

TOWN OF CORNWALL

PLANNING BOARD

April 4, 2022

MEMBERS PRESENT: NEIL NOVESKY, CHAIRMAN  
LED KLOSKY  
STEVEN DRABICK  
MARYBETH GREENE-KRAFFT  
JOHN HINES  
BILL GRISOLI

ALSO PRESENT: SHAWN ARNOTT, P.E.  
PLANNING BOARD ENGINEER

DOMINIC CORDISCO, ESQ.  
PLANNING BOARD ATTORNEY

KRISTEN O'DONNELL  
PLANNING BOARD CONSULTANT

GARY VINSON  
BUILDING INSPECTOR

MEETING AGENDA:

1. Black Lotus Holding
2. The Dark Room
3. Trombitas
4. Tree Top Development

**REGULAR MEETING:**

MR. NOVESKY: Clock strikes seven, we'll begin the meeting. All board members present and accounted for, I think two, three, four, five, six and we're one half of one short but that's only temporary I hope. With that, I'll call to order at 7:00.

CORRESPONDENCE

MR. NOVESKY: Correspondence, I have several correspondence mostly pertaining to the designation of

lead agency. We had no objections, I will simply hand those, that correspondence over to Fran. So we'll get into the designation of lead agency on the Tree Top Development later on in the meeting.

APPROVAL OF MINUTES

MR. NOVESKY: No discussion. Everybody receive a copy of the minutes for the March meeting prepared exquisitely by Fran? What a job she does. Any questions on the minutes?

MR. KLOSKY: Move we adopt the minutes.

MRS. GREENE-KRAFFT: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. HINES	AYE
MR. DRABICK	AYE
MRS. GREENE-KRAFFT	AYE
MR. NOVESKY	AYE

RESOLUTIONS

MR. NOVESKY: Resolutions, we have a T-Mobile update.

MR. CORDISCO: If the board would authorize that then I will have it ready for the chairman. This was one of the several of these upgrades that are being done to upgrade to 5G service.

MR. NOVESKY: Everybody is familiar with that project? We talked it to death so I don't know if there's any questions. I'll take a motion.

MRS. GREENE-KRAFFT: I'll make the motion.

MR. KLOSKY: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. HINES	AYE
MR. DRABICK	AYE
MRS. GREENE-KRAFFT	AYE
MR. GRISOLI	AYE
MR. NOVESKY	AYE

BLACK LOTUS HOLDING, LLC #2021-08

MR. NOVESKY: We have a public hearing scheduled for Black Lotus Holding. I'd ask for a brief presentation and then we'll move on from there, okay? Thank you. Introduce yourself, name and all that.

MR. DOCE: My name is Darren Doce, I'm the engineer representing Black Lotus for the public hearing, I have the mailings, the affidavits. The site is located at 255 Main Street. It's currently a restaurant with an outdoor seating area that's being allowed because of the Covid pandemic, 28 seats outside in the rear of the restaurant. We're asking for approval to continue that outdoor seating area once Covid restrictions are lifted. We received a waiver for the parking from the Zoning Board of Appeals in February, made changes to the map based on last month's meeting limiting the noise to 75 decibels within 10 feet of the property line, lighting to .1 foot candles within 10 feet of the property line. We also limited the playing of outdoor music to the hours of 12 and 9 p.m. The restaurant is open ten to nine during the week and ten to ten on Friday and Saturday.

MR. NOVESKY: Everybody is familiar with the project and the request for the public hearing was a holdover so that the public might have input so thank you. With that, are there any members of the public wishing to comment? Well, well, well, no member of the public wishing to comment. Okay, well, with that, I'll take a motion to close the public hearing.

MR. KLOSKY: So moved.

MRS. GREENE-KRAFFT: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. HINES	AYE
MR. DRABICK	AYE
MRS. GREENE-KRAFFT	AYE
MR. GRISOLI	AYE
MR. NOVESKY	AYE

MR. NOVESKY: We hereby close the public hearing. I will ask for a motion to prepare resolutions.

MR. KLOSKY: So moved.

MR. DRABICK: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. HINES	AYE
MR. DRABICK	AYE
MRS. GREENE-KRAFFT	AYE
MR. GRISOLI	AYE
MR. NOVESKY	AYE

MR. CORDISCO: Just to clarify, that would be for authorizing you to sign the resolutions, we'll have those prepared.

MR. NOVESKY: Chairman made that mistake.

MR. KLOSKY: I'd like to make a motion that we authorize the chairman to sign those documents.

MR. DRABICK: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. HINES	AYE
MR. DRABICK	AYE
MRS. GREENE-KRAFFT	AYE
MR. GRISOLI	AYE
MR. NOVESKY	AYE

MR. NOVESKY: Thank you, Dominic, for the clarification.

MR. DOCE: Thank you.

MR. NOVESKY: That goes down as the fastest public hearing in history, just so you know.

THE DARK ROOM #2020-07

MR. NOVESKY: We have The Dark Room, is The Dark Room here?

MR. KLOSKY: The discotheque.

MR. NOVESKY: A/k/a discotheque. No Dark Room or discotheque here?

MR. VINSON: At the workshop he said he was going to Greece.

MR. CORDISCO: I thought he was going to be back in time for the meeting, he was leaving certainly.

MR. NOVESKY: We have the principal in Greece.

MR. KLOSKY: Perhaps he's investigating discotheques in Greece.

MR. NOVESKY: With that, I'll just put that on hold until next month, I guess.

MR. CORDISCO: Sure.

MR. NOVESKY: We have to refer that back to the town board anyway, am I correct?

MR. CORDISCO: That would be correct. As we were saying during the work session, the applicant is proposing a different category, it's still a town board special permit and would require referral from this board to the town board for the town board to consider that special permit application.

MR. NOVESKY: Okay, so now the question becomes to the board since we're discussing it shall we discuss this with the principal in possibly Greece or do we just hold it over until next month? We can refer it to the town board if we so choose?

MR. CORDISCO: You could if there were no issues but I think that given the little bit of a unique nature of this and how the applicant sees his particular use of this building in addition to his photography studio it might be better to hear it directly from him.

MR. NOVESKY: Okay, so we'll just hold that over until next month, should he return from Greece by that point.

April 4, 2022

6

Of course once in Greece always in Greece.

TROMBITAS SUBDIVISION #2021-06

MR. NOVESKY: With that, we'll move on to Trombitas subdivision.

MS. NAUGHTON: Kelly Naughton from Burke, Miele, Golden & Naughton. I heard you before, so I understand that we really are on here to reschedule the public hearing for next month and I will coordinate with whether or not we have to do any notices, other publications.

MR. NOVESKY: If I might interrupt you, it won't be rescheduled, we'll continue the public hearing because we never closed the last one.

MS. NAUGHTON: I meant reschedule the continuation. So we're here to go over our revised plans. If the board recalls, for the new member, it is a two lot subdivision--

MR. NOVESKY: You can sit down if you'd like.

MS. NAUGHTON: I'm not used to sitting down.

MR. NOVESKY: Standing up it's like an inquisition.

MS. NAUGHTON: Sorry. It's a two lot subdivision on Oak Tree Drive. There's two lots, one is 4.05 acres, the other is 4.1, 4.07, the other is 4.15 acres. The reason this was carried over is there was an objection to the application from a neighbor regarding two wells on the neighbor's property and the location of them relative to the new lot for this. So with regard to the first well which was their potable well we actually provided a separation distance of 245 feet which does comply because it's not a shallow well. We had your engineer out there to take a look at that as well. With regard to the second well, it is a hand dug well, I think that was referenced in your engineer's comments. They actually only provide a separation of that from their own well of 104 feet, we provide a separation to that of 114 feet. But since it's not a potable well, technically we do comply with the building code. So that isn't an issue there but that's the extent of my legal knowledge of that and I'll turn it over to John and now I'll sit down.

MR. NOVESKY: Thank you.

MR. PETRICINI: My name is John Petricini. The

previous engineer has passed the project along to me so I'll be continuing as the project engineer to hopefully close this out with you. My understanding the well was the main issue when this project last appeared. We did have the opportunity to, with Shawn's office have a site investigation, the well in the rear of the property is connected only to a slop sink in the basement. The well in the front of the property is the domestic water source for the existing home. Connection to a slop sink is considered non-potable water, State Health Code defines a potable drinking well as water that is for use in drinking, bathing or in cooking. A slop sink does not meet that definition and per Appendix B of the State Health Code which is applicable to water wells there is no separation requirements to wells which are not for those domestic use purposes. Based on that, we don't believe the separation of our well to this hand dug well, it's actually 171 feet, we don't believe there's any minimum separation but we do give 171 feet. The other substantial item that I'm aware of was the septic testing. Due to the issue with this well until the location was agreed upon that it was acceptable and met the requirements performing that septic testing in a location that may need to change didn't make a lot of sense and then winter came but we're at a point now when the weather would allow for that testing to take place, assuming your board is prepared to agree that the separation is provided from the adjoining wells are adequate.

MR. NOVESKY: Thank you. Kristen?

MS. O'DONNELL: I'm still recused from this application.

MR. NOVESKY: You're still recused from this application. Okay, Shawn?

MR. ARNOTT: Sure. To touch on the well issue as Mr. Petricini said that the separation between the proposed septic and the existing well to the rear which is the hand dug well currently does not meet the separation required from Appendix 75A. My suggestion would be that something be done in order to meet the separation. Maybe the answer is perhaps that well since it's not serving the house for potable water could be abandoned so that the separation could be met.

MS. NAUGHTON: You want us to have the neighbor abandon

their own well that they don't use for potable water?

MR. ARNOTT: Perhaps the applicant could abandon the well.

MR. PETRICINI: The separation distance doesn't apply per state law.

MR. ARNOTT: I'd be more than happy to review something that says that separation doesn't apply.

MS. NAUGHTON: Why would we have to be providing a greater separation than they would?

MR. ARNOTT: Because the well is uphill so it does need a separation between the well and the septic.

MS. NAUGHTON: Then we'd be happy to provide you with additional information that that is not required for water that's used for a slop sink.

MR. ARNOTT: I'd be more than happy to review.

MR. NOVESKY: Dominic, do you want to weigh in?

MR. CORDISCO: Well, I think if they're going to provide additional information that then would be fantastic. As you touched on it at the beginning, the public hearing was held in July but it was held open without a specific end date. I think the expectation was is that they'd come back at the next month's meeting but for various reasons they were not back on until now. We have a situation where we have them on the agenda, they're not on for continued public hearing so there's not been any kind of notice to the public that this is a continued public hearing. And then in addition to that, we have a situation where one of the neighbors, the neighbor that has this hand dug well and who also spoke at the July public hearing has since sold that property and so we have a new neighbor there who may or may not know of the opportunity to comment on this application. There was also correspondence in July from another neighbor asking that the public hearing be held open because they have concerns but weren't able to attend. My suggestion would be to re-notice this public hearing so that everyone has a full and fair opportunity to comment on the application and my suggestion would be to schedule it for next month's meeting.

MR. NOVESKY: Okay, duly considered and I will ask for the board's input first then we'll discuss carrying it over to next month's meeting. Steve?

MR. DRABICK: My only comment regarding the hand dug well being on the adjoining property, the question of the existing separation, in looking at the layout of this lot and the existing topography, it appears that there would be another location suitable for the septic system that would meet that separation.

MR. PETRICINI: There are other possible locations, we're trying to avoid the use of a pump system, just a maintenance item for the future homeowner and there are issues with slope on the site, we're trying to stay off the steep slopes.

MR. DRABICK: Right. But I'm looking just about northeasterly of where you have the proposed system now there's a suitable grade that would be downhill of the dwelling, if it's grade wise suitable for the system and it would meet the separation of at least the 200 feet from that existing dug well. My point being is that my understanding is that you do have to redo the deep soil tests and percs and have them witnessed, correct?

MR. PETRICINI: Yes.

MR. DRABICK: Okay, point being is why not take that advantage and utilize the other area and not deal with the well separation?

MR. PETRICINI: When you say northeast?

MR. DRABICK: Right on the plan it would be just about where you have the label here for lot one, this area right here, the grade is very similar to the grade that you have here.

MR. PETRICINI: That's uphill of these wells though.

MR. DRABICK: Right, but it gives you the 200 feet to the existing dug well.

MR. PETRICINI: We can look at that possibility.

MR. NOVESKY: Okay, thank you, Steve. John?

MR. HINES: I have no comments.

MR. NOVESKY: Marybeth?

MRS. GREENE-KRAFFT: Steve covered what I was thinking.

MR. GRISOLI: No comments.

MR. NOVESKY: Mr. Led?

MR. KLOSKY: So I have a few. So Oak Tree Drive terminates as a public road, where exactly is it currently? I mean it's a public road, not a private drive, correct?

MR. PETRICINI: Correct.

MR. KLOSKY: Where does it end?

MR. PETRICINI: In the circle in front of our property but our driveway access is there.

MR. KLOSKY: Is that circle owned by the town?

MR. ARNOTT: My understanding is it is a private road extension that extends beyond the circle.

MR. KLOSKY: Shawn, maybe you can help me out on the plan, alright, so this doesn't look like it meets town standards for width.

MR. ARNOTT: Right, but it's an existing public road from this point on, it's a private portion of Red Oak Ridge.

MR. KLOSKY: This one way or--

MR. ARNOTT: I'm not sure.

MR. DRABICK: No, I think it's both ways.

MR. KLOSKY: Looks to me like it's only 14 feet wide.

MR. ARNOTT: Yeah, it's very narrow but the point is it's an existing public road.

MR. KLOSKY: So we're hanging another house off an existing public road that doesn't meet standards.

MR. ARNOTT: We are.

MR. KLOSKY: It's just a weird arrangement, that's all, on a narrow piece of road, I wonder about fire apparatus. The second question I had is it's a relatively steep site, how much additional open acreage, I think it's all wooded right now, how much additional, you know, wooded acreage are we adding here? What are we doing to protect the downstream property owners from runoff from that new cleared space?

MR. PETRICINI: We've got a total area being disturbed of 1.52 acres, so that disturbance would require removal of the trees, a substantial portion of it will be revegetated with lawn upon completion of the project. It won't remain completely impervious or as bare soil. I can get you an exact number but, and as far as downstream, we're compliant with the SPDES permits, there are no requirements for any permanent measures, ponds, that type of thing. We have included measures in the plan to disburse any runoff to ensure there's no concentrated runoff that will be directed towards adjacent properties.

MR. KLOSKY: But I'm just looking at the proposed rock outlet, you know where you are, where you've got 18 inch pipe running under the driveway that's potentially delivering plenty of water.

MR. ARNOTT: Right, but I believe there's a level spreader proposed at the outlet of that.

MR. KLOSKY: Is there?

MR. ARNOTT: If there's not, we can make sure that one's added.

MR. KLOSKY: I'd only ask the town's engineer take a look at that, at the runoff from the site in general, this open space has caused difficulties on past projects.

MR. ARNOTT: Sure.

MR. KLOSKY: That's all I've got.

MR. NOVESKY: With that, board, I'd like your input, obviously maintain the public hearing as proposed next month, obviously no notice, Gary make sure that there's a public notification.

MR. VINSON: Just have them reach out to my office, we'll get them the notice. You're going to be here next month, correct?

MR. CORDISCO: In this location, yes, I believe so.

MR. VINSON: Okay.

MR. NOVESKY: I guess the wording of that, how that hasn't been a closed public hearing.

MR. CORDISCO: Yeah, I would suggest that the public hearing notice it as a continued public hearing.

MR. VINSON: Okay.

MR. NOVESKY: From last July. Okay, with that, thank you.

MS. NAUGHTON: Thank you. Do you need a motion for that or you're good?

MR. CORDISCO: We've done it both ways.

MR. NOVESKY: Well, it's an open, it's a little confusing as to the status but I'll take a motion just to maintain the continuation of an existing public hearings that was not closed in July. Steve, can you word that please?

MR. DRABICK: What you said.

MRS. GREENE-KRAFFT: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. HINES	AYE
MR. DRABICK	AYE
MRS. GREENE-KRAFFT	AYE
MR. GRISOLI	AYE
MR. NOVESKY	AYE

MS. NAUGHTON: Thank you.

MR. VINSON: Do you need to come to the workshop?

MS. NAUGHTON: I don't believe we do but I will confirm.

April 4, 2022

14

MR. VINSON: It will be the 14th. Thank you.

TREE TOP DEVELOPMENT, LLC #2022-04

MR. NOVESKY: With that, we have Tree Top Development, LLC and they're here. We've scoured the countryside and we've had no negative feedback in terms of our serving as lead agency. So everybody knows we've got, I believe we already received all letters, am I correct?

MR. CORDISCO: You received some correspondence from some of the potential other lead agencies, no one has objected to the planning board being lead agency and the time to do so has now elapsed and so the board would be in a position to confirm its status as lead agency.

MR. NOVESKY: Which we'll do after?

MR. CORDISCO: Sure.

MR. NOVESKY: With that, we're talking about the SEQRA updated draft scope. You're on.

MS. CHIOCCHIO: Very good, thank you. My name is Lucia Chiocchio from Cuddy & Feder on behalf of Tree Top. I'm joined by Reuben Twersky, Ryan McDermott and Corey Chase of Dynamic Engineering, the project engineers. We've had incorporated some of the comments that were made over the last month into the draft scope. I can go through some of the ones that were made or--

MR. NOVESKY: I don't know if that's necessary.

MR. CORDISCO: I think the scope that was submitted to the board included comments that had been made in the meantime and also incorporated various different things that were suggested by particular board members, although there was a couple additional tweaks I believe that Shawn picked up on that should be made to the scope before it goes out for public comment.

MR. NOVESKY: Okay, with that, you're asking how detailed you might be in going through this, I gather?

MS. CHIOCCHIO: If you'd like we can or if you're comfortable with the draft that was submitted and reviewed--

MR. NOVESKY: May I ask the board's wishes?

MR. KLOSKY: I'd be most comfortable if the consultants had anything in particular they'd want to add. I'd like to have a discussion how we're going to share this information with the public to make the process as transparent as it possibly can be.

MR. NOVESKY: Phil Grealy is here serving as our transportation consultant.

MR. KLOSKY: So we have correspondence from the Department of Transportation and from the Orange County Department of Planning, I found those documents to be responsive and high quality so I'd ask that if there are items within here, I think it would make sense to be folding those into the draft scope. Additionally, I'd be interested to hear the plan for putting this all up on the web. It's my understanding that the town will provide space on their website for a link and that link will then lead to a location where we can coherently archive all the voluminous correspondence that will go in on a project of this scale. I think if we can get a good working model for that or map for that communication early in the project it will help the public to stay informed to make the whole process smoother. We used to just put the documents in a location at the library or the building inspector's office but I think in these current times we have to think about that for a couple of reasons so the people have comfortable access.

MR. TWERSKY: Yeah, I know it's been brought up a couple times also in the workshop meetings. I think we mentioned last meeting we did secure the website, the website now is live, it does have all the documents that we submitted to date on there, it's [www.cornwalllogistics.com](http://www.cornwalllogistics.com). So if anybody has internet capabilities they can look at it now which I think Dominic is.

MR. KLOSKY: Applicant can interact at town hall.

MR. VINSON: If they send an e-mail to Diane I'm sure Diane will refer it to someone.

MS. CHIOCCHIO: Okay, we can do that.

MR. NOVESKY: I think I can defer, Kristen, are you going to offer comments on the scope as it stands now? I'm trying to, this is all about just the scoping session so we'll have a public hearing next month,

presentation, I just don't want to get redundant.

MS. O'DONNELL: The only thing that I wanted to discuss with the board is the visual receptor map that the applicant provided. Because I just want to make sure that the board saw that and everyone is comfortable with it. So the applicant, we discussed at the workshop the visual analysis that was going to be prepared as part of the DEIS, and the applicant prepared this receptor map with their scoping document that shows they have a pin in all the locations that they're going to be taking photographs from and they will analyze the visual impacts from those locations looking at the site. So I just wanted to make sure that the board was comfortable with these. There's one location way down by the Hudson Highlands scenic overlook off 9W that is basically the main location from Black Rock and I just want, these board members are much more familiar with this area than I am or than the applicant is, so probably be good if anyone has any comments on this or any adjustments that you might be aware of just because you utilize the trails and the parks and the hiking areas certainly more than I do.

MR. KLOSKY: I think it would make sense to have a view from above on Route 218, trying to remember the name of the park, that's the Storm King State Park access that's there, there's a farm, Donahue Farm there and above that there's a trail and a prominent overlook on that trail, the one that goes between the two stone pillars on Mountain Road, Mountain Road access, you go in through there, go up a half mile, you make a left and there's a significant outcropping there, pretty much everyone, you look down on the village, you see the spire of the chapel right there and if you look to the left I believe you would see this site.

MS. O'DONNELL: Do you think if you send me a pin I can get that to the applicant?

MR. KLOSKY: I wonder if it would turn up on a satellite view because it's heavily tree covered, everybody knows the one I'm talking about up there above the stone pillars, yeah, okay, I think you would be able to see the site from there but I'm not clear on a, like how visually prominent it would be from there.

MR. NOVESKY: Pursuant to that possibly for the public scoping session that we'll schedule you can have a blowup of that because not everyone will see it on the

internet and that would be helpful.

MS. CHIOCCHIO: Yeah, good idea.

MR. KLOSKY: I think Schunemunk Mountain is the other one looking east from Schunemunk just given the scale of it, two million square feet, thanks.

MR. NOVESKY: Kristen, did you have more?

MS. O'DONNELL: No. I just wanted to make sure that the board had looked at this and really process it. I wasn't sure that the scenic overlook on 9W that was chosen, I just dropped down, it looked pretty vegetated so I'm not sure if that, I mean, that maybe what you want to show just to kind of document it and just to kind of avoid that question in the future, I mean, I'm okay with that. But yeah, I don't think just dropping down into Google Earth didn't look like that was going to be an issue or really visible at all. There's a lot of vegetation there and it's not a particular high point. I didn't have any issue with the other locations, seemed that they covered all the adjacent residential streets, they covered a lot of streets, there's a historic area by Tandrick (phonetic) House, they covered that so they did, they picked a good amount of sites right around the site, they obviously are looking at it from Knox Headquarters as well so I thought all the other locations were fine. Otherwise, I did prepare a draft negative or positive declaration unless there are any other discussions on the scoping document I can get into that.

MR. NOVESKY: Okay, let's just see. Shawn?

MR. ARNOTT: Just one suggestion that Member Klosky brought up last time with regard to electric and gas infrastructure, just looking at that, whether or not upgrades are necessary for the project.

MR. NOVESKY: Thank you, Shawn. Before that, I will just take any comments from board members. Shake heads no, shake, shake. Okay, with that, Kristen, you may continue with your pos dec comments.

MS. O'DONNELL: I prepared a draft pos dec, the board needs to discuss a meeting date, I have a tentative meeting date of May 2nd in here which would be your next scheduled planning board meeting. It doesn't seem like there's a heavy agenda that night but I suppose

you never know but that's up to the board if we wanted to schedule, I have a tentative date for May 2nd and then I have allowed for 11 days after that because the 12th is a Sunday to allow written comments to come in on the document. I did include the website that the applicant is setting up for all the project documents, this will be posted, this pos dec will be posted as well as the draft scope. This document upon adoption will be circulated to all of the involved and interested agencies with the most recent copy of the scoping document and the notice, this notice will be included in it to let everyone know that there will be a scoping meeting.

MR. NOVESKY: I think we have to adopt lead agency formally, do we not?

MR. CORDISCO: You can confirm your status, it's kind of like presto, like you're lead agency.

MR. NOVESKY: Is that by default?

MR. CORDISCO: You declared it and 30 days elapsed and no one contested it so you're lead agency.

MR. NOVESKY: But I will ask for a consent vote anyway just because I'm insecure about things like that and how they hold you in the court. I'll ask for a motion to declare formally lead agency.

MR. KLOSKY: So moved.

MR. DRABICK: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. HINES	AYE
MR. DRABICK	AYE
MRS. GREENE-KRAFFT	AYE
MR. GRISOLI	AYE
MR. NOVESKY	AYE

MR. NOVESKY: With that, we'll go to the second, ask for a motion to approve Kristen's positive declaration document.

MR. DRABICK: So moved.

MRS. GREENE-KRAFFT: Second it.

ROLL CALL

MR. KLOSKY                    AYE  
MR. HINES                    AYE  
MR. DRABICK                 AYE  
MRS. GREENE-KRAFFT        AYE  
MR. GRISOLI                 AYE  
MR. NOVESKY                 AYE

MR. CORDISCO: Just for clarification, so on that, a couple logistical things. Would the meeting itself for the scoping session would that be taking place at your regularly scheduled meeting on Monday, May 2nd?

MR. NOVESKY: That's a good question, that's for discussion. Board, there may be public interest, I assume, substantial public interest in possibly at least hearing more or less the formal presentation so that the world knows where this is going. So the option is to schedule a different day which I don't think is the greatest option necessarily or just recognize that we'll be here for a little longer.

MR. CORDISCO: I would not recommend scheduling on a separate day because the public, to the extent the public are interested and come to the board meetings they know that the meeting is the first Monday of any given month. Depending on that turnout that night or the number of comments, it may be necessary to schedule a second or continued scoping session but that could be discussed that night depending on what the turnout would be.

MR. NOVESKY: Are we satisfied to have it here also?

MR. CORDISCO: That's the second question is that there may be significant public interest. I think the room itself in my opinion could be a little bit reconfigured where we could be a little bit further back, we can add some more chairs.

MR. NOVESKY: We can have our backs to the wall so to speak.

MR. CORDISCO: Yes, yes.

MR. NOVESKY: That works.

MR. CORDISCO: But I think an alternative location would be logistically difficult right now. I'm not

aware of like, for instance, the school district allowing other entities to hold meetings like within their cafeterias or auditorium and if it's necessary we're not going to know until we know.

MR. NOVESKY: So logic has it that we recommend scheduling it for a regularly scheduled meeting, just anticipate just a little longer than normal.

MR. CORDISCO: Correct.

MR. NOVESKY: Okay, everyone okay with that?

MR. KLOSKY: Can I ask a question about the proceedings? So would it be appropriate for us to ask for a little bit of coverage in terms of commentary at that public hearing from the applicant regarding particular key issues and how they'd be addressed by the scope?

MR. CORDISCO: Certainly it would be more productive for the board to have a presentation by the applicant at the scoping session to help educate everyone in connection with what is being not only proposed but also what they're proposing to evaluate, you know, as part of their, as part of the environmental review. In my opinion, like scoping sessions are really valuable when members of the public have very specific comments saying, for instance, that there might be another location that should be evaluated or there's a traffic intersection that has been missed or very specific things that the applicant can then go and evaluate, you know, scoping sessions are not so helpful when members of the public just have general questions or general objections to a project because the purpose of the scoping session is to form an outline of what the environmental review is going to be required to cover. And so anything that helps that process helps the board make an informed decision based on what should be taken into account.

MR. KLOSKY: Thanks, I appreciate that very much. And with that in mind, I think that it would be productive to hear commentary and to see visuals regarding a few key items. One would be visual impact, I think Kristen arrived at that correctly, the public will be concerned about that. The second is water quality and storm water runoff into the Moodna which was also mentioned by the Orange County Department of Planning in the letter prominently. It would be productive to discuss

how the document would address that concern. And lastly, of course, the access to 9W and traffic I think that it would be very productive to talk about what kinds of solutions will be evaluated in the process.

MR. NOVESKY: Let me add to that, Phil, did you have any additional input related to what Led is alluding to?

MR. GREALY: I think in terms of the scoping document at this point we've covered all the points. So the board knows, tomorrow we have a call with the New York State DOT who is the permitting agency together with the applicant to get the DOT's input early in the process and make sure that everything that needs to be addressed from that standpoint will be taken care of. So I think at this time the scoping document has the main locations, the type of evaluations, and potential mitigations and then whatever comes out of tomorrow's call I think the applicant will have a better understanding of any requirements of the department which will be important in terms of our process.

MR. NOVESKY: Excellent.

MR. KLOSKY: You'll be on that call as well?

MR. GREALY: Absolutely.

MR. KLOSKY: Could you send us just a quick summary of the call in advance of next month's meeting so we can review that information?

MR. GREALY: Absolutely, yes.

MR. TWERSKY: If it helps during that presentation it's great to educate the public of where we are in the process, right, this is just the first step, these are the questions and then we're going to keep coming back in four to six months with the answers of how we're going to mitigate, what mitigation will be needed. Sometimes I think next month that public hearing is like the one and only so hopefully we can educate them as well.

MR. CORDISCO: That's an excellent point, this would be the first public hearing, there will be other public hearings.

MR. TWERSKY: Many others.

MR. NOVESKY: Okay, very good. With that, I'll ask for a motion.

MRS. GREENE-KRAFFT: Just as a thought with that, I know that the previous scoping public hearing that we had for another project I know that that was also disclosed at the start of that public hearing as an explanation as to what that would be. So if we can include that as you did when we did the last scoping public hearing to let the public know as to what the process would be for that meeting, if we can have something prepared as you did for that other one I think that would be very helpful for the public. You did a wonderful job.

MR. NOVESKY: I'll check out my notes.

MR. VINSON: You authorized a public hearing for another project for next month as well.

MR. NOVESKY: We authorized the continuation of the public hearing.

MR. VINSON: There may be an item or two possibly, what do you want on first?

MR. NOVESKY: Very good question.

MR. VINSON: Do Tree Top first? I think there might be a little confusion with the two.

MR. NOVESKY: I anticipate a relatively short hearing with Black Lotus.

MR. CORDISCO: Or Trombitas.

MR. VINSON: Do we want to do those first and have the SEQRA at the end?

MR. NOVESKY: That would be good, yes.

MR. VINSON: I'm going to get asked that.

MR. NOVESKY: Good question, thanks for clarifying, that's good, we'll do that first. And we'll be prepared, you're coming in from wherever, two or three in the morning will be okay, right?

MS. CHIOCCHIO: Yeah, no problem, we're used to it.

MR. CORDISCO: If you're going to make a presentation at the meeting and you need audio visual, you'll have to bring it so we don't have those.

MS. CHIOCCHIO: Okay.

MR. NOVESKY: So we've done the document and approving of the pos dec, am I correct, schedule a public hearing for next month?

MR. CORDISCO: Well, that was actually included in the positive declaration notice but since you're being so cautious tonight perhaps you want to have a separate motion confirming that the public scoping session will be conducted as a public hearing with proper notice both in the newspaper and to the adjoining landowners and that it will take place on May 2nd at 7:00 or as soon thereafter.

MR. NOVESKY: Like when you have a stenographer next to you you really are careful, it just changes things. So yeah, that's good, I'll take a motion for that.

MR. KLOSKY: So moved.

MRS. GREENE-KRAFFT: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. HINES	AYE
MR. DRABICK	AYE
MRS. GREENE-KRAFFT	AYE
MR. GRISOLI	AYE
MR. NOVESKY	AYE

MR. NOVESKY: Thank you.

MS. CHIOCCHIO: Quick question with respect to notice, Dominic, is that something that we should coordinate with Gary?

MR. CORDISCO: Okay.

MR. VINSON: We're working on the list of names, hopefully maybe Wednesday or Thursday we'll have that and Diane has a form that you fill in the blanks.

MS. CHIOCCHIO: I'll follow up.

MR. VINSON: Generally she wants to give you that and she puts on the info for Munger Cottage and whatever Covid rules are effective.

MS. CHIOCCHIO: Great.

MR. CORDISCO: I do see the website. I would ask just two changes to it, it says at the top it says information and I would ask that you change that to project documents because that's what it's going to be. And also it has very nice rendering as a background but perhaps just a white background page because I think that if people want to see the rendering they can go look at it but it shouldn't be distracting, this is not a legal issue but my suggestion would be to keep it cleaner and simple.

MR. TWERSKY: There has to be a picture there.

MR. CORDISCO: It could be a nice white picture.

MR. TWERSKY: Let me talk to the people who built it but I think there has to be a picture there.

MR. CORDISCO: Please. Thank you, cause my purpose in asking this is not where I'm being picayune, it's just that the town board is going to link through to this and we don't want it to be seen as there being any kind of endorsement or look at this pretty picture of people going into this building, it's a nice picture but like the project documents should just be under project documents.

MR. TWERSKY: It's also what people are going to be getting if the project gets built, if it does get built so people should know that.

MR. CORDISCO: Understood. And they can see that when they click on the plans and the renderings that you will include as part of your set.

MR. TWERSKY: Okay, thank you.

MR. CORDISCO: Thank you.

MR. NOVESKY: Thank you.

MR. KLOSKY: You're going to include stuff like the response from the DOT and the Orange County Planning,

like these documents will be part of the public record there?

MR. CORDISCO: That's a good question. I think that, you know, yes and no, you know. So, for instance, like the legal requirement for like an EIS on the web is that Environmental Impact Statement has to be on the internet and available publicly to anyone who wants to view it and they have appendices there, they have all project correspondence and everything like that so that will be that. But I think it becomes really unwieldy if every single document starts getting added to this page. The list is going to be significant, it's not that the information shouldn't be there, it's just that there should be perhaps broader categories. So, for instance, now that the board has adopted positive declaration notice like that notice when it's finalized should go up on the website and the scope should go up on the website but I would suggest that correspondence and other things that would be included like appropriate appendices to documents when they come in.

MR. KLOSKY: Maybe there could be a link that says correspondence and behind the link is all the stuff. The reason I suggest it specifically, Dominic, is that many of the comments that I anticipate will come from the public have already been addressed or brought up officially by these two documents. And so if the public saw them and said oh, well, the Department of Planning already asked for a careful evaluation of water quality in the Moodna as a for instance maybe the public wouldn't feel that was something they needed to pursue further in the public hearing.

MR. CORDISCO: It's a good comment, certainly well-intentioned. At some point you have to draw the line though. We will be receiving correspondence from the public and that will be part of the official record but there's also a process of responding to those comments in the Final Environmental Impact Statement. So I just don't want to trip over ourselves or create an additional burden for responding to things or posting things that are going to find their home elsewhere and be publicly available.

MRS. GREENE-KRAFFT: What if there was a reference that the responses or overviews are processed, looked at, whatever, reviewed, whatever word, term you'd like to put in there by the following agencies so the public would know that it is not just our planning board that

is looking at that. We do have other consultants that are looking and that, we have other agencies that are also reviewing the process. Maybe it doesn't have to be every sheet of paper or every comment but maybe there could be a reference there or information provided to the public knowing that there are multiple agencies that are reviewing this and involved in the review.

MR. CORDISCO: It's a good suggestion and we can work on planning a way to having official correspondence as part of that record that can be called out.

MRS. GREENE-KRAFFT: It might not have to be all of this but just be a reference.

MR. CORDISCO: Right. There's certainly, so, for instance, take the County Planning Department, they have already responded in connection with lead agency, it's their first response, they're going to have other opportunities every step of the process to continue to provide comments to the board. And to your point, like those are helpful comments, it's not official, it's correspondence but it's not like a triggering document as far as a project document but we'll work on a way to make sure that that's addressed as well.

MR. NOVESKY: Okay, thank you, Dominic, alright.

MR. CORDISCO: And on that point though, you know, I'm also, I just want to say this for the benefit of the public that there have been letters to the Cornwall Local, I read the Local so I see them, other board members read the Local and see those letters as well but those letters are not part of like an official record in connection with the project. Kristen noted earlier that her suggestion and positive declaration would be to have the public hearing on May 2nd but also to allow for ten additional days after the close of the public hearing for additional written comments because people may hear things at the scoping session, at the public hearing and then want to think about them or comment further on them. And so that gives people additional opportunities to do that. But those letters to the board are part of the official record and everything is considered by the board as part of that but letters to the Local like are separate but they're not part of the official record of the board.

MR. NOVESKY: Right, okay, was that assumed in the

resolution establishing the public hearing that we can, we're extending the written comments?

MR. CORDISCO: Kristen mentioned it, it's in her draft, I'm sure she'll finalize it in the next couple days.

MS. O'DONNELL: It's in the pos dec.

MR. NOVESKY: Very good, thank you. With that, I think that's all we have. I would welcome John who's here three months now, we'll also welcome Bill who is well credentialed, happy to have you and I'm so happy to have that tie breaking vote, real pleasure to have Mr. Grisoli here and I'm sure you'll contribute a great deal to the deliberations.

MR. GRISOLI: Thanks.

MR. NOVESKY: Thank you for joining us.

THE DARK ROOM #2021-08 (CONTINUATION)

MR. CORDISCO: Mr. Ferrara is here, he wasn't aware that he needed to come and so--

MR. FERRARA: I apologize, I wasn't sure I was on the agenda.

MR. NOVESKY: We thought you were in Greece.

MR. FERRARA: Supposed to be in Greece and had to change at the last minute to Hawaii, Hawaii is great.

MR. NOVESKY: Well, you lost my sympathy.

MR. FERRARA: Greece is next year when the season is open, don't go to Greece before May 1st.

MR. NOVESKY: With that, please.

MR. FERRARA: Yes, so my, what my first step is now for the Dark Room is to become a discotheque LLC, which would allow me to have private parties not open to the public, a space where I can have people come in to dance, get together to celebrate, to have a birthday party, an anniversary party, something small under 40 people ideally. And that would then allow me to propose to the board and the zoning and the town to then obtain the special use permit which is my end goal in all of this.

MR. NOVESKY: You're aware you have to go to the town board for that issuance?

MR. FERRARA: Yes.

MR. NOVESKY: All we're doing now is referring you to the town board, correct?

MR. CORDISCO: Yes, this would be a town board special permit, according to the town zoning code the application has to be made to the planning board then the planning board can review it, if you have any questions you can ask them, if you have any comments on it you can make those comments to the town board. But this board has to refer this matter to the town board so that the town board can then deliberate. They would have to have a public hearing, they also have to refer the matter to the County Planning Department because of its location on Main Street and take whatever other

procedural steps that the town board would decide because the town board ultimately decides as to whether or not to grant or deny special permit for his proposed use.

MR. NOVESKY: With that, so this is just a consent to refer this project to the town board for appropriate approvals or whatever. I'll take a motion or any discussion? Any questions?

MRS. GREENE-KRAFFT: I just had a question on the parking. When it states that there's four parking spots on the property they're designated for your tenants?

MR. FERRARA: It's actually more than that if I count my adjacent property which is owned by Andy but yes, only one tenant actually parks in those spots.

MRS. GREENE-KRAFFT: Okay.

MR. FERRARA: So there's a driveway that I share with Andy so he has a few spots back there that he will allow my tenants to use or myself if it snows and the town has to plow and he's said on occasion when a party would take place he did say yes, I would just keep that open to myself and anyone else that would need to park there.

MRS. GREENE-KRAFFT: And the other only other question I had in regard to the arrangements that you were making for the off-site parking that you had, is that a written agreement?

MR. FERRARA: I have, she's a little, she's not got back to me on the written thing but I will obtain that from her.

MR. KLOSKY: Those four spots you're talking about for your tenants as far as I'm concerned those are already consumed by current use. So we'll have to consider current use of the parking spaces you have available and the parking spaces are under contract or in written agreement as Marybeth implies. So I think it sounds like a plan that's going to lace together from what you've presented here but there will have to be some sort of confirmation that the parking access is there.

MR. FERRARA: Of course, I'll get that.

MR. NOVESKY: Marybeth, are you satisfied?

MRS. GREENE-KRAFFT: Those were my questions that I had in regard to the parking.

MR. HINES: This will come back to us after we refer it to the town board or once we pass it off--

MR. CORDISCO: If there's no site plan amendment, no exterior modifications that are being proposed it wouldn't come back here for any site plan approval, just the consideration and possible granting of a special permit.

MR. KLOSKY: We can recommend to the town board that we consider the parking agreement as part of their granting of the special use permit.

MS. O'DONNELL: That was my question.

MR. CORDISCO: Yeah, it, I mean, it's related to the use so it would be appropriate to suggest that, it's not an unrelated matter.

MR. NOVESKY: Would you like to include that in the referral?

MR. KLOSKY: Well, I agree with what Marybeth brought up, it's exactly the same question I had.

MR. NOVESKY: Well, you agree with it also?

MR. FERRARA: Yes.

MR. NOVESKY: As part of the referral we can just add that, okay?

MR. KLOSKY: Who writes the referral?

MR. CORDISCO: I've written them in the past, I'm happy to do so. I want to make sure that I understand MaryBeth's and the boards' comments in connection with parking so--

MR. KLOSKY: I think our recommendation to the town board is that they consider the special permit but look for written confirmation from the adjacent land owners whose property is being relied upon for the parking, you're talking about 49 people at one of these parties and so that's probably 30 spaces.

MS. O'DONNELL: Twenty-five.

MR. KLOSKY: So my initial guess was wrong, 25 spaces and I think the applicant should show that they have a confirmed right to use those spaces for this facility. Does that describe it, MaryBeth?

MRS. GREENE-KRAFFT: Yes.

MR. NOVESKY: Do you have that, Dominic, you okay with it? Okay, with that, I'll take a motion to provide the referral with the amended--

MR. GRISOLI: I agree that it should be referred.

MR. NOVESKY: Is that a motion?

MR. GRISOLI: A motion, yes.

MR. KLOSKY: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. HINES	AYE
MR. DRABICK	AYE
MRS. GREENE-KRAFFT	AYE
MR. GRISOLI	AYE
MR. NOVESKY	AYE

MR. FERRARA: Thank you members.

MR. NOVESKY: Motion to adjourn?

MR. KLOSKY: So moved.

MR. DRABICK: Second it.

ROLL CALL

MR. KLOSKY	AYE
MR. HINES	AYE
MR. DRABICK	AYE
MRS. GREENE-KRAFFT	AYE
MR. GRISOLI	AYE

April 4, 2022

33

MR. NOVESKY

AYE

Respectfully Submitted By:

Frances Roth  
Stenographer