought Led wanted it to.

MR. KLOSKY: I think I said in the last couple of minutes I wanted the railings and window trims to match, but I don't know if anybody else feels the same way about them.

MR. BRODMERKEL: Does the board wish to take any action?

MR. HAZIRJIAN: Where are we now, are we ready to --

MR. BRODMERKEL: Dominic, what action?

MR. CORDISCO: Well, the board could authorize preparation and resolutions for next month's meeting. And the conditions would be as we discussed tonight and the revisions to the plans, but it would also be

a conditional approval in the sense that the two outstanding engineering items of course would be the heli-pad and the Elm Street entrance or exit.

MR. BRODMERKEL: If I would understand, anybody disagree, the heli-pad if we put in that they're seeking FAA approval and that becomes part of the requirements that would take that out of our hands pretty much.

MS. DOTSON: No, no, it wouldn't.

MR. CORDISCO: To some extent it would. Certainly they would have to get it approved by the FAA, but if they were to, for whatever reason, if the FAA was not going to approve it at that location they would have to come back to this board for a site plan amendment.

MR. BRODMERKEL: Okay.

MR. CORDISCO: So you still have it?

MR. BRODMERKEL: That's still good.

MR. CORDISCO: Yes.

MR. BRODMERKEL: The other thing, if we authorized resolution preparation then we would still have to work out the understanding on Elm Street?

MR. CORDISCO: Yes, yes, that's the other outstanding item. I think they've got some more work to do.

MR. EDSALL: Let's assume for the moment that magic can be accomplished and a 20-foot wide access lane squeezed between the sand filter and the subsurface elements.

MR. BRODMERKEL: I have faith in my engineering buddies.

MR. EDSALL: Well, would there then be any need for, if the notes are, all the notes we've discussed are read into the plans, is

there any other requirement for them to come back to show you anything if they fit everything on the plans?

MR. BRODMERKEL: Me personally, I'd like to see it before I approved.

MR. GOLD: I agree with Kenn.

MR. EDSALL: If you get it on do you want them to come back and merely show you a 20-foot wide drawing?

MR. BRODMERKEL: Would the board like to authorize preparation of resolutions, that way if things work out next month we can just go ahead?

MR. GOLD: I'm okay with that.

MR. BRODMERKEL: Can I have a motion?

MR. HAZIRJIAN: So moved.

MR. BRODMERKEL: Seconded?

MR. GRABE: Second.

MR. BRODMERKEL: Any discussion?

MR. KLOSKY: I'd like to see the enforcement agreement completed before we move forward myself.

MS. DOTSON: Before the approval or before the C of O because, again, it may take some time to work out the legal details.

MR. VINSON: Parking enforcement.

MR. KLOSKY: Because it's currently a problem.

MS. DOTSON: Understood, but what I'm saying is that that can be, that's part of the resolution, it can be before, similar to the FAA.

MR. KLOSKY: Okay, good, so we can include the enforcement agreement along with the FAA thing as a condition of granting C of O.

MR. CORDISCO: To some extent. You can require them to seek it, you know. This is what -- it's a completely discretionary function. The town board may so no, we don't want to enforce that or the town police, we don't want to enforce it. And as a result you would hold them up forever because of the condition that they could never satisfy.

MR. BRODMERKEL: The town has indicated they do want to?

MR. CORDISCO: That's correct. I think it's really a question of the wording, but.

MR. KLOSKY: Can the wording state they have to figure out an enforcement plan if they can't?

MR. EDSALL: They have to make the offer.

MR. KLOSKY: If they can't get an enforcement plan with the town they have to come to us to get an enforcement plan we can agree to.

MR. EDSALL: You can't write traffic tickets. If the town police don't offer, that's the end of it, that's the bottom line.

MR. KLOSKY: They can't tow? I mean it's their property.

MR. EDSALL: Still it goes back to where they are now, they can still call up and file a complaint with the police and the police comes anyway.

MR. ROSS: And they do and we tow. But we need to formalize an agreement.

MR. EDSALL: There doesn't have to be a complaint made, the police have the right to come on the property and write a ticket or tow, whatever is appropriate. What you got

now is one step below that.

MR. CORDISCO: We can require that they pursue that.

MR. ROSS: Just for the record we actually call. We see a violation, we'll call the police and say look, there is a violation on our campus, can you please helps us and they do very actively protect, but that's fine.

MR. EDSALL: The difficulty, you don't plan accidents, you don't plan fires. So if they just don't happen to be looking out the window the police have the opportunity to correct the situation.

MR. ROSS: We'll make that request.

MR. BRODMERKEL: Other discussion? Take a vote. All in favor?

MR. HAZIRJIAN: AYE.
MR. GOLD: AYE.
MR. GRABE: AYE.
MR. KLOSKY: AYE.
MR. BRODMERKEL: AYE.

MR. BRODMERKEL: Opposed? None.
Dominic, prepare a resolution for next month.

MR. CORDISCO: We will do that.

OTTER BROOK SECTION III 1999-15

MR. BRODMERKEL: Otter Brook.

MR. RIEGER: Hello, my name is Steven Rieger. I'm here on behalf of Rieger Homes. My brother, Ian, is here as well. The Otter Brook subdivision, it's a two lot subdivision. You'll probably recall, but it is the little central piece. The rest of the subdivision has been completed. At one time it had preliminary approval for three lots, we are now seeking two lots. The zoning has changed and we have a variance to bring the two lots in compliance with the overall area. Everything else we're completely in compliance with.

The last time we were here we had a public hearing and since then we've met with your consultants and two issues appear to have required being dealt with. One is with regard to the septic systems. We were under the impression that it was acceptable for the town engineer to review the perc tests and improve the septic systems. The health department has advised us that they retain jurisdiction from the original Otter Brook subdivision 20 years ago. And so once we receive preliminary approval we'll go to the health department for the septic approvals.

And the other thing is we have made a slight revision on the plans and in reaction to Leslie's last comment on lot two we're showing the house precisely where we propose it and we have small wetland disturbance. The wetland is an isolated nonjurisdictional wetland. It is proposed to disturb approximately 700 square feet, so it's a very small disturbance. It makes the lot a much better lot. And we've been advised by Dominic and confirmed with their consultants that due to new Army Corps regulations effective this year while there's no permit, specific permit requirement there is a notification process which has to be followed and of course the Army Corps could react to it with additional requirements. So, we anticipate completing that process with Army Corps prior to, prior to receiving final approval.

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MR. BRODMERKEL: Leslie?

MS. DOTSON: Just to pick up on what was just explained to you, they did prepare an erosion control plan that they are proposing to build the house on a specific location. They show a silt fence at the edge of disturbance. My only comment was that the silt fence was shown actually extending over into the edge of the wetland it's adjacent to and it's supposed to be protecting. And because the placement of the silt fence, if it's properly done, actually involves some physical disturbance, because I have to actually look at it, it seems like an avoidable disturbance. I am just suggesting that that shift a little bit so it goes specifically in the upland side of the larger wetland area, too. That shouldn't create a problem. It doesn't seem to affect your grading any. It's just a few feet shift.

My only concern was that possibly this larger wetland may not be isolated but may connect to the ditch and then to the stream. So it would be an environmentally preferable thing for them to do just to make sure that their silt fence was just shifted way out of that wetland.

Public hearing has been closed. Did I hear you mention that you received comments from the Orange County Planning Department on this?

MR. BRODMERKEL: Excuse me?

MS. DOTSON: Did you receive comments from the Orange County Planning Department on this?

MR. CORDISCO: You mentioned during the correspondence session. We do not have that comment.

MS. DOTSON: If that's relevant. Typically we could refer to that although frankly their 30 day time period long since expired.

Brothers Barbecue responded before we took action I thought. In any case, you have

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not received comments from the Orange County Planning Department, you can act because their referral time has expired. They fixed their zoning table. They referred the area variance for each lot, they did what we requested and we have to defer to the health department.

MR. BRODMERKEL: Mr. Edsall?

MR. EDSALL: First I'll deal very quickly with the Carbury letter, that was a complaint that was received by the town highway department and the town board. But the same issue was raised as part of your deliberations at the planning board level. It was an allegation that the development of this site may in fact make this drainage problem or drainage problem these people believe is being caused by the town worse. I reviewed a report prepared by a licensed engineer and in short relative to your deliberations I don't believe that their application will have any impact whatsoever on whatever drainage conditions may be existing over on the far side of Brook Hollow in the area of the Carbury residence.

Relative to the application for Otter Brook, three, the applicant is required to go back to the health department because it is a resubdivision of a lands that were previously reviewed by the Orange County Department of Health. So I suggest that you proceed with a neg dec and preliminary approval so they can move on and get that approval. That's it for tonight.

MR. CORDISCO: I prepared resolutions, one resolution adopting the negative declaration which Leslie prepared. And also a resolution granting preliminary subdivision approval.

MR. BRODMERKEL: Led?

MR. KLOSKY: On the engineer's assertion about the drainage conditions, which was my sole concern, I feel completely comfortable adopting the resolutions.

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MR. BRODMERKEL: Bill?

MR. GRABE: No.

MR. GOLD: Good.

MR. BRODMERKEL: Deke?

MR. HAZIRJIAN: Mark, the Carbury letter?

MR. EDSALL: Yes.

MR. HAZIRJIAN: So essentially what's being alleged here is really not accurate, there is no water issue in terms of a leak?

MR. EDSALL: This has been an ongoing issue with the Carburys. There's a major drainage course that runs behind their, Rieger's property and runs down, crosses Brook Hollow. In fact, a large diameter culvert. And then in turns, goes, I guess it's to the east side of the Carbury residence. There has been some settlement on their property which clearly has, everything I've seen, is nothing to do with any drainage other than what's occurring on their own property. There is some settlement that's occurring over the culvert crossing Brook Hollow, but that's a town maintenance issue. When did you build this culvert, about 20 years ago?

MR. IAN RIEGER: It predates our involvement in that subdivision.

MR. EDSALL: That's right. This is probably two developers ago if not three. But it's, it was probably late 80's. And there's some settlement and some maintenance and the highway department is aware of it and it will be taken care of. But the report basically shows pictures of puddling on the road and some water that's not making its way into catch basins. And I find it absolutely hard to believe that their subdivision has anything to do with that.

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MR. HAZIRJIAN: Okay.

MR. BRODMERKEL: Not an issue we should be involved with.

MR. EDSALL: It's a town maintenance issue and Mr. Conley is aware of it.

MR. BRODMERKEL: Okay.

MR. HAZIRJIAN: Thank you.

MR. BRODMERKEL: We have two motions. The first one could be --

MR. KLOSKY: We adopt the negative declaration for the Otter Brook subdivision.

MR. GOLD: Second.

MR. BRODMERKEL: There's been a motion and seconded. Any discussion? All in favor?

MR. HAZIRJIAN: AYE.
MR. GOLD: AYE.
MR. GRABE: AYE.
MR. KLOSKY: AYE.
MR. BRODMERKEL: AYE.

MR. BRODMERKEL: Opposed? All in favor.
The second would be grant preliminary subdivision approval.

MR. GOLD: So moved.

MR. BRODMERKEL: Do I have a second?

MR. GRABE: Second.

MR. BRODMERKEL: Any discussion? All in favor?

MR. HAZIRJIAN: AYE.
MR. GOLD: AYE.
MR. GRABE: AYE.
MR. KLOSKY: AYE.
MR. BRODMERKEL: AYE.

MR. BRODMERKEL: Opposed? None.

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MR. BRODMERKEL: We are waiting to hear from Mr. Loeb or are you going to cover that?

MR. CORDISCO: I would be happy to cover that. At this point my understanding is that the town board has introduced a proposed local law that would amend the zoning map to change the zoning designation from the, excuse me, on the far side of Laurel Avenue which was rezoned in 2005 from residential to general commercial. The proposed new local law would be to rezone it back to residential seeing that that area is currently entirely residential, as I understand it. The town board has referred this introductory local law to the planning board for its report. The planning board could consider adoption of a report tonight and send it back to the town board. The town board, I believe, has scheduled a public hearing on December 10th, at which time they could take action.

MR. BRODMERKEL: Do the board members have comments?

MR. KLOSKY: I'd only like to see us amend item C of the proposed report as presented by Mr. Cordisco.

MR. BRODMERKEL: Similar wording to what we had discussed?

MR. KLOSKY: I'd like the wording simply to read that while the board acknowledges that the long term purpose of this, that in the long term this zone will likely receive some commercial development. There's no inconsistency between the proposed zoning change under the existing, and the existing master plan.

MR. BRODMERKEL: Bill?

MR. GRABE: Nothing.

MR. BRODMERKEL: Wynn?

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MR. GOLD: I'm okay with that.

MR. BRODMERKEL: Deke?

MR. HAZIRJIAN: I am okay with that wording. It may be premature, I agree. I don't know whether the town board is making their decision, you know, late or too soon, but I think that it's just a matter of when you're going to see commercial development of some kind on that plan.

MR. KLOSKY: That's even desirable probably in the long term.

MR. HAZIRJIAN: Well, if medical offices is considered commercial it might be.

MR. CORDISCO: Could you reread that to me?

MR. BRODMERKEL: The discussion that Mr. Novesky and I had on the phone regarding this both of us wanted to mention that when the board was asked to review the zoning changes last year --

MR. CORDISCO: 2005.

MR. BRODMERKEL: Excuse me, a couple of years ago, we did and the changes or the zoning as it stands now was in there. There was a map included that did show that. And both he and I felt that those changes were a good idea and they should be the way they are. That being said, the town board has the right to change that if they wish and we would obviously go along with whatever they would like to do.

MR. CORDISCO: If you could repeat the change, I will make that change and then the board could authorize the chairman to sign the report.

MR. KLOSKY: My change was that while the planning board believes that the long term use of this property will likely be commercial that time may not yet be right and

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there is no inconsistency between the change proposed by the town board and the master plan.

MR. BRODMERKEL: The last item, approval of minutes.

MR. CORDISCO: You would need a motion and you would need a motion to adopt that.

MR. BRODMERKEL: I'm sorry, could we have a motion?

MR. GOLD: So moved.

MR. HAZIRJIAN: Second.

MR. CORDISCO: There is a motion to adopt the report as amended.

MR. GOLD: Made.

MR. HAZIRJIAN: Second.

MR. BRODMERKEL: All in favor?

MR. HAZIRJIAN: AYE.
MR. GOLD: AYE.
MR. GRABE: AYE.
MR. KLOSKY: AYE.
MR. BRODMERKEL: AYE.

MR. BRODMERKEL: Opposed? None.

Any other motion we need to cover that point?

MR. CORDISCO: No, sir.

MR. BRODMERKEL: I'd like a motion to approve the minutes.

MR. KLOSKY: So moved.

MR. BRODMERKEL: Second?

MR. GOLD: Second.

MR. BRODMERKEL: All in favor?

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MR. HAZIRJIAN: AYE.
MR. GOLD: AYE.
MR. GRABE: AYE.
MR. KLOSKY: AYE.
MR. BRODMERKEL: AYE.

MR. BRODMERKEL: Opposed? None.
I would like to entertain a motion to adjourn?

MR. GOLD: So moved.

MR. HAZIRJIAN: Second.

MR. BRODMERKEL: All in favor?

MR. HAZIRJIAN: AYE.
MR. GOLD: AYE.
MR. GRABE: AYE.
MR. KLOSKY: AYE.
MR. BRODMERKEL: AYE.
* * *

C E R T I F I C A T I O N

THE FOREGOING IS CERTIFIED
to be a true and correct transcription of the
original stenographic minutes to the best of my
ability.

Roberta O'Rourke