

APPENDIX 2R.  
TOWN BOARD MINUTES 2006

Minute Book, Town of Cornwall, N.Y.

6-5-2006

E0502000L0

At 7:45 P.M. SEALED BIDS on SURPLUS POLICE VEHICLES

LEGAL NOTICE and AFFIDAVIT of PUBLICATION calling for sealed bids for this date and time (7:20 PM) was read by Supervisor Randazzo.

There being NO BIDS TO COME FROM FLOOR, Councilwoman KRAFFT MOVEDE BID CLOSING. Seconded by Councilman J.Kerry McGuinness. Carried.

Supervisor OPENED and READ ALOUD the following SEALED BID from POLICE CARS UNLIMITED, P.O.Box 770893, WOODSIDE, N.Y. 11377

ITEM #407	2003 Ford Crown Victoria VIN 2FAPP71W73X140522	BID PRICE:	\$3114.00
ITEM #409	2003 Ford Crown Victoria VIN 2FAPP71W63X128756	BID PRICE:	\$ 3438.00
		TOTAL:	\$ 6552.00

NO BID DEPOSIT DID NOT BID ON 1997 EXPEDITION

REFERRED TO POLICE CHIEF

CORNWALL COMMONS SPECIAL USE PERMIT - PAC Supervisor RANDAZZO noted that the Town Board held their public hearing on April 10th, 2006 and details have been reviewed by the Attorney.

RESOLUTION - ADOPTING NEGATIVE DECLARATION UNDER SEQR PRESENTED by Councilman J.KERRY MCGUINNESS. Seconded by Councilwoman Mary Beth Greene-Krafft. Roll Call; Unanimous AYES

(attached to side of Minute Book)

(Attached to side of Minute Book)

CAROL ASH, EXECUTIVE DIRECTOR OF PALISADES INTERSTATE PARK COMMISSION

I am sure there is a lot of interest in all of the projects coming up. We have presentation downstairs before the Cornwall Planning Board in view of the fact that the development in front of you will impact as well as other developments. Everyone should look very strongly at the cumulous impoacts that will happen with all of these developments coming in. This is a surprise because I think it is a little out of sync. I undersfand that you have a letter from David Church, Orange County Department of Planning and they feel that it is a little premature becasue there have been inadequate EIS. How do you fell about that?

ATTORNEY GABA: You have to understand the approval allowing PAC must come before the Planning Board before coming to the Town Board for approval; updating negative declartion on zoning to be implemtened specifically allowing this. It is one project coming in allowing for PAC development and the Planning Board will adopt the appropriate resolution for this to be considered on development of the property.

CAROL ASH: I think the Plannig Department letter from Orange County suggests that this be delayed because the GEIS is different.

ATTORNEY GABA: What it says is that there are developments in front of you that might require GEIS and we are not in agreement.

RESOLUTION GRANTING SPECIAL USE PERMIT FOR CONCEPT APPROVAL FOR A PLANNED ADULT COMMUNITY.

PRESENTED by Councilman J. KERRY MCGUINNESS seconded by Councilwoman Mary Beth Greene-Krafft. Roll Call: Unanimous AYES (attached to side of Minute Book)

Supervisor RANDAZZO REPLYING to question from floor advised that the Board will be very specific in Board approval and everything will be taken into consideration and this will be fully reviewed by the Planning Board.

Supervisor RANDAZZO interjected advising Mr. Jacobowitz that there will be sealed bid openings scheduled for the night of the Board work session if the Board wishes to take any action at that time. But Mr. Jacobowitz has to work out the schedule with the Planning Board and then the Town Board will make their review.

GATTERDUM – STIPULATION OF SETTLEMENT – RESOLUTION presented by Councilman RANDOLPH CLARK seconded by Councilwoman Krafft. Roll Call: AYES (to be made part of record)

DRAINAGE PROJECT – LOWER PORTION of HAZEN STREET Commenting there is approximately \$40,000. or \$41,000. Community Development Grant w/ ESTIMATE of \$30,000. for Project work and it is moving along . BID OPENING DATE WILL BE AT DISCRETION OF SUPERVISOR and ENGINEERS

Councilwoman KRAFFT MOVED foregoing. Seconded by Councilman J.Kerry McGuinness. AYES

MINEHILL ROAD DRAINAGE IMPROVEMENT PROJECT - FEMA GRANT

Supervisor RANDAZZO noted receipt of LETTER from New York State Emergency Management Office REGARDING MITIGATION GRANT PROGRAM (HMPC) of Town of Cornwall, Mine Hill Road Drainage Project.

Commenting that the Town has been attempting to make improvements on one of the most dangerous roads for the Highway Department to maintain and after numerous efforts the application has been approved. Total cost of the project is \$569,723. – Federal Share is 75% -\$427,292. and Town's Share if 25%-\$142,431. He noted once the project is completed and costs submitted an additional amount will be awarded to the Town to help defray grant administration costs. Advising this has been discussed with the Engineer on the Project, Pat Hines. Advising that the additional costs will have to be bonded.

Councilwoman KRAFFT MOVED AUTHORIZATION TO SUPERVISOR RANDAZZO TO PROCEED AHEAD AUTHORIZING ENGINEERS and HMP GRANT ACCEPTED. Seconded by Councilman Alexander Mazzocca. Roll Call: Unanimous AYES

COMMUNITY DEVELOPMENT BLOCK GRANT 2007 APPLICATION PUBLIC HEARING

JUNE 5, 2006 at 7;L5 P.M. MOVED by Councilman Randolph Clark seconded by Councilwoman Krafft. Carried.

AUTHORIZATION for ENGINEERS, MCGOEY,HAUSER & EDSALL PREPARE and SUBMIT the 2007 APPLICATION.

WHEREAS, heretofore the Town has determined to apply for an FY-2007 Community Development Program Grant, and

WHEREAS, the Town wishes to retain McGoey, Hauser and Edsall Consulting Engineers, P.C. to prepare the application for said grant, and

WHEREAS, it is necessary for the Town to adopt a resolution formally authorizing and retaining the consulting engineers to prepare and file the application.

NOW, THEREFORE, BE IT RESOLVED as follows:

# Minute Book, Town of Cornwall, N.Y.

DATE: MAY 1, 2006

REGULAR MEETING of CORNWALL TOWN BOARD was held on the 8<sup>th</sup> DAY of MAY, 2006 at 7:30 P.M. in Town Hall, 183 Main Street, Cornwall, N.Y.

PRESENT; Supervisor, RICHARD RANDAZZO  
 Councilpersons, Randolph Clark  
 Mary Beth Greene-Krafft  
 Alexander Mazzocca  
 J.Kerry McGuinness

Also PRESENT: Attorney, STEVE GABA representing Attorney for Town, JAMES R. LOEB, ESQ.

Meeting was called to order by Supervisor Randazzo, OPENING WITH PLEDGE OF ALLEGIANCE TO FLAG.

April Town Board Minutes were MOVED APPROVED and ACCEPTED as read by Councilwoman KRAFFT seconded by Councilman Randolph Clark. Carried.

Public Comments: Agenda Items

Mr. Jacobowitz, Attorney addressed the Board informing that he would like to present two letters relating to the CORNWALL COMMONS Special Use Permit.

Supervisor Randazzo advised that Cornwall Commons is first on the Agenda this evening and they will be made part of the record and any comments will be entertained at that time.

REGULAR BOARD AGENDA;

CORNWALL COMMONS – SPECIAL USE PERMIT Supervisor RANDAZZO advised that the Town Board held Public Hearing on April 10th and the Hearing was left open for additional information. Noting LETTERS received from the New York-New Jersey TRAIL CONFERENCE Advocacy Director Dennis W. Schvejda and LETTER from PALISADES INTERSTATE PARK COMMISSION, Director of Science, Ed McGowan Phd. And additionally late Monday received FAX from ORANGE COUNTY DEPARTMENT OF PLANNING on the Special Use Permit for Cornwall Commons. Also noted LETTER of response from the Developer's Attorney responding to the County letter to the Town. Commenting giving an overview on fact that County response had not been received until late Friday afternoon and letter from the Developer's attorney had not been received until late this evening (6:00 PM) suggested to the Board that they postpone taking any action until they have an opportunity to review all of the correspondence received with the possibility of having this on the agenda at a later date.

Councilman RANDOLPH CLARK MOVED MATTER TABLED. Seconded by Councilman Alexander Mazzocca. Roll Call: AYES

Councilman McGuinness commented obviously there is a point and there seems to be some confusion on the number of units for the entire project.

Supervisor RANDAZZO brought this to the attention of Attorney, Steve Gaba that the County should be contacted.

Mr. Jacobowitz addressed the Board informing he will present the two letters to the Town Clerk for the record. Inquiring on the possibility of having this on the Board work session next month because the Planning Board cannot do anything until the Town Board takes the next step.

Attorney GABA interjected informing Mr. Jacobowitz that it is not going to make any difference on reviewing it.

Mr. Jacobowitz: We tried to get on the Planning Board Agenda and they cancelled because we thought we would be at the Town Board work session the same night reviewing. We have a STORM WATER MANAGEMENT PLAN for the Planning Board to review as well as some other items for their review.

back internally. And I do not think that is our problem. But I want the Town Board to know that they were an involved Agency. On the subject of Knox Headquarters and Moodna Creek, I want the Board to know that I, personally walked the property yesterday, Sunday and I went down into the Creek and looked up and around and took the block of pictures which you have seen tonight. I too am very concerned about the Moodna Creek because it is a very valuable resource. But as you all know, we have to do a storm water management plan on what it would be and the runoff per tap. On traffic issue and when we presented the application to you, in January, the matter was referred to the Planning Board and in connection with that, we took all the key issues in analyzing the environmental impact statement and put them in one column - you have a copy - and at the next session, we put what the impact of a PAC would be vs. the original EIS and all of the impacts were considered to be less than those from the original EIS. We did not see any threshold and as I understand the Law, if any threshold is seen, then the Planning Board can request a supplemental EIS. But there again, the Planning Board reviewed this application on SEQR and in connection with that, it was their recommendation that you grant this Special Permit. As to the WETLANDS if you look at this plan and someone brought it up, we have not touched any of the Federal delineated wetlands, even those that are not wetlands and there is nothing planned for and we are conscious of that and there are also very substantial wetlands here and quite frankly, from a developer's point of view the more trees we leave the better it will be and we are very conscious of the trees as well as all of these and whatever commercials and all of this is part of the EIS process statement which was given to the Planning Board. Yes, we are concerned as all of you are and I can assure you when we get to the Planning Board we will revisit whatever they deem is necessary. Also there will be a traffic light on Rt. 9W to the main entrance. Our traffic man has analyzed this development when the original traffic study was done. We have come to the conclusion that there will be less traffic here than there was with the original development. It is a wonderful plan and will be a great addition to the community and I hope you will look favorably on this PAC. Thank you.

DOES ANYONE ELSE HAVE ANYTHING TO SAY ON THIS SPECIAL PERMIT USE FOR THE CORNWALL COMMONS PAC?

LADY from Floor: Are you going to have your own sewage on that property?  
Supervisor RANDAZZO: NO. The sewage from that site will go to the Cornwall Treatment Plant.

JOHN RILEY: This display does not say anything about the Moodna Viaduct and with the water runoff that will be created, etc., and all of these concerns have to be taken into consideration before any approval is given.

Supervisor RANDAZZO: This is before the Planning Board and they will have to go through all of the planning process when they take any action. They have to consider the environmental issues, the run off, trees, Moodna Creek, etc, and they will have to comply with whatever zoning ordinances govern all of these issues as well as any other issues raised. They not only have to follow our requirements but the County, State and whatever Federal guidelines apply.

Advising, before closing this Public Hearing, the Town Board will accept any communications delivered or mailed to the Town Clerk within five (5) days and NO LATER THAN MONDAY, APRIL 24<sup>TH</sup>, 2006.

There being NO ADDITIONAL COMMENTS FROM PERSONS PRESENT, Councilman ALEXANDER MAZZOCCA MOVED PUBLIC HEARING CLOSED. Seconded by Councilwoman Mary Beth Greene-Krafft. Roll Call: AYES

Exodus of persons from meeting.

SEALED BID OPENING ON SURPLUS VEHICLE - '93 FORD PICK UP TRUCK 4X2-150 VIN 1FTEF15YPNA83738 (sanitation dept.)  
LEGAL NOTICE and AFFIDAVIT OF PUBLICATION was read by Supervisor Randazzo.  
(to be made part of official record)

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district. and it appears with Cornwall and New Windsor there may be addition of upwards of 1,000 units in the school district and zoning change is from 3 acres to 2 acres per unit in Woodbury and when the development is discussed the density will be two acres per unit.

Supervisor RANDAZZO: Thank you for all your comments on this subject. But I must say, clearly that the Town raised objections to the Legacy Ridge Development and the fact that it is actually changing zoning to allow more residential units going from 160 to 280 and would in fact increase the number of school age children that would be coming to the Cornwall Central School District. That was the issue raised with Woodbury and it continues to be a concern to us. Woodbury has other projects going just as Cornwall with residential units, etc., and we are not changing the zoning to accommodate increasing the number of units. As a matter of fact when we began our review of the Comprehensive Plan and zoning update, we actually annexed about 53 acres of property from New Windsor and Woodbury which adjoins property in Cornwall and had preliminary approval for about 70 units of single family residences that would have brought more school age children into the school district. One of the thoughts in annexing that property into Cornwall and making it part of the Cornwall Commons would be the elimination of those single family homes that would have brought more children into the Cornwall Central School District and that property is also restricted to persons 55 years of age or older and will not increase the number of children in the school district. My point is that the Town of Cornwall is very concerned about the impact development will have on the school district and the zoning change in Woodbury raised a red flag and we have expressed our concerns to Woodbury.

Question from rear: Are you suggesting 2 acres per unit per development on 2005 Comprehensive plan for?

Supervisor RANDAZZO: I am not suggesting anything for Woodbury. But specifically on Legacy Ridge and there is no question that the change in zoning to allow 280 single family homes as opposed to 160 is a major factor for the Cornwall School District.

DOES ANYONE ELSE HAVE ANYTHING TO SAY ON THIS SPECIAL PERMIT USE FOR CORNWALL COMMONS?

JOHN RILEY; I recall on the Impact Statement they could change traffic requirements in New Windsor and they will have access onto Forge Hill Road but I do not know if any plans were re-submitted on the private property.

Supervisor RANDAZZO: I never heard about that and I do not know, but I do not think a road can be put on there because of the steep slopes and it is very steep where the property line ends in New Windsor. Also because of the topography in that area.

Gentleman: (Joe) If I may, I would like to comment in some way but...

Supervisor RANDAZZO: If you choose to or do you want to follow it up with a Letter to the Board?

If I may, I would like to make a few comments to the Board to remind the Board that it is a very detailed EIS and the public hearing was held on it and final impact statement and there was one question raised by Mr. Sussman on KNOX HEADQUARTERS and those answers are forthcoming. In addition to that statement of findings was delivered to us. Also, I would like to remind the Board that there were two comprehensive planning committees over the past three years and Mr. Sussman was a member of one of those committees as well as other people who were on the committee at that time when the SEQR was discussed and with the 2<sup>nd</sup> committee the SEQR was complied with and that was about zoning and the County was apprized of the zoning and what the Board was thinking about and they gave their blessing to the over all plan on the PAC and again SEQR took its place with zoning with the addition of the New Windsor Parcel and the number of units added based on the zoning were the same as the single family houses if you recall with New Windsor Portion - New Windsor portion had 55 units with children and this Cornwall Portion has 55 Units without children. There have been a number of SEQR reviews and a number of statements of findings which I think should be considered in our application. I would also like to remind the gentleman from State Park Commission that they are an involved agency and they did receive notice and it did not reach

beyond the bare minimum and is like a building code. You have to do a certain amount of work to meet the code. There is plenty of room to go beyond on the water quality above what is required by DEC which laterally is the bare minimum. Another issue that has not been addressed in the EIS is all of the paving and new buildings on this project which will basically cut off ground water infiltration into the site together with the other projects in the area. Chestnut Woods and Willow Woods which is on the agenda. With all of the obvious surface which will reduce groundwater and basically means that the flow of water to the Creek will completely change in this area. There was no groundwater study done nor any hydrology study for this property and there is not one page of any kind of written discussion or otherwise and there are many other issues. The supplementary EIF should be taken into consideration before any action is taken by either Board together with any other impacts such as traffic, water, etc, and everything else should be addressed.

Gentleman from rear: I received a phone call from Bill about an hour ago and he FAXED letter to you and asked that I request that the letter be made part of the record.

Supervisor RANDAZZO: That was a copy of letter and it was quite lengthy and it was not written to me, it was written to the Planning Board and I can get it and I will provide a copy to the Clerk and it will be on the record. It came this pm but it was not written to the Town Board.

Gentleman from rear: I am .....McGowan and I will be very clear and will cover the point. But a little background. We got involved late in the game because we were not notified on the SEQR or the project or the site and preservation and I only started reviewing the EIS from three years ago a couple of months ago. Knox Headquarters property was covered in the EIS only the building not the trails and we are mapping the trails this week and moving forward. That was our initial interest in this project. Having attended some of the Planning Board meetings I have been getting a much better picture of the character of the area and it is very pretty. At the last Planning Board Meeting there was an informal tally taken on the number of units proposed for the Town of Cornwall and numbered 763 overall and about 700 of those units were in very close proximity to the Moodna Creek and that is this project Cornwall Commons, Chestnut Woods, Mill Street Projects and one other and we are really talking about a full build out at this site and will make a different context to when the EIS was put together three years ago. With all of the issues raised tonight such as traffic, storm water, etc., and echo what people must call for in a supplemental EIS before any additional action is taken by the Boards.

DOES ANYONE ELSE WISH TO SPEAK ON THIS SPECIAL PERMIT USE FOR CORNWALL COMMONS?

Lady from rear: I am from New Windsor and we want to echo that and we have to share everything with New Windsor on what feelings are, the code and other things on how people will feel about this project.

BERNARD SUSSMAN, Cornwall: I would like to say that with all of the information that has been put together along with what has been forthcoming from these folks this evening, it seems to me that approval this PAC at this time and I am sorry to have to say, you cannot over look everything because there was so much data and to overlook it would not do justice to this community as well as our next door neighbors who would also be affected by this development.

Gentleman from rear: Jonathan .... From Woodbury, N.Y. (reading prepared statement) I came to get an answer on article in Cornwall Local on a fund raiser to help me in a lawsuit against Woodbury and local laws. This discussion about government in Cornwall and the support about that lawsuit to prevent development in Woodbury affecting Cornwall. The lawsuit in Monroe overturned the five local laws used to prevent it. And your comments are being used in expressing concern about the Legacy Ridge Project. in this article and it will have a negative impact on the Cornwall School District and will add 120 units to the school

limited traffic due to the residents aged 55 or over and there will not be any school aged children. We know that from the time this was proposed to the current time a good portion of that property will vanish from New Windsor and will decrease the density allowable in Cornwall that is being approved through the Cornwall process. We need now to understand that the TRAFFIC IMPACT IS NOT CORRECT as I see it and it needs to be restudied before any site plan is approved. Furthermore, the proposal comments at Planning Board meetings have introduced complicated facts on other property and may leave a property surrounded on three sides by Cornwall Commons and the 9W property. Their claim that the access to the property can only be approved on a major boulevard road coming from the Cornwall Commons property. If that is the case, that is something that you need to be aware of as it is part of the zoning of this area and any development they wish to do will only add to the whatever the traffic issues are associated with Cornwall Commons. Additionally, property as you see on the maps or further south on 9W and they also claim that access is not liable access to 9W and would be coming off this boulevard and all of that needs to be considered by the Board with a full traffic impact for the future. Also, the character of the Town should be retained and what you see there on density is a little misleading as a number of the projects are not highlighted the way some are and there is a lot more development going on there than what you are seeing and I am also concerned about the clear cutting which is prohibited in the Comprehensive Plan unless it is unavoidable, but I would like the Town Board to set a high standard as well as the Planning Board that clear cutting should be avoided at all costs and mature trees and standard trees need to be identified and the layout of the plan needs to correspond to the natural environment of the property – not the other way around in having the natural ideals of the property conform to the developers ideal layout of the Cornwall Commons for a PAC. We need to know how those this will be protected and how the ecological liability of wetlands are to be preserved According to the document of the Comprehensive Plan, the PAC can be approved – not tonight – or starting the process with substantial conservation or set back limitations established and I do not know whether you do this as part of the process or as part of the Town Board and Planning Board interaction. But it is very important to establish what those conservation and limitations and what the design guide lines will be on traffic and I am starting to think that perhaps a supplemental EIS will provide rather than a development impact needed to approve this development.

DOES ANYONE ELSE WISH TO SPEAK ON THIS SPECIAL USE PERMIT ?

CATHY ..... New Windsor The last time I was at a meeting and the traffic impact came up, we needed to have it and it has not gotten any better but has gotten worse. We need to have another one because I cannot see anyone trying to get in or out on Rt. 9W and especially the Senior Citizens in this development . I think we need to have another EIS done because Forge Hill Road is unbelievable and there is nothing that can be done about it at this time.

MR. SIMON GRUBER, Professional Planner: I am doing some work in Cornwall on Moodna Creek as part of the WATER SHED PLANNING PROCESS and most of it is about the creek and the quality of the water. I also want to say that I agree with everything that Gary Haugland spoke about. Over all the key point is that the EIS for this project is more than three years old and it was adopted in 2003 and there is a lot that has happened since that time, and is currently happening, including the 190 units in the Chestnut Woods Project and will also impact traffic and it is right across the Moodna Creek. This displayed map does not show what is around the site and Chestnut Woods is right across the Creek here and will impact not only traffic but the run-off especially as well as visual impact. I understand there is a bumper here and 25 feet up and that to me is no guarantee of a visual screening. Another key point is down in this area there are hazardous wastes downhill from this site - the old carpet mill – I read the EIS very carefully and it talks about how one year ago on this project and how it will impact from this site, but it is probably the other way around . The runoff from this site goes downhill washes waste away and into the Creek. That point is not addressed at all in the EIS and there are some other items not addressed. I will give you this letter for your files . But the key efficiency from a water quality is to review where the health of the stream is and address storm water integrated storm water plan which the Planning Board requested . It is very important because the storm water plan for this project should go



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DOES ANYONE ELSE WISH TO SPEAK ON THIS CORNWALL COMMONS REQUEST FOR SPECIAL PERMIT USE FOR A PAC? PLEASE GIVE YOUR NAME AND ADDRESS FOR THE RECORD.

JOHN RILEY, 48 Avenue A, Cornwall on Hudson: I have been here before when the Zoning changes were discussed and it is very interesting and I want to point out and I also want you to think about it. It says it is for a special permit for the Cornwall Commons. When this was approved they talked about a Planned Adult Community and now you are talking about hotels, motels and an adult home and on 9W where it is just beginning on the upswing on Forge Hill Road. Right now, if you come out and head South on 9W it is so backed up with traffic that it looks like the Cross Bronx Expressway. It is only 490 units and it will be one thousand people with two cars per family and it is for 55 and older people. You also have the West Point older than 55 who have exemptions and with a hotel you will have the overflow on water being drained from the location and it is going to be treated down from and we will be over run. The studies submitted are from years ago and it was before the increase in traffic as it has gotten to this stage. I want the Board to be aware of this. The Environmental Statement is outdated and it should be reviewed before this is considered. Additionally, when it was reviewed there was talk about an adult home and now there are businesses and everything else on 9W and it is overrun right now. The water run offs and floods came to the Moodna Viaduct which is the Moodna Creek which has State Aid Protection and this water will be diverted down there. Someone more knowledgeable should discuss this and once again I am pointing out that there will be problems with traffic, air pollution in this area and with two lanes of traffic from Forge Hill Road to 9W merging into one, there will be a zoo and you are opening up a disaster there. It sounds very nice but it will not be good for the people in this community. The water will be coming from 218 and we are not equipped to handle it plus the traffic, environment, etc., and I feel it should be looked at more closely.

GARY HAUGLAND, 32 Mountain Road, Cornwall, N.Y. – Member of Cornwall Conservation Council. My comments to the Town Board has to do with the Comprehensive Plan and the GEIS which accompanied the Comprehensive Plan. I want to remind you on what it says regarding PAC'S and urge you to move cautiously as you approve zoning. The PAC community is allowed in Planned Residential Zone West of 9W and this is the Cornwall Commons property and allows for 3 units per useable acre and residents are restricted to persons over age 55 and this is the ground work and the developers of Cornwall Commons have provided us with possible scenario on how that property can be used as a PAC. Also, I need to remind the Town Board that this is not what is being discussed right now. What is being discussed is whether this property is suitable for a PAC and what the zoning makes clear is that the density allowed on this property is staggering. It is imperative that the other aspect of the Comprehensive Plan be followed with great thought and I am quoting from the document "Among these are "encourage future development to compliment the existing scenic beauty of Cornwall and encourage preservation of mature trees and develop strict mitigation measures when their removal is necessary, etc." I saw pictures that were presented to us of areas around and as was mentioned the next step is for subdivision approval for the lots that are being proposed on this property, currently by the developer under STATE SEQRLaws which means that the distance on the 5 mile radius needs to be reviewed and in this community it means STORM KING MOUNTAIN, THE TOP OF BLACKROCK FOREST, SCHUNNEMUNK MOUNTAIN as well as MT. BEACON VIEWS. They will all have to be reviewed in any review on whatever final site proposal on the subdivision. When I go hiking on the mountain and look down and I see Butterhill Estates in New Windsor, it stands out tremendously when looking across the Moodna into New Windsor Area and that is not what I would like to envision for this property and it has to be insured that the development is located and designed to identify any disturbance of any natural resources. We have to look into the natural resources of this property including mature trees because we have a TREE ORDINANCE FOR THIS COMMUNITY. The wetlands are not just small ponds but the ecology is associated with those wetlands and they should be very carefully considered. As mentioned about traffic by John Riley, the traffic impact and they assume that there will be

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that report is on file and I believe it was a positive report recommending that you look favorably on this project.

The second group of times we went to the Planning Board was to talk about some of the next steps in order to give a better picture of what is happening and we talked about the 10 lot subdivision before the Planning Board ; abeyance pending your action on this application. We talked about STORM WATER MANAGEMENT PLAN that would be universal to this property and coordinated comprehensive plan , even though we have 10 lots and plan was submitted to the Town Engineers and they have reviewed it and it now has been revised and re-submitted as of April 3<sup>rd</sup>, to have the engineers review it some more. After we receive your blessing and after the Planning Board has reviewed the subdivision further, we will be asking after that time for a site plan approval in a specific use for each of these properties in greater detail. We have not done that as yet because we first have to see whether we can have a PAC and secondly, if it is determined that we can have a PAC, then will that 10 lot subdivision layout be satisfactory to the Planning Board in terms of where the central sewers will go as well as the storm water plan, the size and configuration of the named highway and connection to 9W., aesthetics on what the buildings will look like, and all those kind of details. At that time, we will also address the issue on how it will impact the neighborhood and we have already done that EIS. We discussed it and now that we will come in for a specific site plan and we will have a specific building, then we are going to look at that again to make sure that what we said originally about those kinds of impacts will still be and we are very comfortable and we have already started addressing those with the Planning Board. But we have here what has been done with Lanc & Tully about how this will look and the ink is still wet on it, from Knox Headquarters and area of the Trails and those kinds of things so that we can satisfy how they will look with PIPC about the visual impact. We also engaged Miller Associates and Jim Stanley went out and took pictures and I have one or two of them because I know that this has come up and we do not want you to think that we are hiding anything or that we are trying to dodge anything. This is going to be done in much more detail and this is just a preliminary and shows Knox Headquarters and Trails as well as points from which we believe are vantage points to look over to this property from Knox Headquarters. Many photos were taken but these are not official and we probably will do this again and the Members of the Planning Board will be with us. But we thought it would be helpful on this issue and we do not want to ignore it but want to give you a level of comfort that there is no big issue here that cannot be addressed. These are views from Knox Headquarters and they were re taken in all directions. (pics) These two are West which is Northeast of Forgehill Road and this is over here and you will note no ..... and that is the tradition when they are closed and we went in there and even though they are closed, it is from November until April and this is the South-Southeast toward our site which is over here and down here is the Moodna Creek and we are standing over here on Knox Headquarters on the upper part of the trail looking to the East-southeast and that is our property with all trees which are substantially high which creates a screening process and then again SE towards the site from Moodna and now we are down on the Moodna looking at our site which is up here. Now you are seeing the ridge and what you are seeing on those pictures is this right here. This ridge and way down at the streambed and this is the West bank looking towards the site and it is up here. That ridge is 90 feet from where the picture was taken and from down here is the Moodna Creek along here and it is 90 feet up to this point here, and you see the property with heavy tree line all around the property which will be maintained as a buffer area and it will be maintained. To make a long story shorter, we do not believe that this is a real issue and we will satisfy PIPC and I am sure it was never our intention not to address this. It seems to have gotten out of hand in some way and at this point there is no controversy and we are willing to consider their concerns and we are will and we have to deal with them. It is before the Planning Board for a subdivision approval and then we will have 10 site plans and we will be around for a while and hopefully we will all hold out. There will be many reviews on everything that is happening here. Tonight is a policy in which you are in the Legislative to say whether you will allow this by zoning being adopted pursuant to comprehensive plan apply to the property identified in the comprehensive plan as a desirable site which you came to after you did an environmental review yourself. We have done one over the past five years and we believe that we looked at the issues accurately so that a policy decision can be made on granting this adult community designation. There may be questions directed at you and if you want me to respond, I will. Thank you.

# Minute Book, Town of Cornwall, N.Y.

Supervisor RANDAZZO noted LETTERS received from JACOBOWITZ & GUBITS - Board had received copy. Also LETTER from SCENIC HUDSON, Senior Regional Planning JEFFREY ANZEVINO regarding CORNWALL COMMONS REZONING and Board had received copy of same. Commenting FOR THE RECORD the Town Board's decision with regard to rezoning of Cornwall Commons Property relative to the SEIS - The Town Board HAS NOT REZONED THE PROPERTY. IT WAS REZONED LAST YEAR with the Comprehensive Plan and rezoning was undertaken by the Board subsequent to that. Also noted COPY of LETTER from ATTORNEY, STEVE GABA to the Department of Planning Commissioner, DAVID CHURCH in connection with proposal of Cornwall Commons to develop certain real property as a PAC and enclosing copy of application and EAF.

Supervisor RANDAZZO DECLARED PUBLIC HEARING OPENED and ASKED FOR ANY COMMENTS FROM PERSONS PRESENT EITHER FOR OR AGAINST THIS SPECIAL USE PERMIT for CORNWALL COMMONS?

MR. GERALD JACOBOWITZ, ATTORNEY representing CORNWALL COMMONS addressed Board on the application provided to the Board on January 26, 2006 and as the Supervisor has commented it is not an application for re-zoning. It is a request to determine that this is applicable to the property and on revised zoning laws and revised comprehensive plan which went through a lengthy procedure on public comments, public review, public hearings, consultants review, county review and they all recommended that the comprehensive plan include reservation for Planned Adult Community with respect to this property. What is a PAC? It is a project with mixed units with housing component for ages 55 or older and no school aged children may occupy with any resident except under a very, very limited circumstance that is required by the Federal Fair Housing Act. You are allowed to discriminate against children as long as you do it in a way that is consistent with the Federal Law and you must be 55 or older and with a few minor exceptions on school aged children residing on that property. The second component of the PAC on this MAP as pointed out is the RESIDENTIAL COMPONENT which you see here in this area and consists of single family detached homes and single family attached homes. The central area here is the clubhouse, recreational facilities and is adequate and common areas available to everyone who occupies this area here and that is the descriptive component. The second component is a 9 lot subdivision and all together there are 10 lots including this big one and there are 9 more in here and those 9 lots are NON RESIDENTIAL usage. Except there, the common facility is for people who live a pretty much normal life and can function, take meals together and live together and for those people who are older and do not want to live alone, they live in their own apartments in this facility and do as they wish as part of their lifestyle. The other uses are hotel, motel sites and there is room here for other kinds of uses, such as banks, fast-food and restaurants with retail space and office buildings. This is a very positive use for this property. There is one public road - this road here - in from 9W and goes out to 9W. All of the other roads are private and will be maintained and taken care of by the Project and NOT the taxpayers or the Town. and includes snow removal. They will receive central sewer and water from the Village Water System. They have a water district and a Town Sewer District. They will pay their fair share of those things as all others do and they will be paying for the existing debt there and you now have more taxpayers to share your existing debt and they will now pay for their share of water and sewer uses as everyone else. This is NOT A TAX EXEMPT PROJECT and the people who live here will be entitled to the STAR PROGRAM as anyone else is in any other part of the Town. This is NOT A SUBSIDIZED PROJECT AND THERE ARE NO GOVERNMENT SUBSIDIES. This is market driven and will be at market value.

The EIS that was presented to the Town with numbers that justify the conclusions that I am giving to you about how taxes are positive and about what happens and who has to provide services. It is not based on what I am verbally telling you. It is all written into everything that relates to the Town so far. Since we filed this application on what we have been doing we have been to the Planning Board for two work sessions and two regular meetings and purpose was first to try to because they have to make a REPORT and recommendation to your Board (Town) on whether you should entertain this project on this property. I believe

Supervisor RANDAZZO OPENED and READ ALOUD the following ONE SEALED BID from BUTTERFIELD HOLDINGS, INC. , P.O BOX 631, CORNWALL, N.Y. 12518 in the AMOUNT of \$1,001.00 w/ cash MONEY ORDER - Bank of New York, in the amount of \$100.00 under signature of Helen...

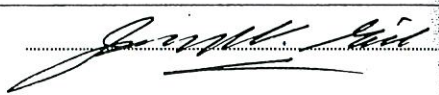
At 7:15 P.M. PUBLIC HEARING OPENED on CORNWALL COMMONS - SPECIAL USE PERMIT for PAC LEGAL NOTICE and AFFIDAVIT of PUBLICATION calling for Public Hearing for this date. The place was read by Supervisor RANDAZZO

### Affidavit of Publication

STATE OF NEW YORK  
COUNTY OF ORANGE

} SS:

Joseph V. Gill being duly sworn, deposes and says that he is the General Manager of The Cornwall Local, a weekly newspaper published at Cornwall, in the Town of Cornwall, County of Orange, State of New York, and that a notice, a true copy of which is hereto annexed was published in said newspaper [once in each week for 1 successive week(s)] on the following date(s): March 31, 2006



Sworn to before me this 31<sup>st</sup> day of March, 2006

Notary Public



BOBBI J. TURNER  
Notary Public, State of New York  
Reg. No. 01TU6078061  
Qualified in Orange County  
Commission Expires July 22, 2006

**NOTICE OF PUBLIC HEARING**  
PLEASE TAKE NOTICE that the Town Board of the Town of Cornwall will hold a public hearing on the 10th day of April, 2006, at 7:15 P.M. at Town Hall, 183 Main Street, Cornwall, New York on the application of Cornwall Commons, LLC to the Town of Cornwall to grant a Special Use Permit for concept approval for a Planned Adult Community ("PAC") pursuant to Town Code Section 158-21(X) and Section 158-41. A copy of the application of Cornwall Commons, LLC is on file in the office of the Town Clerk and available for inspection by interested persons during Town Clerk's business hours. The Town Board will at the above date, time and place hear all persons interested in the subject matter hereof. Persons may appear in person or by agent. All written communications addressed to the Board must be received by the Board at or prior to the public hearing. Dated: March 21, 2006  
BY ORDER OF THE TOWN BOARD  
TOWN OF CORNWALL  
ELAINE TILFORD  
SCHNEER  
TOWN CLERK  
3/31 27989