

January 7, 2008

1

TOWN OF CORNWALL

PLANNING BOARD

JANUARY 7, 2008

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

ALSO PRESENT: ADAM RODD, ESQ.  
PLANNING BOARD ATTORNEY

ERIK DENEGA  
PLANNING BOARD ENGINEER

LESLIE DOTSON  
PLANNING BOARD CONSULTANT

GARY VINSON  
BUILDING INSPECTOR

ABSENT: DEKE HAZIRJIAN

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

MR. NOVESKY: I'd like to call to order the meeting of the Cornwall Planning Board for January 7, 2008. Fran, I have some correspondence I'll just forward over to you so you can put it into the minutes.

For the record, all the attendants but for Mr. Hazirjian who's included as absent today pending a

January 7, 2008

2

replacement should he choose not to renew.

APPROVAL\_OF\_MINUTES\_DATED\_DECEMBER\_3,\_2007

---

MR. NOVESKY: We have minutes, I'll take a motion to approve.

MR. GOLD: So moved.

MR. KLOSKY: Second it.

ROLL CALL

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

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

---

MR. NOVESKY: Tonight we have two items on the agenda, first item is Cornwall Commons.

MR. JACOBOWITZ: Good evening, my name is Gerry Jacobowitz, I'm an attorney Jacobowitz & Gubits and we represent Cornwall Commons in connection with the application that's pending before your board. What I'd like to do first if I could is hand out what we have put together as a tentative proposed time schedule, that is a goal that we would like to try to follow. Most of the burden is on us to keep to it and if we're unable to then these timeframes aren't necessarily going to be effective. But our goal is to get through the SEIS process and through the site plan process in six months. We don't think that's an outlandish period of time at all, in view of the fact that we started this in the year 2000. And I'm not going to bore you with a recitation of all the time that we have been here and what we have discussed and so on. It's been narrowed down and we're focusing on what we have identified as important. But if I can hand that out and I might mention that we have showed this to Dominic Cordisco and Dominic felt it probably wasn't realistic because he didn't know whether we would be able to get everything done that we have to get done and we appreciate that but we're willing to accept the challenge and if we can get our end of it done hopefully then the timetable would work. So that's the preamble to this. And what we'd like to do next is Joe Amato wants to give you some history of the project and tell you where we are now and then we can address some of the specific things that need to be addressed. The critical part of this initially is that we would like completeness comments by February 22, okay. Now, I think Leslie in her review letter explains the difference between completeness and acceptance of the final SEIS. Completeness is did we cover the topics you asked us to cover, not whether we have everything

in there that you may agree with or disagree with later but did we cover everything so that when you send that SEIS out to the public, to other involved or interested agencies we have covered things in the scoping outline and whether you like what's in there, hate what's in there, love what's in there, whether you want to change what's in there after you go through the process that's different than saying it's complete enough so that you are willing to let the public see this and have comment to you about what they see in this document. And it's important we get to that point because if we don't get to the point where the public gets the chance to see this we can't get down the road beyond getting this finished. And we think we all want to try to get to the finish line, we need to do it. And one of the other points is that why do we have to get through anything here with your board because we cannot go out to the other involved agencies that all get a whack at this until you folks have given it the SEQRA compliance and given a preliminary or conditional site plan approval. Other agencies don't want to look at projects that don't pass through you first and have gotten your stamp of that tentative okay. And when we get to those boards we're looking at another lengthy time before we're going to get through all of that. So our real goal is get the SEIS done so that the public can get it and then get through the process so we can get out to the other agencies and give us a chance to satisfy them then we come back to you to show that we have met everything that you've asked us to do and that we have complied with the other agency conditions of approval. So that's really our road map going forward for this.

MR. NOVESKY: Thank you.

MR. KLOSKY: Can you give, did you give a copy to the stenographer so we can have it as part of the public record?

MR. NOVESKY: We want to make sure we have a full understanding of the proper procedures.

MR. JACOBOWITZ: Yes and your rely on your attorney and planner, I'm not presuming to give you that advice but we all have to follow the same rules and I think I've fairly stated what they are but you'll take the advice from your own consultants.

MR. NOVESKY: We would entertain some discussion regarding, Mr. Brodmerkel had mentioned this considering public hearing for the EIS and site plan review at the same time, am I correct about that, Leslie?

MR. JACOBOWITZ: We'd like to do this and there's lots of good reasons for it but maybe could we defer to that until after we give you more information then we'll maybe have a better sense of how far along we are on everything cause we think we've gotten down the road quite a ways, okay, if we could do that?

MR. NOVESKY: Thank you very much.

MR. JACOBOWITZ: I'm going to let Joe come up and give you his information.

MR. AMATO: I don't have to make a lengthy dissertation about this, everything I'm going to tell you you've heard before on more than one occasion but if you'd like, I will refresh your memory, I don't know what your timeframes are.

MR. NOVESKY: Do a brief memory refreshment.

MR. AMATO: Is that generally what you'd like me to do?

MR. BRODMERKEL: Joe, whatever you think you need to do. If you don't need to refresh our memories that's fine too.

MR. AMATO: I'll go very quickly, I know that you have other things to deal with. Everybody see it?

MR. KLOSKY: Yes.

MR. AMATO: This is the overall site plan for Cornwall Commons. It includes a major residential portion which is lot 10 and lot 10 is the subject matter of the conditional final site plan approval maps and documentation which has been submitted to you. In addition to that, there's a substantial commercial section that still is in place where it was originally that we discussed, the primary residential unit is a single family home and then we have added some townhomes and there are some condominium type apartment flats that are in one section over here. The central theme rests with the clubhouse and the amenities associated with that. And within the clubhouse you have a conference room, a media room, a library, a kitchen, perhaps a pub type restaurant, fitness center and a card room. This becomes the centerpiece for the 55 plus community. There's an indoor-outdoor pool, there's tennis courts, there's the putting green and some other activities. There's a lot of walking trails throughout here and if you recall from an earlier site plan, one change we did make is we had cul-de-sacs, we put cul-de-sacs in this fashion to take them away from the exterior boundary so the visual situation is slightly different, it's more improved, it's less view from the Moodna and from other places on the site. This is a rendering of the clubhouse which contains the things I spoke to you about, it's, I love it, I think it's going to enhance the project and really in a community like this it really becomes the centerpiece and the major attraction for them to come here. These are some elevations of single family homes, they're smaller houses, the master bedroom's on the first floor and for obvious reasons and there's maybe a second bedroom as well in the particular home. There's

obviously a dining room and a porch and all that stiff. But essentially this is, these are slightly smaller homes, they range anywhere from 1,800 square feet to 2,300 square feet, this is another, these are the slightly larger homes, I'm calling them the cottages at Cornwall Commons. This is a rendering of the flats or condominium units, the parking here is on level but inside there's two parking spaces per home, per unit here and there's, it's an elevated building and the parking is underneath, you park not underground but underneath the building. So you pull into the, you pull into the parking space and then you can get into your home. This is a rendering of the town homes, so basically we have a conditional, we have a site plan, you have been submitted documentation which we're comfortable with that complies with the local law in terms of securing a conditional final site plan approval. Obviously, there will have to be a public hearing on that. We also are very comfortable that based on the scoping outline you have received all the information that's necessary so that you can as the lawyers would say deem this complete at some point, have the public take a look at it, although there's no public hearing required by law for the Supplementary Environmental Impact Statement, somewhere down the road we would obviously want a statement of findings and hopefully you'll work with us. We've come a long way, we've had numerous public hearings on the town level, on the planning board level. We've had numerous environmental hearings, we've had examinations, we've had so many hearings, we've told the public about this so many times, we've held public hearings, we've had, we can go through the litany of and the number of hearings that the public has been involved in, town's been involved in. So, anyway, if you have any questions I'd be happy to answer them, otherwise, we're very anxious to go forward and we hope we can all work together and come to a very happy conclusion making most people happy.

MR. NOVESKY: If there's any questions of the board we prefer to address Leslie's comments first and that may possibly preclude questions that the board members might have with your permission. I think we'll go right to Leslie's comments.

MR. AMATO: Thank you.

MS. DOTSON: Basically, they have already described what my first page is, which is just explaining what it is that you're being asked to do and what it means, just mentioned that the determination whether or not you accept or reject the supplemental EIS is a fairly subjective one, but if you do reject it you do need to give some specific reasons for the rejection. There are also other ways of doing it, sometimes boards accept documents subject to the incorporation of specific changes, there are different options. The comments that we're actually making are kind of like the second stage already because we had reviewed along with the town engineer a previous submission that was kind of an informal one, they had wanted to get some technical review comments from the consultants before they made a formal submittal to the board so I'm reflecting the fact that I've already looked at something and they've made some changes so that explains the way these comments actually read. They have made some substantial changes that did resolve some of my concerns but I did have some additional ones. I don't know whether the board shares these concerns, again, it may depend on how much time you spent on this looking at this, may help you to focus your own concerns or questions as you read it. I did want to mention that it's important for the board to understand that this is kind of the second step, the detail step, the follow-up step if you will, the implementation of the original GEIS, Generic EIS findings statement that was written in spring of 2002. Joe mentioned that the process began in 2000 which is correct, the first real benchmark that this board kind

of created for this was a generic findings statement, it looked at certain things that you were going to implement once you actually got to the site plan review stage, that's now. So I looked back to the original GEIS findings to try to take that into account because those are what you're supposed to be effectuating in this. You may recall that when we considered the special exception use permit for this and the original authorization we looked at the original GEIS findings and we created a little comparison table, we kind of summarized what the original GEIS findings were and how they were going to be implemented. I can get you a copy of that if you don't recall, that's probably from about a year ago, I'm trying to remember when that was.

MR. JACOBOWITZ: Yes.

MS. DOTSON: But it was a brief summary, it's a whole lot easier than looking back through four years of history, never mind five, six, my math is bad. In any case, it's important to remember that that's what we're looking back at cause that's what we're trying to implement. There are a few things that have changed since the original GEIS findings in 2002 but the last SEQRA stuff that you may have looked at that and I'm going to give you a copy of that just so that you're aware of where this is picking up. They did provide some initial information on the plant and animal life. I do kind of have some problems with that because I don't think that it really addresses meaningfully the subject of protected plants in general and the whole relationship to any wetland disturbances that they're proposing to make relative to what's important and what isn't and relative to what was promised in the original GEIS findings. So I'm trying to make this information available to the applicant at the earliest time so you can more constructively address that. One of the other issues was the significant trees on the site, the Cornwall Code does have some specific requirements about making efforts to preserve trees that are over

certain size in diameter and that was one of the things that was specifically evaluated in the original GEIS that there were certain cabbage oaks, oaks that had grown in the open and other large trees grown in the open, they had promised, it was agreed as part of the original GEIS findings that they would field locate those trees on the plan and they would attempt to preserve them in this plan.

MR. KLOSKY: But the plan doesn't show preserving all of those, only shows preserving two out of six.

MS. DOTSON: That's correct and it's not clear to me whether there are any other changes that could be made to the plan. It did not seem as if the plan really rotated around those, it's just more that whatever was left in undisturbed areas would be preserved and if not then oh well. So I'm still not sure whether there's anything more they can do to shift things a little bit. It's not clear to me that that cannot be done so that was one of my other question. This revised submittal does now include the evaluations of changes to storm water flow rates into the wetlands which was an improvement, that's one of the things we've been asking for but the document still doesn't really integrate this into speaking meaningfully to the impacts that those changes in the flow rates and the drainage, the hydrologic regime for the wetlands would actually have on species of concern. So, in other words, they have--

MR. BRODMERKEL: Your term species of concern means what?

MS. DOTSON: Some of the species that had been looked at and had been evaluated specifically is in the original GEIS.

MR. BRODMERKEL: Endangered species?

MS. DOTSON: Some of them are threatened species,

there's species of special concern there are different rank orders of species.

MR. BRODMERKEL: I understand.

MS. DOTSON: So I'm using a fairly generic term but I'm specifically referring you back to the original GEIS findings in Section D because those were things that had been supposed to be looked at and this was how they were supposed to be looked at. So I see that they are making progress but I still don't feel that it wholly speaks to rank order and the importance of each wetland relative to the realistic disturbance that are likely to take place and what was discussed in the original GEIS findings. They have improved the visual cross-sections that was an improvement over the original informal submission. Traffic they have also improved some of their language. This is sort of a generic issue, oftentimes with traffic studies is that they are fairly passive in terms of discussing improvements and it's not really all that helpful because it makes it difficult for the reader to determine who's exactly promising to do what and when, whose responsibility it really is, so I still would like a little bit more clarity in terms of who's doing what and when. For energy conservation they did improve from their previous informal submission. I guess I'm still perceiving this as potentially missed opportunities because it doesn't really commit to much of anything and again, I don't know how much the board can really do, I'm making comments just to document its status within the modified submission. Comment on lighting and landscaping that was prepared for this document had talked about showing a typical lighting scheme and a typical schematic landscaping land and use of native vegetation, maybe I'm missing something, I really didn't see that that was in the submission.

MR. AMATO: There's a lighting plan and there's a landscaping plan and it's very possible that it may not

have gotten to you through the mails in the last few weeks, I'm not sure but there's one out there for you.

MS. DOTSON: Okay, quite possible. Again, I'm just mentioning because I had thought that the planning board was anticipating that these would be part of this submission, I mean, I have no doubt that it's something you can do, I mean, I know that the goals that were established in the GEIS are clear and that you would have no problem.

MR. NOVESKY: Are we to understand that we'll have that before the next meeting?

MR. AMATO: It should be in her office but because of the mail--

MS. DOTSON: It may be in a pile of mail.

MR. BRODMERKEL: We don't have it, correct?

MR. AMATO: You'll have it in the next 48 hours.

MS. DOTSON: That's fine. There's another question on the scope, actually had requested that the document address the offset of residents selling existing property and we specifically referenced that existing information that was already available should be used, if you have any problems coming up with that information, I'm happy to speak with you or Michele.

MR. JACOBOWITZ: Can I just address that to the board to know what we're talking about? When you have a senior project in a community certain number of local people will buy in this project, they'll leave their homes, somebody will buy there homes, so there's an arithmetic calculation about how many people will move into the houses that are vacated by the people moving into, okay, if you had a crystal ball or weegie board it's as scientific as whatever numbers we come up with

so I just want to forewarn you.

MS. DOTSON: Absolutely and we have some existing information on that.

MR. JACOBOWITZ: It's all conjecture really.

MS. DOTSON: Precisely and the fact that because you're going to be drawing simply from areas that are within the school district and in fact there's no way to determine exactly where you're going to be drawing from that it would be conjecture but--

MR. BRODMERKEL: We want this information why?

MS. DOTSON: It was listed in the scope as something that had been requested.

MR. JACOBOWITZ: We'll provide it.

MR. GOLD: It was a concern that I raised specifically so we get a sense of what if any impact there would be on the school district.

MS. DOTSON: It's something that had been raised with previous senior project.

MR. JACOBOWITZ: It makes no difference to the cost benefit analysis that we have here because let's assume there's a hundred houses vacated in the Town of Cornwall in the school district and they get each get .86 children which is now the current ratio of actually it's .64 school aged children for a three bedroom house is the current ratios, the tax generated by 490 units without children so far exceeds whatever the impact would be from having .64 children in a hundred homes that were vacated. It's an interesting number, it doesn't affect any but we'll provide it and you'll see it.

MS. DOTSON: It was asked for.

MR. JACOBOWITZ: You'll make your own judgment on it.

MS. DOTSON: The last comment can just speak to alternatives, this often happens with projects that have been going on for this long, I think they have kind of shortchanged themselves in not recognizing some of the alternatives that they have already considered and rejected. I don't see it as an acceptance issue but just in terms of perspective in terms of considering where they have come from and what they have done, they're missing out, not the end of the world but it makes it look as if they haven't come as far as they have so for what it's worth.

MR. AMATO: You want more paper?

MR. JACOBOWITZ: Can I inquire about that, Mr. Chairman, get clarification, could I inquire about that?

MR. NOVESKY: Yes.

MR. JACOBOWITZ: Are you saying we had made suggestions before of good things that we failed to include in the SEIS this time?

MR. BRODMERKEL: I think she was trying to pat you on the back, saying you considered more alternatives than you listed.

MS. DOTSON: I actually have yellow tags on the pages that say alternative that you've missed that you've done.

MR. JACOBOWITZ: Thank you.

MS. DOTSON: So happy to talk with you on that.

MR. NOVESKY: Okay, thank you, Leslie.

MR. DENECA: Mark's comments generally just reference to Leslie's comments, no comments at this present time. But the coordination had already been gone through Leslie and Leslie's already commented for the most part on what would have been significant for tonight's meeting. It's procedural in general.

MR. KLOSKY: I guess that that troubles me a little bit since we're contemplating not just the SEIS but also the site plan, I mean under Mr. Jacobowitz.

MR. BRODMERKEL: Led, if I could just ask one second what we're contemplating first?

MR. KLOSKY: I'm referring to this document.

MR. BRODMERKEL: I think we're doing something different than what you just said. I'd like to ask our lawyer what we're doing right now. My understanding what we're doing right now is asking is this document complete, does it answer our questions whether we like them or not does it answer our questions? Is that correct?

MR. RODD: Right.

MR. KLOSKY: That's not what Mr. Jacobowitz contemplates in his document, there's a mismatch between those two things.

MR. BRODMERKEL: Here's your authority.

MR. NOVESKY: It doesn't matter.

MR. KLOSKY: I mean I guess that what I'm saying for the applicant as much as for anybody else if we're going to proceed as is shown here we've got to move further forward with the site plans than no comments

from the engineer, I think, and we need to nail down some of the alternatives a little more specifically in terms of storm water.

MR. BRODMERKEL: First sentence in number one is where we're at right now.

MS. DOTSON: You're commencing your review of the submitted draft SEIS to determine whether it's complete as to scope, content and adequacy to begin the public review so the public is aware of the fact that this document exists, all three volumes of it and the maps but it doesn't have any formal status, it isn't posted on the internet yet because you have not accepted it.

MR. KOLSKY: Right but--

MS. DOTSON: You may well make requested changes, you know the board may have additional comments, I don't know the extent.

MR. KLOSKY: I understand, I guess where I'm going is that the 3/308 shown on Mr. Jacobowitz's map here contemplates not just finding of completion of the DEIS and moving forward with public hearing on that but also moving to a public hearing at the same time on the site plan, that's what I'm specifically concerned about.

MR. NOVESKY: That was a discussion that we're going to hold in terms of whether we're going to do one at a time or have them both done at same time, that's a discussion that is a pending discussion.

MS. DOTSON: Although it seems awkward to put Erik in the position of speaking to Mark as to when the, whatever state the plans are in.

MR. KLOSKY: That's correct and that's my question to Erik is are we at the point where the site plan is of sufficient completeness to go forward?

MR. DENEGA: This is the site plan we discussed earlier where they're subdividing the commercial lot, correct, concern of showing sewer and the drainage?

MR. NOVESKY: No.

MS. DOTSON: No, this is to look to the site plan for lot 10 of the Cornwall Commons which is the largest component of this development.

MR. JACOBOWITZ: Yes, if I might try to clarify. Our engineers have been working with Mark regularly on the review of the plans and what you have before you there's three of these, I think you've got three of these, one is the SEIS text, the second volume is the storm water management plan which is in significant detail that's the result of a lot of effort between the engineers and the third volume are all the plans for the site plan. There's a complete set in volume 3 of what was delivered to the Town Hall, okay, and those are the result of efforts that have been ongoing to get the plans up to a level that meets your standards. Now that doesn't mean there are no more comments but we assume that your engineer is going to give those the review and get back to us with comments prior to the next time that we're before you. There's nothing precluding it, we have delivered it all and it's there and we think it's in adequate detail for an incorporating review. I don't know what more comments he may make, whatever we've heard so far, the engineers have addressed the plans hopefully reflect satisfying those things and also we got--I'm sorry--

MR. DENEGA: I was going to mention, sorry to interrupt, in Mark's comments he does reference there is no technical comments at this time, not to say that he won't have further comments. So I don't want to mislead you in that matter to say his review's complete, nothing further to suggest, as Leslie's

suggested she's aware that Mark has made some review already on the storm water but by no means are we saying it's complete.

MR. KLOSKY: That answers my question then.

MR. JACOBOWITZ: And if I might just report two other things through the board, we received a call from the Town Clerk I think it was early last week asking us to send over the EIS on the internet in PDP form so people who walked in the Town Hall who read about it in The Record or in The Local and said where is it, they got the one that you guys got. It's on, I don't know if it is on the internet but the town clerk has it on her system so that she can make it available to people who come in so that was a request we got and we said why not, you know, it's over here in the Town Hall if that facilitates people getting to it then albeit so we did do that. And while we have indicated your comments are up until you have until February 22 I think which from December 24 was to provide to the town it's much more than what, 75 days I think in all the requirements is 45 days, if you recall we waived the first 30 days and said we're giving it to you in December we're not counting that time for the 45 days. So the reason we came up to February 22 that's another 45 days from today. Well, we feel that it's a lot of reading and you have other things to do, you all have to make a living, you don't have time necessarily and so we felt that was only the appropriate thing to do. So what we'd like to do on February 4 is be on your agenda so that we could possibly get any other comments that are available at that time and also to get clarification of some things like Leslie's letter, we don't need to wait till then, we'll call Leslie tomorrow and say what did you mean by line 4 in paragraph 2 and we'll get the benefit of clarification. But if there's other things that need to be clarified we'd like the chance to be on the agenda in February 4 so we could pose those in the presence of the board.

MR. NOVESKY: I expect we'd have Mark's comments at that point as well.

MR. BRODMERKEL: Do you have any problems with the fact or do you feel that they have not answered or responded to any of the questions that we put to them to be part of this document?

MS. DOTSON: I clearly stated in my comments there are a few cases where I thought that they missed certain items and that there are some that need to be addressed.

MR. BRODMERKEL: Did they respond and not--

MR. AMATO: We just got this.

MR. BRODMERKEL: Hang on, just trying to understand what we have to do. Did they respond to them but not in a manner in which you think is complete?

MS. DOTSON: There was a few that were not responded to at all and again these are not by the way the end of the world, they're not major, they're saying that but for a few paragraphs it could be resolved. The substantive one that I think may take more work is the ecology and the wetlands one, that's something where they addressed it and they addressed it better than they had before but it's still not where it needs to be to do what the board needs to find, doesn't give the information that you need.

MR. BRODMERKEL: Okay, now, if I could ask our esteemed lawyer, do we have to say we accept this as being complete to do that and I'm not saying we're prepared to do that tonight, evidently we're not.

MR. RODD: You don't have to, you have 45 days to advise the applicants specifically of the reasons why

you're deeming it not complete if that's what you decide.

MR. BRODMERKEL: Okay.

MR. RODD: And once you, if you want some additional information may make a submission the board then has 30 days not 45 to respond to the re-submission.

MR. BRODMERKEL: Now if we, obviously Leslie has concerns that they have to respond to so that if we scheduled them next month to be at the meeting?

MR. RODD: Talking about a February 4 meeting?

MR. BRODMERKEL: February 4, we could then say it is complete in its response to our request for information, that does not mean that we accept all the information or we don't want more, is that correct?

MR. RODD: Well, if you feel it's incomplete, if you feel that you need information that was not provided that has to be stated within the 45 day period either you're deeming it complete or not and you have until February 22 which is the date that we agreed to do that.

MR. BRODMERKEL: So deem it complete means we accept the document.

MR. RODD: As complete which allows it simply to be published and then circulated.

MR. BRODMERKEL: That's all that means?

MR. RODD: Right.

MR. BRODMERKEL: That doesn't impact, say we have approved any building or anything we still have to go on with that as a separate entity.

MR. NOVESKY: Are we suggesting that this be done on the 4th of February or the 3rd of March?

MR. BRODMERKEL: Fourth of February.

MR. NOVESKY: Deem it complete so regardless of what questions that Led might have or you might have we have to consider this on February 4th.

MR. RODD: As I understand the February 4th date that was simply a date suggested by the applicant where they--

MR. NOVESKY: That's our next meeting.

MR. RODD: --where they can meet with the board in the hope by that time and it's your call you'll be able to formulate--

MR. NOVESKY: There's no meeting between now and then, so any questions the board has they'd have to ask them tonight, is that what you're suggesting?

MS. DOTSON: I think that if you wanted to write them down.

MR. BRODMERKEL: We've had the documents for a month.

MR. NOVESKY: But the engineering comments are not provided so I think if you're suggesting or if anyone's suggesting that what this board has to do is make a decision basically tonight because there's no time between now and February where the questions can be asked, am I correct?

MR. BRODMERKEL: That's not my understanding. The applicant wants to come and if we came to an agreement that tonight we could accept it.

MR. NOVESKY: Okay, that's my question.

MR. JACOBOWITZ: Or something came up that we don't understand or have a difference of opinion about with one of your consultants you make that decision and we'd like the chance to be here on the fourth if that should arise, we don't expect that to happen, we expect we're going to be able to take what the consultants tell us and try to do what they have asked us to do. But if something comes up and we say hey, this is not something that goes to completeness or whatever other reason we have, we want the chance to explain it to your board and have you tell us what you want to do.

MR. NOVESKY: We're making our determination on February 4th.

MR. KLOSKY: On the fourth we either need to say--

MR. NOVESKY: We have to make some decision on the fourth because that's within the 45 day timeframe.

MR. RODD: The board has until February 22nd to advise the applicant whether you're accepting their draft submission as complete or not, it's February 22nd as I understand the February 4th date that we're speaking about that was proposed by the applicant in the hope that any--

MR. NOVESKY: It's our next meeting.

MR. RODD: Yeah, the next meeting that if there are any additional issues that can be resolved and addressed and clarified in anticipation of that February 22nd cut-off date everyone has a head start.

MR. KLOSKY: So on the fourth we need to tell them we need the additional information or we need to say this is--

MR. RODD: The deadline date is the 22nd.

MR. NOVESKY: I can call a special meeting.

MR. RODD: The 22nd is the deadline.

MR. GOLD: Adam, let's assume for the purposes of my next question that we accept this document as complete whether it's the 4th or the 22nd, does that start another clock ticking towards something else at that point?

MR. RODD: At that point, once it's accepted as complete and I don't know the time limit off the top of my head but then it has to be published, distributed to the involved agencies, I can get you the exact timeframe.

MR. JACOBOWITZ: It's 30 days from the date it's published, the notice is published, publication date triggers the beginning of 30 days for public comment.

MS. DOTSON: And the publication date means when it's first like distributed because there are three volumes, this is not something that you just produce in the course of 10 minutes, it takes a long time, so they need a certain amount of lead time so they've done this how many times before, they'll know how long it will take and they'll be able to say okay, based on your accepting this on thus and such a date we'll be able to produce this and distribute this.

MR. NOVESKY: We get it. With that, I'm just going to go to the board and ask them if you have enough comments currently just to put it out there?

MR. KLOSKY: It's quite possible. I'll start by saying I may have missed stuff because there's probably 1,000 or 1,500 pages here and I have not yet over the Christmas season I did not devote every moment to the

reading of this document as scintillating as the document is, I didn't dig into it that deeply. So if any of these are off base I hope you can direct me to where I can find these. My specific and first concern was about pedestrian access or bicycle access to the core business district or the central areas of our town. I'm certainly hopeful that this new community that you're creating will not be in a bubble but become part of the wider Cornwall community and a good way to make that happen is to make sure transportation corridors you're envisioning active adults certainly with the tennis courts I'm thinking these are the people.

MR. AMATO: There are sidewalks and they run the entire length of the commercial site as well as the residential site. If you look you'll see a bus stop that's just to the south of the main road going up which is lengthy, I think you all wanted that at one point, we put that in so it's a bus stop there because the main road is a public road so then you can get off-site by walking. There will be a traffic light at the southerly entrance so you can get across the street to get into town if you want to walk into town.

MR. KLOSKY: I'd like to see a little more descriptive text or a figure that would show how somebody would connect to the village or the town from the site. I'm sure that's already laid out, the Academy Avenue connection is well-suited to that, I just would like to see how people can move into town without a vehicle because I think some people would want to. The second is I agree with Leslie about the six trees becoming two, I'm not even sure exactly where they were located on the maps, I may have just missed it where those six large oaks are, there's also an implication in the report that those trees are not viable, right, the report implies broken limbs or something like this. It says that basically implies that the trees are not viable. I'd love to see some sort of expert judgment

on whether they are viable long term and a 48 inch oak if we can preserve a tree of that age and size we want to go to some effort as the code requires to do so.

MR. AMATO: At the present time there are three of them that are preserved out of the six.

MS. DOTSON: The text says two.

MR. AMATO: There's a 36 inch hickory that's preserved, we'll get to that.

MR. KLOSKY: I was wondering if it's possible to put a set of these in the library. I don't know how that would go forward, I guess that's more a question for Gary. Is there an--

MR. VINSON: Direct the applicant to do it and we can make arrangements.

MR. KLOSKY: Do you have another copy for the library for people to access?

MR. JACOBOWITZ: Actually, this is not a document that the public is to comment on yet because you haven't determined it's complete. Once you say it's complete then yes, I think practice in the past has been get it in the library, get it on a web page, have it at the Town Clerk's office, have it at the library.

MR. KLOSKY: Then the public hearing will occur after the publication?

MR. JACOBOWITZ: Correct.

MS. DOTSON: It's a bad idea to have this too wide list distributed before you've got it accepted because you've got people going down blind alleys because they are reviewing things that are going to be changed.

MR. KLOSKY: Can you given the current state of the engineering review of the project that being the engineering review is not complete and detailed comments have not come forward, it's going to be difficult at the February 4th meeting to say that the site plan is complete when usually I like to look at the engineer's comments, take a detailed look at the site plan and then make my own judgment about whether we're ready to go forward with a public hearing or not and I'm having a hard time doing that.

MR. NOVESKY: You might reserve judgment until you see the engineer's report if you feel that you have inadequate time that's fine.

MR. DENEGA: Just to clarify too Mark had mentioned whatever technical comments he has had recently I think have been relayed through Leslie and may be incorporated in her comments as well.

MS. DOTSON: We still need to review some things.

MR. DENEGA: Not to say that's not complete as I said before.

MR. BRODMERKEL: Can we ask that Mark get his comments to us prior to well let's just say as soon as possible?

MR. NOVESKY: He generally does.

MR. BRODMERKEL: Sooner than that.

MR. JACOBOWITZ: The engineering review that you want to do as a board you don't have to do by February 4th, you have longer to do that. All we're talking about is completeness of the EIS of the SEIS so you're not bound to have your comments on the engineering by February 22nd.

MS. DOTSON: I understand that and I think the board

understands that too but what the board is saying is that they feel that their review of the overall plans and how it fits into the SEQRA process would be enhanced by having the technical comments if I'm not mistaken.

MR. AMATO: But Erik said and it's so the bite at the apple by the engineering firm has been on more than one occasion and Joe Russo will tell you they have been working very closely.

MR. NOVESKY: Enough on that.

MS. DOTSON: But I think that there are some elements that we need to look at.

MR. DENEGA: I'll bring that to Mark's attention.

MR. NOVESKY: Thank you.

MRS. DEANS: I would like to wait for Mark's comments too because the questions I have I think are when we get into these two phases that you're going to be building in, I have a question on who determines the water line alternatives and the traffic, how they're going to get south to go north around 218. But that's later on. I think I would like to see Mark's comments on these things.

MR. GRABE: Leslie, you're going to have dialogue with these people throughout the next few days anyway, I would assume?

MS. DOTSON: Yes, hopefully not until I do the stuff I have to do for tomorrow.

MR. GRABE: I believe there's nothing in stone any of these dates.

MS. DOTSON: This is their optimistic plan, this is not

an adversarial process so the information is made available.

MR. GOLD: I'm a little concerned about the comments about the ecology and I'd like to dig into a little more but I'd also like to thank you for obviously having paid attention to some of the public commentary and reacted to with reconfiguring the roads on the side of the project closest to the Moodna.

MR. BRODMERKEL: I have no comments at this point.

MR. NOVESKY: I just have one quasi question and one point of clarification. I have a letter dated January 7 from a consultants working for New York Military Academy, this is by no means the position of the planning board and I want to clarify the fact that the planning board made a point of not taking a position on this and we emphasize that the issue of the outlets from the property owned by NYMA is the responsibility between two parties in this case and not a concern of the planning board. I think that reflects accurately the position of the board and for the record but I will give this letter to thank you. With that, I think that our positions are clear and that we're waiting I think the most urgent issue here appears to be the results of the engineering reports so that members of the board have an opportunity to review it and we'll look forward to seeing you on the 4th of February.

MR. AMATO: Thank you very much.

MR. NOVESKY: There will be a public hearing, would you explain that?

MS. DOTSON: Yes, as you may have overheard when we were talking about before the document doesn't really exist in a public sense, it's not really available to the public because the board has not deemed it to be complete and adequate for public review, certainly not

before the next meeting will that be determined that it is so once the board determines that it is acceptable for public review it will be published, it will be made available to be circulated among all the agencies, the interested agencies and it will be published on the internet and made available to public library at that point. Then there will be opportunity for your public review and the board will establish a hearing date for a, where public comments will be accepted.

MR. NOVESKY: Thank you, Leslie.

MRS. LEWITT: Does that mean he can't comment?

MS. DOTSON: Anyone can comment but it's not viable to comment on this document per se because it doesn't really get you anywhere.

MRS. LEWITT: He hasn't even seen it so that's not why.

MR. NOVESKY: Thank you very much, this is not a moment for debate. The point is that there's an adequate public hearing or public input period after the documents are accepted. Okay? Thank you.

MILLPOND\_SUBDIVISION\_#2003-12

---

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

MR. JACOBOWITZ: Gerald Jacobowitz, from Jacobowitz & Gubits, we're the attorneys for the applicant and here with us is John Atzel from the firm of Atzel, Scatassa & Zigler who have done the plans. This has been around a long time and it's been stopped and started, stopped and started and so I think it might be helpful if I just covered a few things to refresh everybody's recollection about where we are and what it is that we have tried to do. For a while we were riding two horses, we had a residential subdivision on the east side of county highway and a commercial property on the west side and we were asking for a site plan and special use permit for a factory building on the west side and 11 residential units on the east side of the road. That was when we first walked in to deal with this. Problems were the zoning was the opposite and since then the town as part of what they did as the new zoning law they amended the zoning to make the east side residential and the west side all non-residential. So there's no zoning issues anymore with respect to use of the property. The application before you now is strictly a 12 lot subdivision, that's 11 residential lots on the east side of the street and a single lot on the west side which is the commercial, non-residential big tract of land with all the buildings. We're not asking for anything in connection with that as a land use matter, okay, and I put it that way because there's something related to that that I will explain in a second so what's really before you is a 12 lot subdivision, 11 residential lots and one lot that's the commercial lot. Now, the reason I said that we're not asking for anything on the west side of the street except because as a result of an agreement that's 99 percent pregnant with the town we're going to build a new sanitary sewage pump station on the west side of

the road to replace the old malfunctioning pump station that the town owns on the east side of the street. Our pump station has been designed to satisfy the requirements of the town engineer and there, they have some standards now they're trying to do, to make pump stations uniform and so we're going to be building that pump station on the west side of the street and the town is probably going to want us to give a fee title to the land on which the pump station is going to be built with the appearances and the other controls and all the other parts of a sewage pump station, so when that gets confirmed we'll need a subdivision of that sewage pump station site. Now, if the town says they only require an easement then we may not need a subdivision of that piece of land on which the new pump station is going to go. But that lot is going to get deeded to the Town of Cornwall, it will become their property, all the improvements are on it that will be built at our client's expense and that will give a new pump station to replace the old one across the street that I think if you check with anybody in the town says it needs to get replaced. So this makes sense because otherwise we'd have two pump stations, one that was old and not working and the new one that would be smaller, instead, we're doing a bigger one and eliminating the old one. So that's why I put it the way I did about the west side of the street, that's where the pump station is going to be over there. And the exact location we do show it at the Parcel A on drawing number 1 on lot 12 of the commercial piece. So we're awaiting for the town to approve the agreement that needs to be entered into, it's also shown on page 3 as Parcel S looking at lot 3 of the residential and go across the street, look at lot 3 and go across the street and you'll see the sewer pump station site. One of the other things that was raised was how are we dealing with storm water because we're doing property on the east side of the street but it affects the west side of the street, what are we doing about storm water. The storm water management plan is completed

and the report has been submitted to the engineers, it's in two blue binders and that's submitted for them to review. Historically, the entire property was owned by Majestic Weaving then Bethesda Properties and ended up being purchased by the present owners and back when it was opened by Majestic it was designated as an inactive hazardous waste site Class 2A and that meant that there was a potential that there could be an adverse environmental affect, hazardous environmental affect because of the historic use of this property by Majestic and its predecessors as a result of efforts over a 10 year period plus the DEC reclassified the property as a 3 which means that there's no threat or danger of any hazardous waste issue on the property and they issued a letter to that effect, it was issued May 10, 2000, goes back a ways, this has been submitted to the town, it's on file and I believe there is a copy in this subdivision file in Gary's office so that--

MR. VINSON: That's correct yes.

MR. JACOBOWITZ: --so that we have resolved those issues as well as there had to be a number of things done on the property and those inspections all were finished and done, they do have some recurring inspections, we had one about two months ago.

MR. BRODMERKEL: Do you have something that says those changes or whatever had to be done was done?

MR. JACOBOWITZ: Yes, that's the letter they have issued reclassifying it as a 3, yes. They would not have reclassified it had we not satisfied them with respect to their comments and issues that they had raised historically about the site so that's now been taken care of. There was a question raised about the present sanitary sewer system and that's a system that was approved by the Department of Health and the proof of that the approval of that was also submitted to the building department and should be in Gary's file.

MR. VINSON: It was forwarded to Mr. Edsall.

MR. BRODMERKEL: According to Mr. Edsall's letter he does not have it to his satisfaction.

MR. VINSON: That's different than what they gave, I did give Mark a document that they gave me.

MR. BRODMERKEL: Comments from the engineer?

MR. NOVESKY: Mark's comments say they do not address all the comments and--

MR. JACOBOWITZ: I don't see it specifically, is there a different letter?

MR. DENECA: What's that letter dated?

MR. JACOBOWITZ: Three April.

MR. BRODMERKEL: January 7 that's in reference to the storm water pollution prevention plan.

MR. DENECA: That's two different issues, it's not sewer, yes.

MR. JACOBOWITZ: Storm water we now have addressed by the submissions that we have made which are yet to be reviewed. So the purpose of me going through this, Mr. Chairman, is to try to give everybody the same information and satisfy you that issues that you have raised over the period of time we have been addressing and we have successfully addressed all the ones we have heard about so far. So what we really would like to have happen if you're comfortable about this is determine to be lead agency which you have never done and notice of your intention to be lead agency so that notice can go out to other regulatory authorities that will be involved with this project so they get the 30

days in which to decide whether or not they want to be lead agency or you can be lead agency.

MR. NOVESKY: My question to the consultants would be whether or not you feel we have adequate information for us to consider lead agency.

MS. DOTSON: I guess from my purpose I would feel more comfortable if we had plans in a more complete state to do so because oftentimes other agencies do request copies of the plans to go along with them and I still think given the state of the plans which we keep coming back to I'm not sure where it gets us. I mean, I hear his request and I'm just not sure.

MR. JACOBOWITZ: Well, could you tell us what page, we have 14 pages of plans so far, could you tell us which ones you don't have that you need so we can try to get them because we thought we had all of the plans.

MR. NOVESKY: Let me go right to the comments of the consultants, perhaps that will fill that void. Leslie, why don't you do your comments and Erik.

MS. DOTSON: Yeah, mine are more speaking to some of the changes, I think Mark's comments were much more substantive in terms of the plans, I mean, they have definitely improved the plans, they got rid of the extraneous lines that made it appear as though the commercial industrial use was being subdivided, I appreciate that, thank you. I still thought it was odd that the ownership of the hatched section of the land in New Windsor is shown under different ownership but--

MR. JACOBOWITZ: Which one?

MS. DOTSON: The hatched piece of property on the front key sheet that's actually shown in a different ownership, that seemed confusing cause I thought that the parcel description extended all the way into New

Windsor, again, it probably doesn't matter for the purposes of the planning board but--

MR. JACOBOWITZ: Talks about the piece in New Windsor.

MS. DOTSON: Right, I believe there's a section at page 2, it's listed as Moodna Creek Development. It's a different owner.

MR. JACOBOWITZ: The reason for that if I might explain it because we can satisfy Leslie on there, we'll get passed this. The property's a condominium, condominium 3 is Moodna Creek Development, Ltd. and that hatched area is where the sewer main leaves Cornwall and goes to the New Windsor plant and that strip of that is owned, is part of condominium unit 3 which is Moodna Creek Development, Ltd. and that's why it's shown as a separate owner. I don't know what you mean by separate because the owner of this tract of land is, there are three companies that own it, it's called Millpond Condominium and one of the owners, one of the unit owners is Moodna Creek Development and they own unit 3 and this tract of land that you have identified as part of unit 3 owned by Moodna Creek so it's not a different owner.

MS. DOTSON: Okay, that helps. I did have a very difficult time reading the maps because everything is very dense, I think that a different scale would be appropriate for the detail maps because the scale is kind of too big. There's also no legend so it's very difficult to tract certain specific improvements whether they have been placed on the lots, and where you guys did a lot of work and I respect that to do the existing tree coverage but it's not transferred so that that information is on the subdivision plan. So it means that the Planning Board's the one and the consultants are the ones that have to do the work to figure out what's being disturbed and where.

MR. ATZEL: Are you saying you want a separate map with the trees and the slopes with the proposed homes and driveways?

MS. DOTSON: Well, I think if you put the slopes you won't be able to, it will be so dense, unless you pick a much, much larger scale because you're only disturbing a small portion of the lot so if you do a blowup, yeah, you could do that.

MR. ATZEL: So you want the slopes, proposed homes and the trees that are going to be affected by the development?

MS. DOTSON: Yeah.

MR. ATZEL: Okay.

MS. DOTSON: All right, I present additional information submitted with respect to the EAF, I don't think I need to go into those comments, they're fairly technical. So that's it for me.

MR. DENECA: Mark's comments mainly reference incompleteness to the SWPPP for his two previous comment letters, the applicant indicated they have the storm water comments.

MR. ATZEL: We have submitted a storm water management plan and storm water prevention pollution plan, I don't know if Mr. Edsall had a chance to review them.

MR. BRODMERKEL: When did you submit this?

MR. ATZEL: December 27th or December 26th, the deadline date it was submitted by then.

MR. DENECA: Based on Mark's comments whichever plan he did review he said there were some incomplete items based on his November, 2000 comments and his April,

2006 comments. So right now, that's still an open issue you'd have to clarify with them him whether or not he has that latest copy in hand, I'm assuming he does.

MR. ATZEL: He should have the storm water management latest set of maps and the storm water prevention pollution plan as far as April 3, 2006 comments we have addressed those comments.

MR. DENEGA: Mark also suggested there's some confusion with that to give our office a call and set up a meeting with them.

MR. ATZEL: We'd be happy to do that, sit down with Mr. Edsall.

MR. BRODMERKEL: If I can ask Gary can you verify when that document was received by your office?

MR. VINSON: Submission deadline date?

MR. BRODMERKEL: If you can't right this second.

MR. VINSON: I can tell you it's stamped right on there.

MS. DOTSON: December 27th.

MR. DENEGA: Yes, I do have a copy with the same date so this would be the copy, didn't realize I had it, so my assumption then yes, his comments are relevant to the latest SWPPP. Mark feels there are still some outstanding items that haven't been answered.

MR. NOVESKY: He is suggesting they did not meet his questions in the first place.

MR. DENEGA: Not completely. He's suggesting that the applicant give his office a call and they can set up a

meeting to go over any confusion.

MR. NOVESKY: So the information that Mark received on the 27th is inadequate?

MR. DENECA: Correct.

MR. JACOBOWITZ: Okay, it's an ongoing thing, there's always comments so there's no problem in getting back to Mark.

MR. NOVESKY: My question is if the lack of information was substantive enough for Mark to determine that no comments were appropriate that means there must have been a lot of misinformation, I'm surmising that based on the, am I correct, that seems logical?

MR. DENECA: I would say that's close to accurate. I mean, if he feels there may be any information still needed that he may just be spinning his wheels to comment further, I mean, I can't speak for him but maybe making--

MR. NOVESKY: I don't want to speak for him because am I correct in assuming that the engineering report or the information is inadequate for--

MR. DENECA: Yes, I would say so.

MR. NOVESKY: He's suggesting that it's inappropriate and we not proceed any further until the previous comments are addressed. He feels as though the comments were not addressed apparently. I'm not sure that the planning board can take, I'll defer to comments of the board.

MR. KLOSKY: Yeah, I mean, I'd just like to ask Adam one question. As we go forward here in the process of subdividing a piece of land each of the resulting lots must comply with the zoning as it stands today, right?

MR. RODD: Yes, in order to do it they have to come to the zoning board.

MR. KLOSKY: So it would seem to me that lot 12 which is one of the resulting lots of the subdivision we would usually for a lot of that size have them show parking and lighting and appropriate landscaping. There's an awful lot of the things missing from lot 12, seems to me that the community has an opportunity to bring a longstanding grandfathered site into general compliance with modern standards as part of this subdivision. Adam, I'd like to know what the legal status of that is and if you want to do, if there needs to be a review and careful look at our zoning and state law before you make a statement that's fine, but lot 12 is just being shown, we're halving off 11 lots and the leftover lot is just continuing to operate as is without bringing the non-compliant pieces into compliance, fire access has been a long term issue back on that site, parking has been an issue back there, drainage, sewage and it seems to me like I would certainly like to have us take a not unreasonable bite at bringing that longstanding site into compliance with modern zoning and I'm not sure but I would certainly like an opinion about that at our February meeting.

MR. JACOBOWITZ: Well, I disagree with what you're asking for, I mean, I'm not sure what counsel--

MR. KLOSKY: Just asking our consultant to give us an opinion.

MR. RODD: You're talking about lot 11?

MR. KLOSKY: Lot 12, basically lot 12 is the leftover, is the biggest leftover piece but it's still a subdivided piece. Adam, do you understand my question?

MR. RODD: Well, lot 12 as I understand it as it's

described is a pre-existing non-conforming use.

MR. KLOSKY: The entire project is one lot and that lot has some non-compliant elements to it, lot 12 is being created as part of the subdivision. And the question is can the planning board require that lot to be brought into compliance with current zoning or are we required to allow them to continue with non-compliant uses?

MR. NOVESKY: That's a question you can take a month to answer, I don't think you need to address that now.

MR. RODD: We'll make sure you have a firm answer at the next meeting on that.

MR. BRODMERKEL: It's an intricate and very important question.

MR. RODD: Okay.

MR. KLOSKY: And I'm happy to talk to Dominc about it directly if he'd like clarification of that.

MR. NOVESKY: I think the question is pretty clear.

MR. KLOSKY: One of the sheets I'd like to see is an overhead shot showing where all the sewage lines are that are existing and what you propose in the end.

MR. NOVESKY: Asking for the sewage line on the existing lot?

MR. KLOSKY: There is a very busy plot that's called existing conditions or something like that, sheet 5 of 14 and I'd certainly like all the existing sewage lines size and runs to be called out on there.

MR. NOVESKY: I should point out that that was I believe one of Mark's engineering questions that

perhaps he did not feel was answered.

MR. KLOSKY: I'd like to see all the proposed future connections to your pump plant.

MR. BRODMERKEL: Mr. Chairman, I would ask that either Gerry or Gary provide us with two documents, one is the change in the status of the site from a 2 to a 3 and the other one was the acceptance of the sewage system. what was your wording, Gerry?

MR. JACOBOWITZ: The approval we have done that before if you look in your file.

MR. BRODMERKEL: I have not seen it, I would like to see it.

MR. NOVESKY: Is that for lots 1 through 11?

MR. JACOBOWITZ: I'm not trying to be difficult but we have done it twice.

MR. NOVESKY: The question about the existing sewer distribution system on the entire site I believe those were questions that were, Mark had put in his comments at an earlier time but Erik you can clarify that.

MR. DENECA: I was reading as you, I missed what you just said in reference to the sewer, going back to Mark's comment from April 3, 2006 the plans, this is second page, the plans depicted new sanitary sewer pumping station replaced the road pump station, the SSPS is depicted on the easement and dedication parcel is required with an access easement over the existing drive on lot number 12, substantially more detail will be required, I have been in contact with the town supervisor with regard to request for sanitary sewage service to just address the point you just raised, that does seem to have been addressed in the past. Whether or not that's been sufficiently answered at this point

I think--

MR. NOVESKY: If you're proposing to replace the system you should know what it is that you're replacing. So the question remains on the table and I think it's pursuant to Mark's original question which is where and what does the existing sewer system, what's that currently do, that's really fundamentally the question so--

MR. JACOBOWITZ: It's not a question for us, it's not our system, it's the town's, you want to know what the town--

MR. NOVESKY: On the site.

MR. BRODMERKEL: On site.

MR. JACOBOWITZ: You mean the existing on-site system?

MR. NOVESKY: Yes.

MR. JACOBOWITZ: That's been provided to Gary all the documents.

MR. BRODMERKEL: Gerry, that's fine, I would like a copy of it, that's not hard to ask, is it?

MR. JACOBOWITZ: Not at all.

MR. KLOSKEY: I'd like one of these sheets to show the existing sewage line runs as seen from overhead where are they and what size are they, where do they go and I'd like to see one that shows what the proposed system looks like, what lines are there, what new stuff is going in, where does it all hook up, I want see an overhead plan.

MR. NOVESKY: The questions are on the table, we need not beat it to death, but we do understand that that's

the question.

MR. KLOSKY: Last question is about retaining walls, I didn't see, I saw some exceptionally steep slopes leading to the back doors of these pieces of property, I didn't see any proposed retaining walls, I wanted to be sure I wasn't misreading the plans.

MR. BRODMERKEL: I can guarantee you that will be raised when we have public comment.

MRS. DEANS: It's very steep.

MR. NOVESKY: Okay.

MR. KLOSKY: That's fine, we can discuss that at a later date.

MR. NOVESKY: Thank you, Led. Jane?

MRS. DEANS: No, I'm about the retaining walls, it's very, very steep there, that was the only thing I was thinking of too because I know that area and as you get down to the far end of that that used to be a dump for Firthcliff, I know because my husband grew up there and everything was dumped there.

MR. GRABE: None yet.

MR. GOLD: I also want to see the same information about the sewer that Led has asked for so lest you think it's only of interest to him it's not.

MR. BRODMERKEL: I've made my comments.

MR. NOVESKY: Duly noted. Thank you. Okay, that's it, thank you very much.

MR. JACOBOWITZ: So the conclusion is you're not going to declare lead agency.

January 7, 2008

44

MR. NOVESKY: I believe that the board, the sense of the board if you want me to ask for a vote I'd be happy to but the sense appears to be that the information thus far provided is inadequate, so pending the engineer's report and some other information we'll go forward from there.

CORRESPONDENCE \_\_\_\_\_

CHESTNUT\_WOODS \_\_\_\_\_

MR. NOVESKY: I would like to add that I do have a memorandum from Karen Arent, landscape architect. Does everyone have a copy of that? It's very interesting and it's actually good reading so--

MR. BRODMERKEL: Seemed like a very educated document.

MR. NOVESKY: She's a landscape architect.

MS. DOTSON: I also mentioned that I did discuss that with Mark, Mark also has some additional comments on Chestnut Woods, he did not submit those to you because it was not on the agenda for tonight but this is something where it seems to me that the nature of that this is going to need to be discussed, they're going to need to make some changes to the plans cause Mark's comments are really very interesting.

MR. NOVESKY: Just for the record I think Karen's comments where very, very apt.

MR. BRODMERKEL: Who told Karen to make these comments?

MS. DOTSON: We did as part of the site specific plan review because we held off on that until after SEQRA was done that they were coalescing around a specific plan, we felt it was appropriate to have her do a specific review and it's a good thing because some of her comments could certainly save them a ton of money and some of them I had intimated that I was concerned about some of the things they were proposing to do as being a problem.

MR. BRODMERKEL: Expert hired by us?

MS. DOTSON: Correct, yes.

January 7, 2008

46

MR. BRODMERKEL: We didn't waste our money.

MR. NOVESKY: No, she did a very good job. Okay, with that in mind, anything else? Motion to adjourn?

MR. BRODMERKEL: So moved.

MR. GOLD: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth  
Stenographer