

October 5, 2009

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TOWN OF CORNWALL

PLANNING BOARD

OCTOBER 5, 2009

MEMBERS PRESENT: NEIL NOVESKY, CHAIRMAN  
WYNN GOLD  
LED KLOSKY  
WILLIAM GRABE  
HELEN BUNT  
MICHAEL LOBLANCO

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 \_\_\_\_\_

MR. NOVESKY: I'd like to call to order the October 5,  
2008 meeting of the Cornwall Planning Board. All  
present but for Kenn Brodmerkel who's in abstentia on  
the river, the Rhine River that would be.

APPROVAL\_OF\_MINUTES\_DATED\_8/3/09 \_\_\_\_\_

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MR. NOVESKY: Approval of the minutes, we do have the August minutes I believe that we have not yet voted on approval.

MR. KLOSKY: Move we adopt.

MR. GOLD: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. LOBLANCO	AYE
MR. GRABE	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. NOVESKY	AYE

RESOLUTIONS

CORNWALL\_CANCER\_CENTER

MR. NOVESKY: We have a couple resolutions which we'll handle as we complete the related material. However, we have one Cornwall Cancer Center that's the one that we'd be voting on first on the resolutions.

MR. CORDISCO: For the amendment for the signage for the Cancer Center, correct.

MR. NOVESKY: Does everybody understand what the resolution is? How come I don't have it?

MS. DOTSON: It's for the entire site.

MR. NOVESKY: Would that be the proposed site and directional directory signs? Yes, here it is.

MR. EDSALL: Yes.

MR. NOVESKY: Okay, we asked Dominic to prepare these

resolutions two months ago I believe, right?

MR. CORDISCO: That's correct.

MR. NOVESKY: Does anybody have any comments or discussion? I'll take a motion.

MR. GOLD: So moved.

MR. LOBLANCO: Second it.

MR. CORDISCO: A motion to adopt negative declaration.

MR. NOVESKY: With that, any discussion? All in favor?

ROLL CALL

MR. KLOSKY	AYE
MR. LOBLANCO	AYE
MR. GRABE	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. NOVESKY	AYE

MR. NOVESKY: Second resolution granting site plan approval. Do I have a motion?

MS. BUNT: So moved.

MR. LOBLANCO: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. LOBLANCO	AYE
MR. GRABE	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. NOVESKY	AYE

PUBLIC\_HEARINGS: \_\_\_\_\_

BRETT\_WELLS/PHYSICAL\_THERAPY\_OFFICE\_#2009-11 \_\_\_\_\_

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MR. NOVESKY: With that we have scheduled tonight three public hearings, first is Brett Wells with the office. Brett, are you here?

MR. WELLS: Yes.

MR. NOVESKY: If you will just give a very, very brief explanation of your proposal and we'll ask the public to come forth if there's any comments and if you come forth public, just give your name and your address and keep your comments to about three minutes if you can. Thank you.

MR. WELLS: Brett Wells, 111 Main Street, Cornwall looking to convert residential building into a physical therapy office proposed about a month ago, any changes which are none to the building itself exterior wise.

MR. NOVESKY: Thank you, Brett. Any public comments? Hearing none, I will have a motion to close the public hearing.

MS. BUNT: So moved.

MR. LOBLANCO: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. LOBLANCO	AYE
MR. GRABE	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. NOVESKY	AYE

MR. KLOSKY: Seems a simple action.

MR. NOVESKY: So we can consider a resolution of which I happen to have in hand, I have a resolution adopting negative dec for the project.

MR. KLOSKY: Move we adopt.

MR. GOLD: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. LOBLANCO	AYE
MR. GRABE	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. NOVESKY	AYE

MR. NOVESKY: I have a resolution granting site plan approval.

MS. BUNT: So moved.

MR. LOBLANCO: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. LOBLANCO	AYE
MR. GRABE	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. NOVESKY	AYE

MR. CORDISCO: Just so the record is clear that's not only site plan but special use permit as well.

ARK\_OF\_LEARNING\_#2009-06 \_\_\_\_\_

MR. NOVESKY: Ark of Learning.

MR. MANAVALOS: Good evening, I'm Peter Manavelos representing the Ark of Learning. We have an existing building off of Route 32 in Cornwall that was once the Mountainville LaGrange Lodge in the form of the Masonic Temple being converted into a daycare center. Phase 1 will include first floor to have an infant room, toddlers' room, pre-school room and administrative offices on the second floor and Phase 2 of the project we'll be adding two after-school rooms on the second floor which at that time we'll be submitting a revised construction document sent to the building department to meet building code compliance. We presently have received seven ZBA variances, we're in a planned industrial office zone and a group H daycare use group.

MR. NOVESKY: Okay, any member of the general public wishing to make a comment on this project? Seeing nor hearing none, I'll take a motion to close the public hearing.

MR. GOLD: So moved.

MR. LOBLANCO: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. LOBLANCO	AYE
MR. GRABE	AYE
MR. GOLD	AYE
MS. BUNT	ABSTAIN
MR. NOVESKY	AYE

MR. NOVESKY: Okay, with that, I will turn to the consultants since we do have a potential of a resolution tonight. Leslie, do you have any comments?

MS. DOTSON: I just have one little one, there's a small correction that needs to be made on sheet one just to correct the table to indicate that the variance was granted for lot width just because that's how the Zoning Board actually handled it, that way it's consistent. I'm happy with the luminaries, the lighting fixtures that he's shown I think are very consistent, they are dark sky compliant avoiding creating glare. I had a problem, I thought that the engineer would also have a concern with garbage enclosure, Mark's addressed that further so I'll let him speak to that. And I have created a negative declaration because that was authorized by the board again, I can speak to that later if anyone wants to.

MR. NOVESKY: Thank you, Leslie. Mark?

MR. EDSALL: I did comment on the waste enclosure area, it seemed to be in somewhat of an inconvenient location for vehicle access. Since the comments were distributed last month, we have had conversations they indicated that they are not proposing a dumpster, they in fact want to have a, they want to walk out, put it in the cans and then they'll physically transport the cans out for pickup when the garbage pickup days are. So again, my concern was valid for a different type of use but the way they are explaining it it just puts the burden on them to carry the cans. So I have no real concern once they explain what they are intending.

MR. VINSON: Does that mean they cannot do a dumpster?

MR. EDSALL: If they have a dumpster they would have to put a, some type of an access to this enclosure but as they propose it, they don't expect to have a whole lot of cans and just like you do at a residence, just take them out to the pickup area.

MR. VINSON: That's how the building department

understands it, no dumpster unless you return to this board, that's how we understand it.

MR. MANAVALOS: That's fine.

MR. EDSALL: Second comment they need to submit the site improvement bond estimate required by the code, not one of the comments but there have been, I received comment back regarding traffic flow on the site and discussed that as the board deems appropriate.

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

MR. CORDISCO: None at the time other than we have prepared the resolutions as requested by the board.

MR. NOVESKY: Then I will turn to the board, Led, do you have anything else?

MR. KLOSKY: I remain very concerned about the safety of entrance and exit to the site and believe that the north side entrance should be a one way entrance from Route 32 and that the right-hand exit should be a one way exit from Route 32. I'm concerned specifically given the speed of traffic through that section that you could end up with either a double left from both the north and south or a right from the north while you're getting left from the south and if one, either one of those drivers were to misjudge you'd end up with a potentially fatal accident at that location given the speeds involved and so I mentioned this once earlier in the process and I remain concerned about it. Mark, I certainly defer to your opinion on this matter but I remain concerned about it.

MR. EDSALL: I have been thinking about it a bit since we talked. One of the things that you could do is to make it a condition of approval that they apply to the DOT to make the northerly curb cut entrance only with

whatever curb modifications DOT wants, whatever signage DOT wants and we can impose our normal standard for the one way signs that the town prefers with the traffic exiting out on the existing drive to the south which I think that has a better sight distance for exiting if I recall the sight correctly which would address Mr. Klosky's concerns. If you made that a condition that they have to apply and get an answer back within so many days if the DOT denies then that curb cut change your approval's valid because ultimately the decision is DOT's on what curb cut they'll allow and what signs they'll allow. If the DOT says that was a great suggestion they'll have to get a permit and make that change and you could give them six months or something to get it approved and constructed or unless they came back and said the DOT won't that will address the ability for them to pursue it while they're making building renovations. Doesn't slow them up and throws the ball as it may be to DOT to determine if that's an appropriate agreement.

MR. NOVESKY: Led, does that satisfy your concerns?

MR. KLOSKY: I'm intrigued by a double entrance into the site. My concern is if you have a double exit, if there's two persons trying to exit the site simultaneously that this will be potential interference.

MR. EDSALL: This will make all the entrances on the northerly curb cut directly off 32 and exiting through the shared driveway which they have a right-of-way over to the south, I tend to think that it might be a great suggestion to make along with it.

MR. KLOSKY: I think northbounders on Route 32 would be unlikely to proceed through the northerly entrance, they would be likely to make the left in at that existing.

MR. EDSALL: They can still come in that way.

MR. KLOSKY: Okay.

MR. CORDISCO: If the board is inclined to adopt Mr. Edsall's recommendation in that regard, what I would like to have the opportunity to do is actually change the resolution that you have before you tonight to incorporate that specific language regarding that condition because it's not, obviously it's not in there now. So if you're considering adopting resolutions tonight what I would suggest that you do would be to make your motions, pass them and authorize the chairman to sign the amended resolution that would include that particular condition.

MR. NOVESKY: Okay, let's see how the rest of the board feels. Mike?

MR. LOBLANCO: I feel fine with it, I have the same concerns as he does with the traffic, as a firefighter who's been out there many, many times for car accidents and whatnot so I happen to agree.

MR. GRABE: I'd go along with that.

MR. GOLD: Led said everything that I was thinking about this so I'm all set.

MS. BUNT: I will abstain.

MR. EDSALL: If you conclude from that resolution authorizing our office to write to DOT and express specific concerns and recommendations that would be included in your approval as a condition, I will do so.

MR. MANAVALOS: If I understand it correctly, DOT doesn't respond in a certain amount of time the traffic flow will remain the way it is, two way traffic?

MR. EDSALL: I didn't say that, I said you have to get a response from DOT within a certain amount of time. If you fail to, you have to come back and you have an extension for that restriction. But I will, I think when the town writes the letter we'll be likely to get a response.

MR. CORDISCO: Right, but if the DOT is nonresponsive or if DOT rejects the idea because they're going to have authority over it then the scenario would be you'd return to the board, advise them and the board would take whatever action they may take at that point.

MR. NOVESKY: My understanding was that what Mark said if the DOT rejects the idea then we have--

MR. EDSALL: Either way, either have them come back or just say well, we have expressed our concerns, tried to help DOT in making a safer access and they did not want it and your approval is now valid.

MR. NOVESKY: By default?

MR. EDSALL: Right.

MR. KLOSKY: I'm satisfied if the DOT says that the safer mode of operation is not one that they would propose that's there cause on state highways that's what Mark's saying.

MR. EDSALL: Yes, I think they'll agree with your suggestion personally.

MR. NOVESKY: Okay, and you understand what the--

MR. MANAVALOS: Yes.

MR. NOVESKY: With that, do you want to consider with Miss Bunt abstaining?

MS. BUNT: I'm abstaining.

MR. NOVESKY: Take a motion to approve based on the conditions.

MR. LOBLANCO: So moved.

MR. GOLD: Second it.

MR. CORDISCO: It would be a motion to adopt a negative declaration.

MR. NOVESKY: First motion adopt negative dec.

MR. LOBLANCO: Yes.

MR. GOLD: Second it.

MR. NOVESKY: Dominic, I will sign both, I will be authorized to sign both?

MR. CORDISCO: You can actually sign the negative dec one now because there will be no changes to that, it will be for the site plan approval resolution.

MR. NOVESKY: With that, hold on one second, motion and second in favor.

ROLL CALL

MR. KLOSKY	AYE
MR. LOBLANCO	AYE
MR. GRABE	AYE
MR. GOLD	AYE
MS. BUNT	ABSTAIN
MR. NOVESKY	AYE

MR. CORDISCO: For the adoption of the site plan approval.

MR. NOVESKY: For the, no, that was for the negative dec, now the site plan approval you'll forward to me.

MR. LOBLANCO: So moved.

MR. GOLD: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. LOBLANCO	AYE
MR. GRABE	AYE
MR. GOLD	AYE
MS. BUNT	ABSTAIN
MR. NOVESKY	AYE

MR. MANAVALOS: So the client can pursue with the renovations and then if as we get a response from DOT we'll come back before the planning board.

MR. CORDISCO: Correct, you have to satisfy the conditions of the resolution including submission of the bond estimate, whatever other items that you have, cleanup items on the plan, but that's correct, they can pursue renovations and pursue the DOT decision at the same time.

MR. KLOSKY: Would not require their return to the board if the DOT accepts the recommendation for the curb cut?

MR. CORDISCO: It would not, correct.

NEW\_YORK\_MILITARY\_ACADEMY\_#2009-04\_&\_2009-07

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MR. NOVESKY: Public hearing for the New York Military Academy and I'm recusing myself from the discussion due to my relationship with NYMA and Mr. Klosky will take over.

(Whereupon, Mr. Novesky stepped down from the board for this proposal.)

Mr. Raymond Yannone appeared before the board for this proposal.

MR. KLOSKY: We have pending a public hearing for the New York Military Academy's proposed subdivision.

MR. YANNONE: Ray Yannone and I'm working with New York Military Academy on the subdivision. Basically, the current conditions that we have on the site are we have a single-family house on the very small lot is there, we have another single-family house both used by New York Military Academy on a large parcel and then we have the building known as Donaldson Lodge on two smaller parcels. Currently, there's a private drive that accesses both houses and Donaldson Lodge. There's a paved area that's used for parking for Donaldson Lodge for school functions and various events. What we're proposing is the subdivision is of what is listed as lot 4 on page 2 into three parcels. In that process, we're going to increase the size of lot 3 and add some additional lands to the Donaldson Lodge property. When we made the application, it was brought to our attention that Donaldson Lodge is considered a commercial building and would require a separate site plan so I have been working with the Military Academy trying to come up with a reasonable site plan for a site that's this limited in size. So we did make application to the zoning board for several variances that were granted and we have been developing, I'll go to the last page first, talk about Donaldson Lodge. I

guess we have maximized the usable space that we had and again increased the size, we merged the two lots together and increased the lots by taking some of the lot 4 property to increase the area, met with the Department of Transportation to discuss the curb cut location and we have been working on developing a reasonable drainage plan for the site cause there's some existing water problems that are there. What we did is we have two dry wells at the entrance with a rip-rap inlet on the lower side, an equalization pipe between, we're paving to the end of Donaldson Lodge and then using gravel in the rear for basically overflow parking to accommodate 16 vehicles. Although the private road has been used for parking, there really was no parking at all on this parcel for Donaldson Lodge. In addition to the two dry wells at the entrance, there's a third in the rear corner of the property with another rip-rap inlet to try to take in some of the runoff and also the sump drain from the basement which has been just pumping out into the street and into some of the neighbors' yards will be routed into that as well. There will be some landscaping along the property line between the what will become the private road which is now the driveway and on the opposite side there will be a fence along the property line between the Jones' property and Donaldson Lodge. Again, we tried to make the best of what we have here to work with and it's been a difficult site, it's been very tight, very small. Going back to the subdivision, some changes were made to the drainage here as well two dry wells were added at the entrance of the driveway which will become the private road, some grading changes, a curb was added on the one side of the drive to bring the water, right now there's one water line servicing both houses, we're going to obviously split those one for each house. We also found in our I guess diligence there was two water lines, existing water lines passing through Donaldson Lodge property that will be granting easements to our neighbors to the rear for access. The two houses that

are existing will remain basically the same, just clean them up. We're going to access them through the existing drive that's there now through the rear, the lot 1 and lot 2 houses will be located, lot 2 will be facing Route 218, the driveway will come in from the cul-de-sac and garage from the side, the lot 1 house will be facing the cul-de-sac. It's pretty heavily wooded around the perimeter and I don't believe you'll see lot 1 house unless you pull into the drive and lot 2 should be visible from 218. But again, there's a considerable tree line that we're going to leave along 218. Again, we're going to probably leave the wooded area along the rear property line as well try to give the houses some privacy. I think that's it. Unfortunately, Mr. DeKay couldn't be here this evening, he had bypass surgery last week, it wasn't expected so he will be out for a few weeks. So I hope I addressed the concerns that you had at the workshop. I'm not sure if I missed anything or not.

MR. KLOSKY: Any member of the public wishing to make comment, please come forward, state your name. Seeing none, I will take a motion to close the public hearing.

MR. GOLD: So moved.

MR. LOBLANCO: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. LOBLANCO	AYE
MR. GRABE	AYE
MR. GOLD	AYE
MS. BUNT	AYE

MR. KLOSKY: Public hearing is closed. I'll go to the consultants' comments. Mark, do you want to start?

MR. EDSALL: Sure, I'll try not to repeat Ray's

presentation. I think he touched on the highlights. My concerns over the last several months have been drainage. We finally worked out what would be probably the only available solution there, there's no piping on 218 for the subdivision and site plan, they are proposing a couple dry well seepage pits which should have inlet tops, some corrections that didn't make it to the plan, but the concept there is there's no place for the water to go, rather than contain on site, they are heading in the correct direction with the corrections I noted in my comments, I think they are there, I don't know any other way to do it. So I would hesitate to say that there's another solution. First for the subdivision I will just let you know that I did refer to Bob June for water, he got back to me verbally saying that they had marked out the services, he was aware of the shared service and agreed that the board had that being separated so there's an individual service for each lot and residence and also Donaldson has its own. DOT, it was referred, I'm not aware of any comments on the subdivision. The road maintenance declaration needs to be submitted to our attorney, there needs to be a private road completion guarantee and on the final plan whatever name and numbering Gary agrees with the applicant should be shown. Jumping to the site plan again the same approach with drainage and I don't know any other way for them to do it, I agree with them using gravel for the rear most parking mainly because we've heard a lot of concerns about drainage and using the wheel stops and the gravel parking should mitigate some of the runoff to the neighbors and I think this is one of those cases where you could waive the formal requirement for pavement knowing that it's an existing building that had limited parking previously. Same with Mr. June relative to DOT, they did comment back about the crosswalk, they quite didn't agree and denied the request so it will have to continue the way it is. The seventh comment is one we have talked about all along and we have spoken at the workshop, we need to make sure whatever declaration

needs to be filed or recorded that would note that this is in fact not a separate freestanding use, that it's dependent upon the NYMA parent parcel for its existence, that has to be doublechecked and I would appreciate an opportunity to review it. Last but not least there's a timing issue that we need to make sure that the parking lot for Donaldson Hall is constructed either before the lands are conveyed or they have to agree not to use Donaldson until the parking lot's built because there's that unfortunate condition if they convey the private road and access there will be no place to park for Donaldson at all and if they use it with no parking that's going to create a bit of a problem, people will park on the highway at that point. So you may want to ask them to agree or make a map note that says they can't use Donaldson if they convey the subdivision property they can't use Donaldson until the parking lot's completed.

MR. KLOSKY: We can ask them not to convey the property until the parking lot's completed.

MR. EDSALL: Correct, they have to have parking one way or another as long as they have parking there's no issue.

MR. KLOSKY: Once the parking improvements are made then the de facto subdivision of the purchaser--

MR. EDSALL: Or if they create a temporary easement that while the other improvements are being constructed they still have a reserved area for parking. I really don't care how they do it, I just suggest that you make sure there's some place for them to park during the situation.

MR. YANNONE: What we were going to propose because it is October, November we're really, NYMA was hoping to transfer this property as soon as possible and in all likelihood we're not going to be getting curb cut

permits and cut a curb cut in December, January, February, we were going to propose and for the board's consideration if and if it required maybe a bond in addition to we'd like to do all of the site improvements at least curb cut including the drainage and maybe create a temporary access drive while this construction is going on because we have to do a lot of things here as well and then in the spring as soon as it will be reasonable to get the permits and curb cut we can create the new entrance for Donaldson lodge but see that's really the only holdup is actually getting the DOT permits and curbing and blacktop done for the entrance.

MR. KLOSKEY: That creates potentially an uncomfortable situation for the person purchasing lot 4.

MS. DOTSON: Then that totally changes the alignment of the property line.

MR. EDSALL: Wouldn't be able to get in and out.

MR. KLOSKEY: I must say I'm not a hundred percent comfortable but I will take the sense of the rest of the board on that issue. Mark, was that the extent of your comments?

MR. EDSALL: Yes, thank you.

MR. KLOSKEY: Leslie, there was an extensive action by the Zoning Board on this particular site and I'd like to hear from you.

MS. DOTSON: Actually, I also had had a question to Dominic with respect to the ZBA variance because when the application was before the ZBA, they actually wound up increasing the extent of the area variance over what was noted and cited in the public hearing notice because of the water line easement and the fact that that came up during public hearing, Dominic assures me

that this is not a problem.

MR. CORDISCO: In my opinion, it doesn't need to go back to the zoning board, even though the amount of square footage is different, the plans themselves haven't changed. So the plans that received the variance look identical, it's just that the map is different now as a result, so if the lines had changed as a result, you know, in other words, if the lots were being made smaller but what we're talking about is an easement.

MR. EDSALL: One other thing to add is that the easement existed all along, all we're now defining is an existing easement so it's not like they're creating new easement and subtracting new areas, the easement always existed. And I would argue any easement has to be reasonable to the extent that it has to be wide enough for the performance of the, what the easement grants and they haven't given an overly wide easement.

MR. CORDISCO: I don't see a basis to send them back to the zoning board because if I was at the zoning board I would say but the plans haven't changed, it was just a question of the map.

MR. KLOSKY: So there's a change in the tables.

MR. CORDISCO: Correct.

MS. DOTSON: It's changing the table and clearly they were the same plans that were in front of the ZBA all the time. I do have some other concerns, some items and I don't know if Mark had looked at this, for some reason Mark's comments got addressed but a lot of mine, about 90 percent of mine did not. Problem with two of the parking spaces that were shown on lot 5 there's space number 8 that's right near the building, they kind of protrude at an angle from the side of the building so the cars that were going to back up if you

put a car in space 8 on the angle it's still not--typically, if you shift the spaces 9 through 16 over about 3 feet, I'm not sure if that was a concern for you.

MR. EDSALL: Well, I defer to Dick's drafting and I think in the field they probably would align it a little bit clearer.

MS. DOTSON: One would hope. If that's the case, I'll abandon that. I did suggest that the board would want to discuss landscaping and screening for the parking area on lot 5, he has added some screening to the plan on the Jones' side of the property. The adjoining residences added a 6 foot high stockade fence. I'm suggesting that typically the board prefers an architectural fence, something that's sturdier and anesthetic because stockade fences get pretty well, you know, right. So second concern is the screening that's provided to the parking areas on the Donaldson Hall site on the little L shape and along the northwest side of the parking lot, the plans show arborvitae, I'm showing that you don't want to put those, no, because it's not going to last, it will get chewed up so I'm making some suggestions that you will be happier with, the deer will be less happy with. And I'm also suggesting that instead of placing the shrubs in a line along the property line, place them in a continuous line along the spaces because where you're following the property line--

MR. YANNONE: This lot?

MS. DOTSON: Yes, make it a straight line along the parking because on that angle it won't function. That's basically it. Oh, yeah, and there's a, just a little, my comment 2 there's a little error in the standard private road notes but that's something that he can fix.

MR. KLOSKY: So based on that, I will take comments from the board.

MR. LOBLANCO: Nothing.

MR. GRABE: No.

MR. GOLD: Yeah, I just want to go on record with my continuing concern about the parking when Donaldson Lodge is in use. I understand that you're putting in 16 parking spaces and this is a NYMA issue more than it is a subdivision issue, the nearest real parking on NYMA is quite a distance away from Donaldson Lodge and I'm concerned that should a function that exceeds the whatever's permitted in the number of spaces the adjacent to the property are going to cause people to park far enough away so that they're going to have to cross 218. And I'm concerned, I understand that you've contacted the DOT, I understand that the DOT has rejected your request for a crosswalk, I understand, I just want to go on record still expressing that concern. I think it's a dangerous situation.

MS. BUNT: No comment.

MR. GOLD: I also did have one question that is right now the people who work in your offices park next to Donaldson Lodge, walk across the street?

CAPTAIN WATTS: Yes.

MR. GOLD: They come back for the cigarette breaks too, when the new parking goes in is the presumption going to be that they'll go to the other side of Donaldson Lodge and park?

CAPTAIN WATTS: No, they'll park in the spaces down by--Captain Watts--they'll park in the spaces down by where the folks park for the pool or they'll park in the spaces by where the mess hall and the infirmary are

so they'll no longer be parking over there. We have already restricted the use of Donaldson for any outside facilities. We have canceled that, no longer be able to hold parties or any community events to minimize any kind of parking there. We'll just hold it for our board and alumni directors meeting when they have a maximum of 15 people so that's not a problem with the parking and we have already put that notice out.

MR. GOLD: My intention is not to restrict the use. My intention is just so the people can get in and out without getting hit by cars.

CAPTAIN WATTS: We felt there was a need to restrict especially because it was classified a commercial issue. And something else that we have to deal with with the taxing issue, we said it was an issue, it was nice to help the community but it's a small kind of thing. We just pulled it back, one, because if they did have to park they would be parking on the other side at night, that's an issue and so we're just minimizing as much as we can.

MR. GOLD: Okay.

MS. BUNT: No comments.

MR. KLOSKY: Okay, so I'd also like to ask the feelings of board or the feelings of the installation of the parking lot versus time of the conveyance of the lots.

MR. GRABE: I didn't quite understand the bond.

MR. EDSALL: The bond doesn't do any good to be honest with you, the key is is that they should probably commit that they will not use that building. If there's no parking available for it, simple.

MR. YANNONE: Mark, an opinion, do you think that we can get a temporary access from the DOT? Do you think

that they'd grant us like a construction entrance on a normal site since it is a separate parcel?

MR. EDSALL: They might.

MR. YANNONE: Then we'd only have to defer the blacktop and concrete until--

MR. EDSALL: I wouldn't have any problem if it was gravel parking temporary as long as it was temporary.

MR. YANNONE: You want to keep the access?

MR. EDSALL: I'm not as concerned about access. My point being is even if you kept the pavement that's currently existing that's functioned for how many years, if that was retained with a temporary arrangement while you're starting to prepare the rest of the site, I don't care as long as you have parking so people don't have to, the entire occupancy doesn't have to cross the road.

MR. GRABE: You're looking for provisions for parking while this is being done?

MR. EDSALL: They should not use the building if there's no parking, simple as that.

MR. KLOSKY: I'm uncomfortable with--

CAPTAIN WATTS: I would just ask for a clarification not using the building cause I do use the building right now, I have my fencing team practice, no parking involved, it's simply they use the building and I just need a clarification on that.

MR. EDSALL: Yes, I don't think if you have activities where people are walking, I'm simply saying something that it's a gathering that would generate a need for parking.

CAPTAIN WATTS: I have no problems complying, I will close the building down for other than what we use it for, the cadet activities and I have no problem.

MR. EDSALL: I'm sure it's going to be a very short window of time.

MR. YANNONE: So really if we did a phase, let's call it a phasing plan and with maybe two potential, two options, one, if we're able to do let's call it a construction entrance, do all the site improvements, show a curb.

MR. EDSALL: I don't think we need to create plans and everything else, real simple, Gary and I will monitor it as long as you're not creating a demand for parking and using the building when there's no parking, no harm, no foul.

MR. KLOSKY: Would that allow for the conveyance, Dominic, of lot 4 prior to the completion of improvements on lot 5?

MR. EDSALL: You still have to bond it.

MR. KLOSKY: Would you be able to sell lot 4?

MR. VINSON: Once they file the subdivision map, they can sell any lot.

MR. KLOSKY: Right, so lot 4 would be potentially sold to somebody other than NYMA prior to parking existing for Donaldson.

MR. EDSALL: At that point, if they have not created the parking for Donaldson, they can't use it for any event that requires parking.

CAPTAIN WATTS: I have no problems with that.

MR. KLOSKY: I think I understand, Dominic, your opinion on this.

MR. CORDISCO: I think that there's a way forward we can go.

MR. EDSALL: We can handle it.

MR. CORDISCO: We can put that condition in the approval resolution. We didn't prepare resolutions for this month because based on last month's comments it seemed that there's not only a public hearing but there was changes that had to be made to the plans. Those changes have been made, if the board is inclined I think the next step would be authorize resolutions for next month's meeting.

MR. EDSALL: Keep in mind one thing that once all of this is approved, he has site plan and subdivision approval, he can convey the land. If he uses that building for a use that demands parking and he doesn't have the parking done, it's a site plan violation. if the fencing team goes over and walks over, no harm, no foul.

MR. CORDISCO: We'll require a note on the plan so it's clear Gary can enforce it.

MR. KLOSKY: Okay.

MR. EDSALL: We'll work on a note.

MR. LOBLANCO: I think he covered everything.

MR. KLOSKY: Satisfied with that?

MS. BUNT: Yes.

MR. KLOSKY: I'll take a motion then to approve the

drafting of resolutions for next month's meeting.

MR. LOBLANCO: So moved.

MS. BUNT: Second it.

ROLL CALL

MR. KLOSKY                    AYE

MR. LOBLANCO                AYE

MR. GRABE                    AYE

MR. GOLD                     AYE

MS. BUNT                     AYE

MR. KLOSKY: I think we're ready to go forward. Any other action appropriate?

MR. CORDISCO: No, sir. You closed the public hearing and you did authorize preparation of the resolutions.

MR. KLOSKY: Then I'm more than happy to return the board to its regularly scheduled chairman.

MR. NOVESKSY: Thank you, Led. We'll move to Frank Bloomer.

FRANK\_BLOOMER\_#2009-12 \_\_\_\_\_

MR. NOVESKY: Next is Frank Bloomer. Is Mr. Bloomer here?

MR. BLOOMER: Yes. I'll give you a brief description of what I'm going to do.

MR. NOVESKY: Please.

MR. BLOOMER: I'm looking to construct a two story residential addition that's physically attached to my existing commercial property, the access to the residential addition will be from Clinton Street.

MR. NOVESKY: Mr. Bloomer, I understand Mr. Edsall's been working on the retaining wall issue and so why don't we go right to the consultants' opinions on it. Mark, start with you.

MR. EDSALL: Fine. As discussed during the workshop, the only concern I really had on this was the retaining wall type and configuration. There were problems where the height of the wall and the room you had to build it and the loads that would be on the wall there was a problem because the wall projected out into the town right-of-way, there was some information missing but given the one month opportunity to straighten these things out, Mr. Drabick and I met and we have worked out a new wall construction detail that eliminates the concern about the CMU walls, they are the modular block walls, we have eliminated the need for the wall to go out into the town right-of-way which would have conflicted with some town projects. Long and short of it is those problems have gone away with a revised plan which was available after the submittal deadline. So rather than violate that procedure policy, the board I just noted that we resolved it. We have also coordinated this project with the town's community development project for the construction of curbs and

sidewalks up Clinton. There was no conflict, that worked out actually fine so I see no reason why you can't move forward. My concerns are resolved and I spoke with Bob Conley who formally has to look at the revised plan but I don't see that as an issue. So my concerns have been eliminated as a result of a meeting that I had between the two last month and this month.

MR. NOVESKY: Thank you. Leslie?

MS. DOTSON: Mark's addressed a lot of my concerns. I did sense that the walls were going to be an issue. One question that I had was that it's not really clear to me how the addition is going to connect to the existing structure because the floor plan for the drawing addition didn't indicate any kind of connection. He did jump in for that when we met with Steve there was a builder who's involved and the theory is that the building walls can be done as retaining walls/building foundation walls and there will be a full basement that would be set to match the Stephanie's Doggie Boutique and you can effectively go from the lower building to the residential building via the lower basement level and then come up into the living levels so part of the grades that Stephanie and the builder talked about were this coordination of elevations and it effectively makes the basement available as an access to a port going back because there is a tremendous grade elevation so that all rolled into the retaining wall issue so they are effectively going to extend. Again, we can't tell them how to build the house but I don't think they have any choices to be honest with you, they're going to extend the foundation wall which is a retaining wall forward so that it's all one uniform structure and kills kind of two birds with one stone. And it keeps the kitchen from becoming a thruway.

MR. EDSALL: So it all seemed to come together when we started to work out the elevations.

MS. DOTSON: In that case, I feel better. I'm noting that I think public hearing is optional on this plan so you can choose whether or not to waive or schedule a hearing. I also suggested because there are two large trees that are going to be removed I think both of them are going to need to be removed, I'm suggesting a replacement tree might be added as a part of your condition.

MR. NOVESKY: Thank you, Leslie. Dominic?

MR. CORDISCO: No comments other than to reiterate as Leslie said that this is a site plan application and the board has the discretion if it so chooses to waive the public hearing.

MR. NOVESKY: What would be the opinion of the board?

MS. BUNT: I think we should have a public hearing.

MR. GOLD: I agree.

MR. LOBLANCO: Yes.

MR. NOVESKY: Okay, with that, would it be possible to ask the board to direct Dominic to prepare resolution in consideration so that, so that after the public hearing no negative comments the board could consider at that time resolution be passed at that meeting?

MS. BUNT: That would be good.

MR. LOBLANCO: That would be fine.

MR. NOVESKY: With that, I will take a motion for the public hearing.

MR. LOBLANCO: Make a motion to schedule a public hearing.

MS. BUNT: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. LOBLANCO	AYE
MR. GRABE	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. NOVESKY	AYE

MR. NOVESKY: With that also I will ask for a motion, do we need a motion to have you prepare?

MR. CORDISCO: You could.

MR. NOVESKY: Then we'll do it.

MR. LOBLANCO: Make that motion.

MS. BUNT: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. LOBLANCO	AYE
MR. GRABE	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. NOVESKY	AYE

MR. CORDISCO: I would have done it anyway.

MR. BLOOMER: Thank you, gentlemen.

JEHOVAH'S\_WITNESS-CORNWALL\_CONGREGATION\_#2008-05

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MR. NOVESKY: Next we have Jehovah's Witnesses, no one present. We don't have an appearance?

MR. CORDISCO: Well, technically, I don't believe there was a re-submission at this point, was there not?

MR. KLOSKY: I thought they submitted a new set of site plans without the curb cuts.

MR. EDSALL: Well, there were for the September meeting they had no plans.

MR. NOVESKY: If I might, I think that I reflect the opinion of the board that there are concerns about the drainage issue as relates to the sidewalks pursuant to the experience of one of our former board members who was concerned about water flow onto Route 32. So Dominic, do you recommend that we postpone hearing this since there is no one here to speak?

MR. CORDISCO: Well, I'm a little bit conflicted about that particular recommendation, Mr. Chairman, because the board did authorize preparation of resolutions, the public hearing was opened and closed, there's a default provision in the code and of course we missed last month's meeting, public hearing was for the meeting before. My recommendation would be to move forward and consider actually adopting a resolution but including perhaps a condition that they have to address the drainage as per Mark's comments. The board's other option would be to deny the application but you would have to have a basis and drainage may be a basis.

MR. EDSALL: I think you have to keep in mind that comments were voluminous in previous meetings and they have got it down to a couple items they have to fix and I think they just misinterpreted the need for the curbs. If you approve it subject to complying with my

comments it puts the curbs back that you wanted and originally had.

MR. NOVESKY: That's my only concern.

MR. EDSALL: They fixed everything else.

MR. NOVESKY: Led?

MR. KLOSKY: Move we adopt the resolution and amended resolution.

MS. DOTSON: First negative dec.

MR. NOVESKY: Would we approve the negative dec if we're concerned about the drainage?

MS. DOTSON: Yes, yes, because the plans as they should have been would have included them so that's what we anticipated.

MR. EDSALL: Keeping in mind the curbs were on the previous plan, they just took them out.

MR. CORDISCO: So the plan itself would not be signed until the curbs go back in.

MR. NOVESKY: So I shouldn't sign the resolution.

MR. CORDISCO: No, you can sign the resolution.

MR. EDSALL: We'll check the plans, make sure they're right before you sign them.

MR. KLOSKY: I move we adopt the negative declaration.

MS. GOLD: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. LOBLANCO	AYE
MR. GRABE	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. NOVESKY	AYE

MR. NOVESKY: Then we move on to the resolution on the site plan.

MR. KLOSKY: I move we authorize the chairman to sign an amended site plan which would include provisions requiring the re-establishment of the curbs shown in the plans which came before us in the public hearing and according to Mark's comments.

MR. GOLD: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. LOBLANCO	AYE
MR. GRABE	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. NOVESKY	AYE

COX\_FARM\_#2005-18

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

MR. NOVESKY: Next is Cox Farm.

MR. CLEARWATER: My name is James Clearwater, land surveyor with MJS Engineering. My client is not here, she had a conflict and it has been this table's almost too small for this job, it's been several months since we have been here, been before the board with this. The project has not been stagnant, however, we have this nice archeological study which they did, they found nothing, I have several copies that I can get over.

MR. VINSON: Fourteen please for everybody.

MR. CLEARWATER: We also have our approvals from the Army Corps of Engineers jurisdictional determination on the wetlands delineation and approvals from the New York State DEC on the New York State wetlands. The plan itself has progressed in that we have updated and moved forward with the engineering design and drainage and driveways and septic systems and all, that's well underway. What I wanted to get accomplished this evening was basically comments from the board and from the board's consultants. I know that we still have a ways to go with this and we haven't been here in a while, we'd like to hear what you folks have to say.

MR. NOVESKY: You're just looking for abstract or otherwise comments?

MR. CLEARWATER: Yes.

MR. NOVESKY: With that, do you have any comments?

MS. DOTSON: Actually, I don't really have anything

new. All the issues are engineering in nature primarily relating to storm water management's. So I'm going to defer to Mark.

MR. CLEARWATER: We have this nice big thick storm water pollution prevention plan.

MR. CORDISCO: It's not so thick.

MR. NOVESKY: Thank you, Leslie. Mark?

MR. EDSALL: I have shared these, I think they are identical, yes, so I have shared the comments with Jim after the September cancellation. At this point, we haven't gotten the SWPPP, I'm assuming that just got finished up so that's an open issue and as importantly the road details although they may be reflective of the developer's preferences don't meet the Town Law and as with many things in life what you prefer and what the law says are always not the same thing. Tax code's pretty much like that in all the cases. The applicant had asked the Town Board for a waiver from the road construction standards, that was denied after the board met with the highway superintendent. I believe they have revisited verbally after the plans were resubmitted, I don't know that there's any potential that it's going to change so we're kind of at a deadlock, I'll put it that way, that they either have to decide they want to pursue something not permitted by the Town Law or they have to make the road specs match the Town Law which means you have the right to continue to review the application, that particular deficiency is the reason why the town cannot send this application to Orange county DPW for road access, for curb cut review because the town only sends those applications that are consistent with the town's law so we're kind of at a stalemate at this point, the applicant has to pursue how they want to pursue it.

MR. CLEARWATER: That's basically true. We haven't

been before the Town Board or the applicant hasn't been before the Town Board to request a waiver on the street specs, obviously, you've looked at the map, you know what they're looking for. The applicant wants roadside ditches as opposed to curb for water quality rather than extensive detention ponds, normal way that the town normally gets that. It's not uncommon in Pennsylvania and other areas where we have roadside ditches to clean up the water that like Mark said that does not meet the town road spec.

MR. NOVESKY: Well, with that, James, I don't think that the board has the power to even consider anything unless it's either the town grants a variance to the code or changes the code or whatever because we're empowered by law only to consider what's within the code.

MR. EDSALL: Yeah, and it's a difficult situation because what they want to do in fact one of the road the cross-section was consistent with the town's private road specs or road specs back from the '50s and unfortunately, the burden the town picks up when they have a lesser road standard is the maintenance and the town used to have an alternative for no curbed roads and Ryan Court off Jackson was a perfect case where they had steep slopes and the roads destroyed themselves in a third of a normal life of a town road and after that, the town said no more, we're building roads that are going to last 15 to 20 years so that developer puts in the proper roads so that the town taxpayers don't have to pay for the next 20 years to maintain so it's kind of, it's not the prettiest thing in the world from a new certification and the green construction, it's not the nicest thing in the world but on the other hand, I don't think the town can afford to have substandard roads that are higher maintenance costs, that's why the law is what the law is. This debate is not for this room, it's not for me to give away, I have no right, I have to follow what

the--

MR. NOVESKY: It's a very nice site plan but I think we're restricted by the Town Code.

MR. KLOSKY: Some of the road slopes are steep.

MR. CLEARWATER: Regardless of the curbs or road side swales, the road alignment, the lot arrangement, all that stays the same, that stuff stays the same.

MR. EDSALL: That's great.

MR. CLEARWATER: Road spec, the thickness of the pavement, whatever the town law is the applicant doesn't have any problem, simply the curb versus roadside swales, I don't think the swales saves any money, I don't think it costs any less money to build swales on each side than it does to build curbs, that's not the issue. The issue is what she wants to do is build a subdivision that's a little bit more green than the normal and also not to have a subdivision where the streets are curbed.

MR. NOVESKY: Well, with all due respect, I think that's something that really has to be carried to the Town Board for this consideration. I don't think they have any issue with this board, there's a lot of merit but that's a Town Board issue, we're just wasting time.

MR. CLEARWATER: I understand.

MR. KLOSKY: Is this project in the scenic overlay?

MS. DOTSON: No, it's not.

MR. KLOSKY: There's no formal requirement for a viewshed impact analysis as part of this project?

MS. DOTSON: No.

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MR. NOVESKY: Okay.

MR. CLEARWATER: Other than that.

MR. NOVESKY: Good job James, thank you.

VERIZON\_WIRELESS/ST.\_LUKE'S\_CORNWALL\_HOSPITAL\_#2009-13

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MR. NOVESKY: Next thing is Verizon Wireless.

David C. Brennan, Esq. appeared before the board for this proposal.

MR. NOVESKY: Yes, I believe we don't need to go into too many details on this application, we're all well aware of what the request is and I don't believe we need to belabor the point by going into great detail. If you can do it in 30 seconds.

MR. BRENNAN: We're here because the code requires all antennas to come before the board. In the strict reading of the code, we're required to be here, as you see by the pictures, hopefully they speak a thousand words and I don't, we're putting a little antenna on the top next to the penthouse to facilitate the existing building that will communicate with the existing cell tower, it will allow us to have internal antennas.

MR. NOVESKY: That's the Edsall penthouse?

MR. EDSALL: I'm usually at the emergency room.

MR. NOVESKY: Does everyone on the board fully understand what this issue is? I don't think there's any reason to, I ask that Leslie you suggested that we could have the authority to waive a public hearing on this because of the--

MS. DOTSON: Yes, that's what the code provides for as an incentive for them to do what they have to do co-locate or structurally mount.

MR. GOLD: I move we waive the public hearing.

MS. BUNT: I'll second it.

ROLL CALL

MR. KLOSKY	AYE
MR. LOBLANCO	AYE
MR. GRABE	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. NOVESKY	AYE

MR. NOVESKY: Thank you for your very complete explanation. Basically this appears to be an insignificant imposition, do we have a--

MR. CORDISCO: We did not prepare resolutions because you could authorize to sign.

MR. KLOSKY: Move we authorize the chairman to sign resolutions.

MR. LOBLANCO: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. LOBLANCO	AYE
MR. GRABE	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. NOVESKY	AYE

DISCUSSION

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MR. NOVESKY: I want to discuss one thing, this falls in the general business of discussion after the meeting.

MR. KLOSKY: Just I had read in the local newspapers and wanted to ask town's engineer or attorney that they were getting ready to rename Quaker Avenue.

MR. EDSALL: I read the same article.

MR. NOVESKY: I think under the circumstances, Ken Cashman is here.

MR. VINSON: They're just nameplating it, it's staying Quaker and a section is getting a highlight.

MR. KLOSKY: What I'm concerned with cause it kind of falls into the group here is emergency response and are we changing all the 911 numbers?

MR. VINSON: I'm not aware of that.

MR. KLOSKY: Or just hang a placard up?

MR. VINSON: We're not doing anything, county is.

MR. LOBLANCO: Your understanding is just a plague?

MR. CASHMAN: That's what Alan Seidman told me. All the addresses will remain the same.

MR. EDSALL: They create another head on top of the sign which the road name is still Quaker but it's also--

MR. CORDISCO: It's and/or.

MR. KLOSKY: That addresses my question, good thing we

have all the wonderful town officials to help me understand things.

MEETING\_ATTENDANCE \_\_\_\_\_

MR. VINSON: We're going to prepare getting ready for next year's agenda for dates and meeting schedules, you just ran into a problem where you didn't have a quorum two months out of the year, that causes a problem, July and September because of Labor Day. Do you folks want to think about something, doing something now so you're not running into a holiday weekend?

MR. NOVESKY: Do something now?

MR. VINSON: I'd like you to think about it because we're going to be starting to prepare the list, we're going to send it out to you folks to look at and adopt.

MR. CORDISCO: Maybe the Tuesday--

MS. BUNT: Tuesday after Labor Day, do it the following Monday.

MR. VINSON: Seriously think about it, when we send the list out I want you to get on the phone, talk to each other so that we can avoid this, really, seriously folks, folks, we're adults, if you're not coming to the meeting, call or something. Come on, do you know what we did to the public? Do you know what it costs the town--

MR. NOVESKY: Gary.

MR. VINSON: --by not having a quorum last month?

MR. NOVESKY: Gary, there was an incident, Gary.

MS. BUNT: I called.

MR. NOVESKY: You're out of order addressing the planning board in that fashion, just keep that in mind.

MR. EDSALL: Probably easier if we circulate the schedule by e-mail and you can respond if you see any errors so we'll do it that way.

MR. CORDISCO: Or a preference that you have for the holiday week.

MR. NOVESKY: With that discussion, I'll have a motion to adjourn.

MR. GOLD: So moved.

MR. LOBLANCO: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. LOBLANCO	AYE
MR. GRABE	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. NOVESKY	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer