

March 10, 2009

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TOWN OF CORNWALL

PLANNING BOARD

MARCH 10, 2009

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

BRYANT COCKS  
PLANNING BOARD CONSULTANT

GARY VINSON  
BUILDING INSPECTOR

REGULAR\_MEETING

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LAPIDUS\_LOT\_LINE\_CHANGE

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MR. NOVESKY: We're going to call the meeting to order at 7:30, a Tuesday special meeting due to the cancellation because of adverse weather last Monday night at the recommendation of the town engineer. Call to order, all present and accounted for.

APPROVAL\_OF\_MINUTES \_\_\_\_\_

MR. NOVESKY: Approval of the minutes, everybody got their copy of the minutes?

MS. BUNT: Yes.

MR. NOVESKY: Any questions?

MR. KLOSKY: Move we approve the minutes.

MS. BUNT: Second it.

ROLL CALL

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

RESOLUTIONS \_\_\_\_\_

MR. NOVESKY: Resolution, we have two resolutions but we're going to discuss the project first, correct?

MR. CORDISCO: Correct.

MR. NOVESKY: Okay.

MR. KLOSKY: Before we move on, may I propose that in the future we gather at 7 o'clock rather than 6:30 until the agenda is larger.

MR. BRODMERKEL: Second it.

MR. VINSON: Clarification, is that the regular meeting?

MR. KLOSKY: No, the planning board work session which has been taking place at 6:30 before the meetings, I believe that time is too long and until our agenda fills out further we've had a considerably abbreviated agenda in the recent months.

MR. NOVESKY: May I add this, we attribute that to the decline in the economy and not a lack of interest on the part of the planning board.

MR. KLOSKY: I'd move we begin gathering at 7 o'clock.

MR. BRODMERKEL: Second it.

ROLL CALL

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

LAPIDUS\_LOT\_LINE\_CHANGE \_\_\_\_\_

MR. NOVESKY: We have a project, Lapidus.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: First I want to thank the board for convening this special meeting tonight, I know it's an extra night out of the month, time is precious. Last Monday, we were before this board and we had a public hearing for the purpose of taking two parcels of land each containing a house, combining them and creating a total of four lots, two of the lots each would contain a house and there would be two new lots. And the two new lots would be serviced by a 300 foot long private road which would come off of Waterview Terrace. the drawing has been revised to pick up some of the key points that were brought up during the public hearing. I will go over them really brief. Lot number 2 we moved the residence further back away from the lake and offset the driveway to divert storm water away from the residences, we have also made that lot larger in the process, at the termination of the private road, we have provided an inlet for the lands of LaGuardia to hook into that. The board remembers, there was an opportunity to possibly drain some low lying areas on the lot and by bringing it into the drainage system hopefully it will relieve them. We submitted road name petitions to the building inspector for him to review. There's a note on the drawing prohibiting construction vehicles from accessing from Route 94 over Lakeview Trail and we extended the storm drainage system up the private road to pick up more of the storm water coming down specifically from lot number 4. So that's a brief review of the changes that we have made to the plans. I think we have addressed pretty much all the concerns of the board and their consultants and I thank you.

MR. NOVESKY: Very good, Mr. Shaw. Bryant?

MR. COCKS: We only had two outstanding issues, both are very minor, note 8 which referenced lots 3 and 4 where it should reference lots 2 and 4. And the building coverage in the bulk table for lot 3 also needs to be corrected just because they lost some land I learned. Other than that, that's it.

MR. NOVESKY: Thank you very much. Dominic?

MR. CORDISCO: Yes, the Orange County Planning Department reviewed and commented back on this application. They recommended the approval subject to certain modifications, including the elimination of lot 2, apparently due to perceived risks of pollution to Beaver Dam Lake and also they recommended that lot 4 be realigned to reduce the length of the driveway to likewise cut down on the impervious surfaces. I would note at this point that I believe that the board's review and the consultant's review of the plans have shown that the plan actually meets all requirements for the Town of Cornwall.

MR. NOVESKY: Thank you, Dominic. Mark?

MR. EDSALL: Mr. Shaw's absolutely correct with the corrections that he made that addresses all the comments that I was aware of from the public hearing and from my comments. Relative to the storm water facilities, it's my opinion that they exceed the standards required for this type application under the state guidelines. And as well another issue that they are addressing to prevent pollution to Beaver Dam Lake is the proposed connection of not only the new residences but one of the existing residences that has a septic system connecting that to the town public sewer so they're doing everything possible, they have done more than what's required for storm water, I think they're being a good neighbor in protecting Beaver Dam Lake.

MR. NOVESKY: Dominic, as a matter of clarification for the record there's a recommendation from the County Planning, that recommendation can be rejected or overturned by one plus majority vote of the board, correct?

MR. CORDISCO: Absolutely correct.

MR. NOVESKY: For the record. Discussion?

MR. KLOSKY: No, I'd like to thank the applicant for listening so carefully to many of the storm water improvements shown here, they meet certainly the intent of the board at our last meeting so we appreciate that very much. I think the application is ready to go forward.

MR. LOBLANCO: Exactly what he said.

MR. GRABE: No comments.

MR. GOLD: No comments.

MS. BUNT: No comment.

MR. BRODMERKEL: No comments.

MR. NOVESKY: With that in mind, I will take a motion.

MR. CORDISCO: At this point, you have a written negative dec that's been prepared by Leslie and you have a motion to adopt the negative declaration.

MR. NOVESKY: I'm making that motion to adopt the negative dec.

MR. GOLD: So moved.

MR. BRODMERKEL: Second it.

ROLL CALL

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

MR. NOVESKY: Then we have a resolution granting preliminary and final subdivision approval.

MR. BRODMERKEL: I would like to make that motion with the understanding that in reference to the county's letter number one that this project meets all of the Town of Cornwall zoning, it meets all the New York State water storage regulations and modified plans, they have modified the plans to comply with all of wishes of the board and these latest plans do comply with all the requests we've made. They have gratuitously provided additional drainage for one of the neighbors to help him with drainage problems that he had, all lots will be connected now to the town sewer that would actually reduce the possibility of any impact on Beaver Dam Lake to a point less than what it is currently. In that light and these items I think in light of the county's comment and these items that I have mentioned we should go ahead and approve this.

MR. NOVESKY: With Mr. Brodmerkel's motion, I point out that we require five vote majority of the counsel in order for the board to approve it.

MR. CORDISCO: Before you take any further action on the motion, I only have two additional comments. One is that the plans should be revised as Bryant had pointed out with two minor corrections on the plans and the second one is that my resolution was prepared for

last month or, excuse me, last week's meeting and as a result, it has the wrong date on it on the last page on item number 8 which specifies that the resolution is valid for 360 days. I put an end date of when it would expire just so there's no misunderstanding but I put it there February 24, 2010 where that should be crossed off and it should be March 5, 2010, this is final approval, it's valid for 360 days, it cannot be extended beyond that date.

MR. SHAW: Understood.

MR. NOVESKY: I'm acknowledging that in the resolution.

MR. CORDISCO: I want to make sure you get all the time.

MR. SHAW: I got it.

MR. NOVESKY: With those comments and Mr. Brodmerkel's motion, I will take a second.

MR. LOBLANCO: Second it.

ROLL CALL

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

MR. NOVESKY: Zero majority which allows us to supersede the recommendations of the County Planning board.

MR. SHAW: Thank you so much. Good evening.

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MR. NOVESKY: Any further discussion? Motion to adjourn?

MR. BRODMERKEL: So moved.

MR. LOBLANCO: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth  
Stenographer