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TOWN OF CORNWALL

PLANNING BOARD

JUNE 1, 2009

MEMBERS PRESENT: NEIL NOVESKY, CHAIRMAN
KENNETH BRODMERKEL
WYNN GOLD
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: LED KLOSKY

REGULAR_MEETING

MR. NOVESKY: It's 7:30, time to start the planning board meeting for June 1, 2009. Everyone is here but Led Klosky who's dutifully excused because he's in France.

CORRESPONDENCE

MR. NOVESKY: Correspondence, Fran, I'll forward the correspondence over to you for incorporation into the minutes.

APPROVAL_OF_MINUTES

MR. NOVESKY: Approval of the minutes. Everybody receive their copy of the minutes? Take a motion to accept them.

MR. GOLD: So moved.

MS. BUNT: Second it.

ROLL CALL

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

NELSON_-_PUBLIC_HEARING_#2009-05

MR. NOVESKY: We have a public hearing on Nelson, 127 Mailler Avenue, 2 lot subdivision, section 15, block 1, lot 4. Any member of the public wishing to make a comment, stand up and introduce themselves, give their name and address and limit this comment to three minutes. Any member of the public wishing to comment? Too late, okay, is there a member of the general public?

MR. CORDISCO: Perhaps a brief presentation.

MR. NOVESKY: With that in mind, I will ask for a brief presentation on the Nelson proposed 2 lot subdivision.

Mr. William Youngblood appeared before the board for this proposal.and

MR. YOUNGBLOOD: Good evening, my name is William Youngblood, land surveyor for the applicant, 18 North Main Street, Harriman, New York, Post Office Box 818. This is an existing lot which borders on the Academy Avenue, Academy Avenue Extension, Academy Avenue and Mailler, it's currently an existing one and a half story frame dwelling which is located in the northeast corner of the existing lot. In addition, there's a garage, one story frame garage and the current access to the property is off of Academy Avenue extension. Our plan proposes to remove both the existing framed dwelling as well as the framed garage and eliminate any of the access currently out onto Academy Avenue extension. Our proposal is to subdivide existing lot into two lots which would meet all of the current bulk requirements, area, setbacks, side yards so forth and we propose to construct two single family dwellings which will both access off of the Mailler Avenue and we're trying to move the driveways as far to the south or southwest to get it as far as away from the main intersection to eliminate any conflicts that any

traffic may have where they're coming down Mailler Avenue and the new ingress egress for the proposed houses. What we have done is we have also had an offer of dedication as well to the town for road widening. Currently, the deed reads out to the center line. Have you received them, the metes and bounds?

MR. CORDISCO: Yes.

MR. YOUNGBLOOD: We prepared metes and bounds description for the gratuitous dedications to the town and that one like I said, one of them would be on Mailler, the other would be on Academy Avenue extension. Currently, the deed reads out into the traveled way a little bit so we it was brought to our attention that it would be nice to clean up any encroachment that the property line may have on Academy Avenue extension. Like I said, there's no variances that are required. All of the bulk requirements seem to be at or above whatever the minimum is in the zone. We have set out all the mailings, my client is here, he has all of the return receipts if you want to give them to Gary, give this to Gary.

MR. CORDISCO: No, actually they do go to the chairman.

MR. BRODMERKEL: Who then gives them to Gary.

MR. YOUNGBLOOD: So he's going to give them to Gary, okay, my apologies. There's a few issues that had come up just in brief drainage, there's some issues that we have addressed as far as the existing sewer system on Mailler, we have provided back flow preventers as per the recommendation of the building inspector as well as the head of the sewer department. We have also depicted on lot 2 the driveway to be cross pitched so any increase in impervious area would not direct the flow towards Mailler Avenue directly, it would be cross pitched into the front yard of lot 2 and then naturally percolate back into the ground and trying to eliminate

any sheet flow out on the Mailler if there was a downpour of some sort. So in brief that's basically where we're, what our project's all about and if there's anybody for the public I would be more than happy to answer any questions. I'll leave these here if they want to go through it. All right, any questions from the board?

MR. NOVESKY: From the public, this is a public hearing, although the board can speak later, any member of the general public wishing to make a comment, come up and introduce yourself.

MR. NEVILLE: I'm Lloyd Neville, 122 Mailler Avenue. I just wanted to make sure that the issue of the sewer problems that we have on Mailler Avenue were given to the gentleman who wants to build down there because everybody knows our problems. And also the water coming out onto Mailler, you addressed that so they were our two main concerns. The other concern is the driveway that you're going to have off your properties, it's going to be adjacent to 123, is that yours, it will be very close to the adjoining house on 123 Mailler Avenue, how close would that be?

MR. YOUNGBLOOD: Well, if you go to sheet 2 shows the proposed driveway and the existing house, 123 will be shown here, proposing the driveway five feet off the property line.

MR. NOVESKY: The purpose of the public hearing is to get input, public comment and if you want to discuss it outside you're very welcome to but for the record the board's considering the project, one person, if we can make sure that we hear the deliberations.

MR. NEVILLE: Our apologies. Is there any way we can get a copy of this?

MR. YOUNGBLOOD: Absolutely.

MR. BRODMERKEL: Did you ask the question you wanted to ask?

MR. NEVILLE: I have asked both questions and I got a sufficient answer.

MR. NOVESKY: Thank you.

MR. BRODMERKEL: Other people want to speak.

MR. NOVESKY: Any other people of the public wishing to speak? Do you see any reconcilable issue there?

MR. YOUNGBLOOD: From what I understand there was some concern about the driveway which is proposed for lot 2 being close to the southerly property line, the only way we can try, I was trying to do a side entry garage and based on the current setbacks I had to push the house all the way to the north and I typically like to have a minimum of 30 feet so when you back out of the driveway in order to back out and then go out forward out onto Mailler Avenue typically I can reduce it down to maybe 25 feet, the only way to get by is that if you didn't have two single doors you'd have one overhead door and you, it would enable you to start making your turn a little bit earlier but 30 feet seems to work. The second alternative maybe I'd have to see if my client is amenable to it, I've done it on lot 1 rather than have a side entry we have a front entry garage and that would allow us to pull the driveway in front of the house and still provide a turnaround, we do have options where we can work that out.

MR. NOVESKY: Okay, thank you. Are there other members of the public wishing to make comments on this? Hearing none, I will take a motion.

MR. BRODMERKEL: Motion to close the public hearing.

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MR. LOBLANCO: Second it.

ROLL CALL

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

MR. NOVESKY: Close the public hearing after opening at 7:31 closing at 7:39 for the record. Dominic?

MR. CORDISCO: Yes?

MR. NOVESKY: Our next move?

MR. CORDISCO: At this point, I believe that they received comments from both the engineer and from the planner and if they haven't then they're about to, the comments I think are fairly minor in nature in terms of any changes to the plans that are required and given that the fact that you had the public hearing and have closed it at this point, the board would be in a position to authorize preparation of resolutions for next month's meeting.

MR. NOVESKY: Okay, any comments from the, let's hear comments from the consultants first. Leslie?

MS. DOTSON: Plans were referred to Orange County Planning Department because of the site location next to a state highway, we have at the time this was written we hadn't seen a report but we understood that they were going to recommend a local determination. We have since received that, they raise no issues. You have determined it's an unlisted action so no coordinated review is required. So what they have submitted as far as SEQRA documentation is sufficient.

I would note that some of the issues that have been raised at the hearing seem to relate more specifically to the development of each lot and not subdivision per se. So that's something that's amenable to change, it's not specific to the subdivision.

MR. NOVESKY: Thank you, Leslie. Mark?

MR. EDSALL: Comment 1 just noting some of the improvements as a result of the removal of the existing structures and development in a manner that Mr. Youngblood indicated. Not listed under comment 1 are some of the preventative measures that are built into the plan. Mr. Neville brought forward some of the concerns which obviously were on the top of our list when they appeared at the workshop. So those have been addressed as part of the initial design. Comment 2 just noting that all my comments from the prior meeting have all been addressed. I am noting under comment 3 that some of the notes are applicable to this application given the abilities and such so those could be removed so they are not confusing to viewers. The descriptions of the offers of dedication in number 4 have been since received so we can begin review of those. I will make sure that by the time you consider the resolutions you have a report back on both the water review and highway superintendent. I don't anticipate any issues. And last but not least 911 addresses, Gary's telling me those have been done so they have made progress beyond what we saw on the plans for the meeting so it's moving along very well.

MR. NOVESKY: Thank you, Mr. Engineer. Comments from the board?

MR. LOBLANCO: No.

MR. GRABE: No, if they can move that driveway back a couple feet it may make the neighbor happy.

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MR. YOUNGBLOOD: We can accommodate that, absolutely.

MR. NOVESKY: Next?

MR. GOLD: I have nothing.

MS. BUNT: No comments.

MR. BRODMERKEL: I'm good.

MR. NOVESKY: Okay, so the only issue is that you mentioned something about moving the entrance to the garage one way or the other, just out of curiosity.

MR. YOUNGBLOOD: What I was saying currently on lot 2 if you turn to the sheet 2 we're depicting a side entry garage on that lot we could and on lot 1 we're showing front entry garage if we were to utilize a front entry garage on lot 2 then that would pull the driveway entrance further away from the adjoining property line, the common property line, I don't have very much room to move the house forward cause I'm almost at the side setback limit. And again, I'd like to try to provide the 30 feet from backing out of the garage to the edge of the driveway.

MR. NOVESKY: But it's well within the setback rules and so forth anyway, right?

MS. DOTSON: Yes.

MR. NOVESKY: Fine, thank you. Okay, with that in mind, we can take a motion to authorize the resolutions for next month.

MR. BRODMERKEL: So moved.

MR. LOBLANCO: Second it.

ROLL CALL

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

MR. EDSALL: One other update just for the board because you do entertain different applications on Mailler Avenue, just to update you from the Town Board level the Town Board has not forgotten the sewer which is on Mailler, we have made several applications for grants, we're beginning to organize a design what would it take to get the design done for the replacement of the sewer should the grant money be received and in fact, I believe Supervisor Quigley is trying to work up a funding package to actually complete the design, to say we have one of the infamous shovel ready jobs in case we get the money.

MR. NOVESKY: Did they put that in for the stimulus package?

MR. EDSALL: Problem with the stimulus money was they were looking for shovel ready jobs and we had a concept but didn't have a completed design had not been sent to the DEC so Mr. Quigley is addressing that and trying to get the Town Board all on the same page maybe to get a couple of the critical jobs designed so it's not a forgotten issue.

MR. NOVESKY: Thank you.

MR. BRODMERKEL: What's the status of the subdivision that was going to go in south of this?

MR. EDSALL: Site plan, the multi-family development?

MR. BRODMERKEL: Yeah.

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MR. EDSALL: Not heard from recently.

MR. BRODMERKEL: Are they the folks who owe us a bunch of money?

MR. CORDISCO: They did and they have been written to repeatedly about that.

MR. BRODMERKEL: Thank you.

MR. NOVESKY: Thank you.

DR._GURINDER_MEHAR_#2009-08

MR. NOVESKY: With that in mind, we have a second project, Rebecca Mehar.

MR. TILL: Good evening, my name is John Till, I'm the architect for the project for Dr. Mehar is the applicant. And we're here tonight, Dr. Mehar's existing practice on Elm Street he's proposing an expansion, we're proposing a 725 square foot expansion to his existing facility. We're looking to expand to the northeast side of the existing property one story addition connecting to the existing building. There's currently an existing entrance to the building that exits or connects to the existing parking lot that will be maintained as the main entrance to the building as the handicapped ramp, handicapped parking is directly adjacent to it and that will be maintained as the main entrance to the building. The addition will connect through into the existing building and have various exam rooms as part of the expansion. There are additional exits towards what would be the rear of the building which faces Quaker Avenue for employee access and emergency access for code restrictions and we're proposing a walkway around the existing, sorry, around the proposed addition that connects to our proposed parking lot. The parking area that we're proposing is in addition to the requirements of the parking and we have somewhat separated it from existing parking lot mainly proposing the parking as employee parking because it's a little bit more remote than the main parking and we have been to the workshop with the planning board consultants and the suggestion was to have a sign there for employee parking. We have allotted that for three of the main spaces towards the front of the parking lot to be designated as employee parking and then the back three spaces that we're proposing would be also for employee parking but we're not reserving them specifically for that. It could be used for overflow parking as well during peak times as

well. Again, we have been to the workshop, we're proposing an additional light fixture at each entrance to the building, each new entrance to the building as well as a new light fixture on the west face of the building as well. I have a cut sheet of that light fixture I can show you as well. Any questions?

MR. NOVESKY: First I'll go to the consultants and ask for their comments. Thank you for your presentation. Leslie?

MS. DOTSON: You can take these. This just notes that there's several comments about the problems with the compliance table, just some missing and incorrect information, it's not a big deal, you're not going to have any problems meeting the bulk requirements, it's just that the table needs to be cleaned up. In terms of parking, they are providing more than the minimum that they need but frankly I think it's a good idea to have more than what you need given the nature of the use. Comment 4 just looks at some of the requirements that the zoning code has with respect to the screening requirements, I frankly don't think that additional screening is needed just because this is an existing parking area and you're also preserving existing vegetation and providing some additional landscaped foundation plantings. I'm not sure if the planning board feels that additional screening is needed but quite frankly, this is well back from the existing parking area so unless you feel that more is needed, I felt that this was consistent with the code. Comment 5 is just noting that this is not a county highway and this does not require referral to the Planning Department.

MR. BRODMERKEL: It's not Orange County?

MR. CORDISCO: It is not.

MS. DOTSON: Public hearing is optional because it's a

permitted use, the code does require that amendment to a site plan be acted on in the same manner as the existing plan but the hearing was waived the last time this was before you so I think that you may waive the hearing if you so choose.

MR. NOVESKY: Thank you, Leslie. Mark?

MR. EDSALL: Comment 1 just noting it's a straightforward amendment modification of the existing site, no change in use. Comment 2 has several corrections that I'm requesting and some cautions as it may be. First of all, it's just noting that there's a clean-out indicated and I'm assuming that's a clean-out for the sanitary service from the building and that's in the area where new paving is being proposed so if there has to be any protection with sleeving or anything else, cover problems you should check that out now. Site lighting obviously we like to see that site lighting is addressed, obviously, there's a small area of new parking, we, I doubt that they're proposing a new freestanding pole but any building mounted fixtures should not be spotlight, it should be cut-off fixtures so we don't create a glare or nuisance problems to adjoining properties. Some clean-up items just so we can make sure is that handicapped delineation plans, the new code or the new provision in the code, the no parking any time sign is shown in the wrong place, we just need to shift it over in front of the access aisle, the details should show a mounting height which should be between five and seven foot to the bottom even though it's an existing sign for the handicapped sign you should detail it so what's out there doesn't meet the current code so we can update it that way we have that. Pavement markings for the handicapped again found it beneficial to have it on the plan so that when you give your plan to a striper they do it right, otherwise, 50% of the time they'll mess it up. So it's worthwhile to have it on the plan. The approval box is just something that the town's assuming that you do get

a swift approval that there is a place to put the stamp. Comment 3 is what we have discussed at the workshop which is the fact that there are two lots here we need to have him provide the architect with updated information so that it can be shown on the plan but then because it overlaps the second lot we should have a note requiring that the lots be properly combined as a condition of approval. And last but not least comment 4 this is less, we don't need a SWPPP but it would probably be a good idea just to show in the area of the disturbance maybe an isolation with just the row of silt fence in case anything does get disturbed and there is a heavy rain it doesn't run off and visit Mr. Hazirjian next door. Other than that, it's in good shape, I don't see any particular need that would warrant concerns toward a public hearing, I agree with Leslie, I think it's a very minor adjustment to the existing site.

MR. NOVESKY: Thank you, Mark. Dominic?

MR. CORDISCO: Well, Mr. Chairman, the next step would be for the board to decide whether or not a public hearing is necessary.

MR. NOVESKY: Mike?

MR. LOBLANCO: I don't believe it's necessary.

MR. GRABE: I don't think so at all.

MR. GOLD: I don't either.

MS. BUNT: No.

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

MR. LOBLANCO: I'll second it.

ROLL CALL

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

MR. NOVESKY: We will waive the public hearing and I think the next--

MR. BRODMERKEL: Make a motion that we prepare the resolutions for next month's meeting.

MR. LOBLANCO: Second it.

MR. NOVESKY: Any discussion?

ROLL CALL

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

MR. NOVESKY: The only question I have is related to the lighting on the site.

MR. TILL: There's an existing light pole currently located towards the center of the existing parking that's an existing pole light currently which broadcasts fairly in a fairly good radius in this area. What we're proposing is an additional light fixture or wallpack on the new building, on the proposed building adjacent to the proposed parking.

MR. NOVESKY: That would be a light shading down.

MR. TILL: Yes, and I have a specification sheet here.

MR. NOVESKY: That's okay, just wanted to make sure. Mark?

MR. EDSALL: The Doctor's indicated to us that obviously given the ability to get started on the project he was looking to get started as quickly as possible. I have only a couple minor revisions. If the board is amenable to authorize a resolution and the chairman to sign them once the plans are updated I would ask you to consider that only because he has shared with us his desire to break ground.

MR. NOVESKY: I have a motion on the floor and a second if anyone wants to make a motion to amend that motion to accommodate Mr. Edsall's suggestions.

MR. CORDISCO: Just so the board is aware and the applicant is that how that would work is that there were some changes to the plans that were required both from Mark and Leslie, you did submit revised plans and based on the consultants okaying those revised plans minor clean-up items the resolutions could be signed by the chairman in advance of the next month's meeting so that way you can go and have a building permit application submitted so you can start work without having to wait.

MR. NOVESKY: I will suggest that puts a tremendous burden of responsibility on the part of the chairman but this is okay, we don't mind that.

MR. BRODMERKEL: I have no problem with that.

MR. NOVESKY: With that in mind.

MR. BRODMERKEL: I'd like to amend the motion to allow for the building permit to be issued.

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MR. CORDISCO: It would be a conditional approval authorizing the chairman to sign the resolutions once the changes to the plans have been made.

MR. BRODMERKEL: So moved, so amended.

MR. LOBLANCO: Second it.

ROLL CALL

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

MR. TILL: Thank you very much.

ARC_OF_LEARNING

MR. BRODMERKEL: I'm sorry, I have a notice of intent to declare lead agency.

MR. NOVESKY: Just we started addressing that at the pre-discussion meeting.

MS. DOTSON: Yes, that was what was authorized to be done with respect to the Arc of Learning because it turns out that this building is actually on the historic register, National Register.

MR. BRODMERKEL: Do we need to take any action?

MS. DOTSON: No, just copying what we did.

MR. BRODMERKEL: I withdraw my comment.

OTTERBROOK_SUBDIVISION

MR. CORDISCO: I have one more matter before we leave for the night, I just wanted to bring the board up to speed on the Otterbrook 3 subdivision. There's some correspondence that you received from Mr. Rieger regarding that and correspondence actually wasn't very clear, it just asked for the board's patience in regards to the application. That prompted Leslie and Gary and myself to review the file. The board, this is originally a 3 lot subdivision application that had been pending since 1999 and then was ultimately approved as a 2 lot subdivision as a preliminary approval in November of 2007. Now preliminary approvals are valid for six months at a time, that's why people have to come in and ask for extensions. We went back, we looked through the file, they had never asked for any extensions so that had actually expired in the middle of 2008. Here we're now in the middle of 2009, we looked at the file and it's clear that the application and the approval had expired. So Mr. Vinson has written to Mr. Rieger and advised them that they also obtained variances I believe that the variances have expired as well because they had not sought extensions of those and to top it all off, the Department of Health had also recently wrote to them saying that because of their nonresponse to the department's prior concerns they were also denying their application.

MR. BRODMERKEL: Do not pass go, start over.

MR. CORDISCO: I think that's the case or so I think that if they wanted to pursue.

MR. NOVESKY: It's out of our purview.

MR. CORDISCO: It is.

MR. VINSON: We have been more than fair, we haven't

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just shut the door.

MR. EDSALL: We have been very patient, ten years worth of patience.

MR. NOVESKY: Motion to adjourn?

MR. BRODMERKEL: So moved.

MS. BUNT: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer