

**Meeting Minutes**

THE REGULAR MEETING of the PLANNING BOARD of the Town of Cortlandt was conducted at the Town Hall, 1 Heady St., Cortlandt Manor, NY on ***Tuesday, October 10<sup>th</sup>, 2019***. The meeting was called to order, and began with the Pledge of Allegiance.

Loretta Taylor, Chairperson presided and other members of the Board were in attendance as follows:

Thomas A. Bianchi, Board Member  
Steven Kessler, Board Member (absent)  
Robert Foley, Board Member  
Jeff Rothfeder, Board Member  
Peter Daly, Board Member (absent)  
George Kimmerling, Board Member

ALSO PRESENT:

Michael Cunningham, Assistant Town Attorney  
Michael Preziosi, P.E., Director, DOTS  
Chris Kehoe, AICP, Deputy Director, DOTS  
Marissa Tarallo, AKRF Traffic Consultant

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**CHANGES TO THE AGENDA**

Ms. Loretta Taylor stated there will be a few changes to the agenda tonight, three of which are adjournments, including **2019-3**: the application of Andrew Young and Susan Todd for an accessory, **PB 2018-23**: the application of the Mahlab Family Realty for three-lot major subdivision on Teatown Road, **PB 2017-3**: the application of VS Construction Corp. for a contractor’s yard on Roa Hook Road. A fourth change; **PB 2019-18** is the application of Major Development and it will be moved from ‘old business’ in the agenda to ‘correspondence’.

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**ADOPTION OF THE MINUTES OF THE MEETINGS OF SEPTEMBER 10, 2019**

Ms. Loretta Taylor asked may I have a motion for the adoption of the minutes?

So moved, seconded with all in favor saying "aye".

Ms. Loretta Taylor stated minutes are accepted.

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**CORRESPONDENCE:**

**PB 2019-18 f. Application of Matrix Development, LLC, for the property of Naeem Khalid & Shehla Naqui, for Site Development Plan approval and a Special Permit and for Tree Removal, Steep Slope and Wetland Permits for a proposed Solar Energy System to be located at 300 Furnace Dock Road as shown on 2 drawings entitled “Existing Condition & Constraints Plan” and “Sketch Site Plan” both prepared by Badey & Watson, Surveying and Engineering, P.C. dated August 28, 2019 (see prior PB 3-13)**

Mr. Robert Foley stated Madame Chair I make a motion that we accept the memo and refer it to the Town Board.

Mr. George Kimmerling stated Madame Chair I was wondering if the Planning Board might be willing to amend the memo to include reference to Furnace Dock Road as being on the Town Historic Road Survey having received a four out of five in rating for that survey? Also, I note the CAC memo of September 5<sup>th</sup> to the Town Board and to the Planning Board about the idea of ranking sites for solar energy systems and I wonder if the memo could also perhaps cross-reference that because I think it raises issues particularly applicable to this application.

Ms. Loretta Taylor stated there are a number of them...

Mr. Chris Kehoe stated I'll write both of those comments down and I'll incorporate them into the memo. I'll try to do that tomorrow and maybe just send it back for you to all quickly look at it because I do want to try and get it to the Town Board tomorrow with Monday being the holiday so they can have it early enough to get ready for their meeting, in case this makes the October agenda. I'm not exactly sure when the Town Board is going to hear this. Just, while we're on the question, Mr. Steinmetz I guess isn't commenting but I think he's here on behalf of the applicant.

Mr. David Steinmetz stated as Mr. Kehoe indicated, we have been retained with regard to the application. I have nothing to comment. Thank you for referring the memo.

Mr. Robert Foley asked do I have to make another motion or just so moved from what...

Ms. Loretta Taylor responded you will simply add there will be two additional – there are two of them aren't they?

Mr. George Kimmerling responded that's correct.

Mr. Robert Foley stated I make a motion we amend the memo as stated by board member Mr. Kimmerling.

Seconded with all in favor saying "aye".

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## **RESOLUTIONS**

**PB 2019-3 a. Application of Andrew Young and Susan Todd for a Special Permit for an accessory apartment in an existing accessory building located at 48 Pond Meadow Road as shown on a 3 page set of drawings entitled “Todd Young Residence” prepared by James J. Moorhead, R.A. dated February 19, 2019.**

Mr. George Kimmerling stated I move that we adjourn this per the applicant’s request.

Seconded with all in favor saying "aye".

**PB 2019-13 b. Application of MCAS Roofing & Contracting for the renewal of a Special Permit for a Specialty Trade Contractor and for Amended Site Plan approval for an approximately 1,160 sq. ft. storage shed located at 2006 Albany Post Road as shown on a drawing entitled “Amended Site Plan for MCAS Roofing and Contracting, Inc.” prepared by Joseph C. Riina, P.E. latest revision dated July 16, 2019 (see prior PB 4-16).**

Mr. Thomas Bianchi stated Madame Chair I’ll move that we adopt **Resolution 21-19** and [inaudible].

Seconded.

Mr. Chris Kehoe stated as I mentioned, the applicant apologizes for not being able to be here tonight.

With all in favor saying "aye".

**PB 2019-14 c. Application of Two Bayview Road, LLC for Amended Site Development Plan approval for a proposed 8,000 sq. ft. mechanic shop for property located at 2 Bayview Road as shown on a 4 page set of drawings entitled “Amended Site Plan for Two Bayview Road, LLC” prepared by Cronin Engineering, P.E., P.C. latest revision dated August 28, 2019 (see prior PB’s 11-11 & 2018-1)**

Mr. Jeff Rothfeder asked we’re just referring this back right?

Ms. Loretta Taylor responded yes.

Mr. Jeff Rothfeder stated Madame Chair I move that we refer this application back to staff.

Seconded.

Mr. Chris Kehoe stated just for the record, we needed to complete some required referrals to the County in the City of Peekskill that's why we adjourned.

Ms. Loretta Taylor stated thank you for the explanation.

With all in favor saying "aye".

**PB 2019-17 d. Application of Brookfield Resource Management Inc., for the property of 2114 APR, LLC, for the renewal of a Junkyard Special Permit for property located on the east side of New York and Albany Post Road, 500 feet north of Dutch Street as shown on a drawing entitled "Brookfield Resource Management Site Plan" prepared by Nosek Engineering dated October 22, 2010 (see prior PB's 9-09 & 13-13 & 8-16).**

Mr. Robert Foley stated I make a motion that we adopt **Resolution #22-19**.

Seconded.

Mr. Chris Kehoe stated I just have one thing that I just noticed, on the first condition it says "the applicant is to reapply three months prior to the December 7<sup>th</sup>, 2022 Planning Board meeting". It should just say the "December 2022 Planning Board meeting." I don't know what date the meeting is going to be in December of 2022.

Ms. Loretta Taylor stated he may show up and we won't be here. Thank you.

Mr. David Steinmetz stated no comments Madame Chair, members of the board. Thank you for processing the application expeditiously. We appreciate the renewal.

With all in favor saying "aye".

**PB 2019-19 e. Application of SBA Communications Corporation, for the property of Reed Partners LP/William R. Reed for the Re-Certification of Special Use Permit #41-09 for an existing cellular tower located at 5742 Albany Post Road as shown on an 8 page set of drawings entitled "Annsville NYCNNY5524" prepared by Burtner Engineering**

**Services, PLLC latest revision dated June 11, 2019 (see prior PB 2017-19)**

Mr. Leonard Cohen stated good evening, Leonard Cohen Law Firm of Cuddy & Fader, 445 Hamilton Avenue, White Plains, N.Y. on behalf of SBA. I understand a resolution has been prepared. I reviewed it and I don't have any comments so thank you for your help.

Mr. George Kimmerling stated Madame Chair I move that we adopt **Resolution 23-19** to recertify the special use permit.

Seconded with all in favor saying "aye".

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**PUBLIC HEARING (ADJOURNED FROM LAST MEETING)**

**PB 2018-23 a. Public Hearing - Application of Mahlab Family Realty, LLC for Preliminary Plat approval and for Wetland, Steep Slope and Tree Removal permits for a proposed 3 lot major subdivision of an approximately 25 acre parcel of property located on the south side of Teatown Road, approximately 5,000 feet east of Quaker Ridge Road, as shown on a 3 page set of drawings entitled "Preliminary Plat" latest revision dated November 14, 2018 and on a 2 page set of drawings entitled "Existing Tree Survey" latest revision dated April 8, 2019 both prepared by Ralph G. Mastro Monaco, P.E.**

Ms. Loretta Taylor stated the first one as I mentioned earlier is going to be adjourned per the applicant. That's **2018-23** which is the application of the Mahlab Family Realty for a 3-lot major subdivision along Teatown Road.

Mr. Thomas Bianchi stated I think we have the continuation of the public hearing on this.

Mr. Chris Kehoe stated even though the applicant wishes it to be adjourned, it is still a public hearing if anyone is here to comment on it, they can comment on it. It's just that the applicant won't be here to respond to any comments.

Ms. Loretta Taylor asked is there anybody...

Mr. Larry Provost stated good evening Madame Chairman, members of the board, Larry Provost. I'm the neighbor abutting the property. I am 116 Teatown Road. Thank you for your time tonight. I'll try to be brief. I saw the amended drawings that the applicant submitted along with the letter and quite frankly I found it rather disrespectful that the board asked the applicant to come up with design plans that were more in keeping with the historic road studies and the Master Plan that called for a reduction of run-off,

elimination of curb cuts, shared driveways, things like that. From the brief look I had at the drawings it looked like they overlaid about **10,000** square feet more of blacktop onto the top of their drawing and called that a shared driveway. I don't think that's in keeping with the directive of the board to try to do some creative work to make any approval approved subdivision more friendly in terms of the character of the historic road and the runoff issues and things like that. I think that that deserves more consideration on the part of the applicant. I also noticed that the applicant themselves have not appeared. They've sent Mr. Mastromonaco to speak for them and I find that disrespectful not only to the board but to the neighborhood as well. They're doing a traffic study there and I saw some equipment out on the road and I took a look at it and I noticed that the device that they're using specifies that it supports spacing between the road tubes of two to eight feet. The spacing that they had had was **18** inches and I don't know how that affects the study but my feeling from being an engineer for decades is that you should operate a piece of equipment within its specifications. I would question the results of the study not having seen them. I hope that whatever data is collected will be made available so that other people can take a look at it but I suggest that the data are suspect at this point. I made a copy of the information I was able to get on the device and pictures that I took of the device in place and I'd like to leave that with you if I may. Lastly, I'm really a sucker for show-and-tell. I couldn't resist doing this. I hope you bear with me but the applicant suggested that the reason that they did not answer the archeological sensitivity issue in the affirmative was that "well, every place out there is archeologically sensitive." That's why they answered no. I would suggest that if every place is sensitive archeologically then you should answer yes but what do I know? When I moved into this property back in **1975** the people I bought the property who gave me this artifact I brought here tonight, of arrowheads that were collected by the [Ciroc] family that owned and farmed most of the land on Teatown and this was an arrowhead collection that John [Ciroc] had collected in his youth growing up there and that he gave to the Kassells who handed on to me. I brought it here as an indication that yes indeed there is archeological finds to be made all over the area. I think that that should be taken into consideration. Thank you very much. That's all I have to say. If you're interested in seeing this, I'd be happy to present it or put it in a showcase at some point and if I may hand you this.

Mr. Chris Kehoe stated I'll take that.

Mr. Robert Foley asked may I ask you, in reference to the traffic – in reference to what you observed in the traffic study, you said the tubing across the road surface was only **18** inches apart...

Mr. Larry Provost responded was **18** inches apart...

Mr. Robert Foley asked not two to four feet?

Mr. Larry Provost responded well two to eight feet is what the spec sheet that I was able to get from the manufacturer's website so – sort of from a mathematical point-of-view I sort of understand why **18** inches makes an interesting number if you're trying to get to a **30** mile an hour speed limit because that's about a foot and a half a second at **30** miles an

hour. I'm not a traffic expert but I feel that if you're going to use a piece of equipment, you should use it within its specifications in order for the data to be reliable.

Mr. Robert Foley stated that's what you just passed on. The second question I have, because I brought it up at the work session on the archeological statement by Mr. Mastromonaco, I didn't fully comprehend what he meant by the 'mapper' and I asked whether – well I didn't ask him because he's not here, whether SHPO from the state that actually did an onsite visit, were they just going by the paperwork.

Mr. Larry Provost responded I do not know how the database is collected. If you go to fill out the environmental assessment form, EAF, you put in the lot number in it and it pre-answers a lot of the questions that can be answered by referring to databases. So if you put in that lot number, it comes back as archeologically sensitive. Archeology is not just habitation which Mr. Mastromonaco referred to in his letter, it's more than that. It's arrowheads. It's if you go up an hour or so into Connecticut there's a dinosaur park where they have nine foot dinosaurs roaming around in the woods leaving footprints and you can see them. That's all part of archeological studies.

Mr. Robert Foley stated did you pass on what you have there to the local Historical Society?

Mr. Larry Provost responded I have not. This sat in a drawer in my dresser for decades now and when that came up, I said: "Let me see if I can still find this." These, from what I understand, are from the what they call the middle woodlands era which was **200 AD** to **1200 AD** in this area. These particular arrowhead designs are all specific to the northeast here.

Mr. Robert Foley asked with permission of counsel, would I be able to pass this information on if I supply the name of a contact...

Mr. Larry Provost responded sure. I would love to show this to somebody who knows what it is they're looking to. It doesn't do me much good sitting in my dresser drawer.

Mr. Michael Preziosi stated Mr. Provost, we'll pass your information along to our staff liaison to the Town's Historic Advisory Council.

Mr. Larry Provost responded great. Thank you, wonderful.

Mr. Robert Foley stated I'm a member of one of the local Historical Societies and I hear from one or two members who are from one of the tribes when they're overlooked on their findings and then a building goes in.

Mr. Larry Provost stated I know only the hearsay of [inaudible] that I've presented today. Here you go. Thank you for your time.

Ms. Loretta Taylor stated thank you. Is there anyone else here who needs to speak on this application?

Mr. Bruce Kay stated Madame Chairperson, members of the board, guests, interested parties, my name is Bruce Kay I too am an abutting neighbor to the Mahlab site. I was informed today, late morning, about this requested adjournment by the applicant. I'm not in the habit of, how should I say, arguing with someone that is not here. My concerns about the proposed application I provided to the board a number of times already and often, and most recently, in a very vocal and emotional way. What I would like to say, I agree wholeheartedly with Mr. Provost's assessment of the new or revised plan that the applicant's engineer has submitted. At our last meeting, we discussed at length the implications of the historic nature of Teatown Road. The board was very active in questioning the applicant's plan at that point and seemingly the board gave some direction that the plan should be reconsidered to the point that serious attention be given to the disturbances that the plan as proposed would create to Teatown Road. Saying that rather than elaborating or counterpointing, etc, what Mr. Mastromonaco has said, what I would request on behalf of myself and the members of my Teatown community that the next meeting be put off an additional month and the reason being, given the applicant's, and to use Mr. Provost's words 'disrespect' or lack of attention to the opportunities that have been afforded to revise the plan, it seems that at this particular point it may be necessary for our members in our area to retain counsel. We're in the process of discussing that and also interviewing counsel and secondarily, I personally will be out of the country on November 6<sup>th</sup> when I believe the next Planning Board meeting is scheduled. My request on behalf of myself and on behalf of my Teatown community is that this matter be further adjourned until, I believe, the December 3<sup>rd</sup> meeting at which point we will be prepared as best we can to discuss the issues and to be respectful of the board and its decisions in that regard.

Ms. Loretta Taylor stated I don't know whether you all are aware but Mr. Mastromonaco asked for, or the applicant in fact, asked for this adjournment because he has to look at a traffic study.

Mr. Bruce Kay stated traffic study as I understand.

Ms. Loretta Taylor asked you're aware?

Mr. Bruce Kay responded yes.

Ms. Loretta Taylor stated he didn't just not show.

Mr. Bruce Kay stated as I mentioned I was informed about midday today that he would not be here and that was allegedly his reason for requesting the adjournment. I put forth my reasons and my community's reasons for requesting the adjournment. That's what I can say at this point Ma'am.

Ms. Loretta Taylor asked have you been talking with [inaudible] on this?



Mr. Chris Kehoe responded we agree with everything Mr. Provost has said and we discussed it at the work session that at least at the staff level and I believe the Planning Board felt the same way that that was not really a serious attempt to address your concerns about combining access and minimizing the impact to Teatown Road. We had also agreed that the project should be formally referred to the state's Historic Preservation Office and then based on their comments an archeological phase I investigation could be required. Until we got the email this morning, we were not aware that Mr. Mastromonaco was starting a traffic study. Usually the traffic study, the scope of that would be developed in conjunction with the Engineering Office. He started it without any conversation at all with the town so the implication of that is no matter what his findings are I believe we will probably recommend a consultant be retained on behalf of the town to compare those findings. I believe that staff would be comfortable given all those issues to adjourning this hearing until December.

Mr. Thomas Bianchi stated I would agree.

Ms. Loretta Taylor stated why don't we just make...

Mr. Thomas Bianchi stated if there are no more comments, Madame Chair I'll move that we adjourn this public hearing until – is December 3<sup>rd</sup>...

Mr. Chris Kehoe asked is that okay with counsel? Is that something we can do?

Mr. Michael Cunningham responded it's okay so long as he doesn't submit plans that we were comfortable with but it sounds like that's not going to happen in the next month or so.

Mr. Chris Kehoe asked so I guess just procedurally do we have to leave it on the November agenda but then....

Mr. Michael Cunningham responded it should be left on the November agenda, yes. It would have to be adjourned again.

Mr. Thomas Bianchi stated so we'll adjourn it until November and then we'll adjourn it again?

Mr. Chris Kehoe stated that's what I'm confirming.

Mr. Michael Cunningham responded yes, it should be left on the agenda.

Mr. Thomas Bianchi stated so I'll move that we adjourn this to our November 6<sup>th</sup> meeting.

Mr. Chris Kehoe stated but given everything that we've said we expect it to be further adjourned to December.

Mr. Thomas Bianchi stated but the expectations is that it will be adjourned to December 3<sup>rd</sup>.

Mr. Jeff Rothfeder stated I totally agree with doing that but just to your point, we can keep adjourning it as long as we want.

Mr. Michael Cunningham stated so long as they don't meet the requirements set by the board and staff then you can keep adjourning it, yes.

Mr. Chris Kehoe stated but I think the implication of what is – we don't believe that the traffic study – maybe the traffic study's done from Mr. Mastromonaco's perspective but certainly not going to be reviewed by our perspective. I don't think we're going to have heard back from the state as to our preservation office. Even if Mr. Mastromonaco appears at the next meeting and makes some, I guess it would be within his rights to make some sort of a presentation but it would still be adjourned.

Mr. Jeff Rothfeder stated that's what I meant. There seem to be so many loose ends here that this will be adjourned for a while until office comes together.

Mr. Thomas Bianchi stated he's initiated a traffic study without informing staff so of what value is that traffic study going to be unless you have input into what needs to be looked at?

Mr. Michael Preziosi stated that's an accurate statement. We had discussed at the last few meetings the need for a spot speed study at the applicant's engineer's suggestion as well as evaluating traffic counts on the road. Whether the device is placed and whether or not we're going to be getting accurate readings for the speed study as well up to the scope of the traffic study. It was a little premature on their behalf to put the collector out and we'll have to coordinate the efforts to make sure the Planning Board is okay with the scope of the proposed traffic study.

Mr. Thomas Bianchi stated that's my concern. We should be presented with that before he proceeds like any other traffic study.

Mr. Michael Preziosi stated exactly.

Mr. Jeff Rothfeder stated if he does proceed, which has happened before with him and others, we would get our own consultant to do one and use that as well.

Mr. Robert Foley stated and if he appears in November and proceeds with a presentation without all of the interested parties being present, we could ask him to retell it in December or what? Or he would probably agree to just put it off.

Mr. Chris Kehoe responded but I think that's what we're talking about.

Ms. Loretta Taylor stated we're at the point now where we kind of spinning.

Mr. Chris Kehoe stated I think the thought was to not have him appear in November but I think he has to be given the right to appear in November if he wants.

Mr. Michael Cunningham responded that's correct.

Mr. Robert Foley stated I also have my qualms about...

Ms. Loretta Taylor stated if the board is not satisfied, Bob, we have the right to adjourn again.

Mr. Robert Foley stated we'll know more about the traffic study. Mr. Mastromonaco was wrong, as you read the minutes about the enforceable speed limit; the white signs and the orange signs.

Mr. Michael Preziosi stated staff will reach out to Mr. Mastromonaco and the applicant to set up a meeting to discuss the scope of the services. If he so chooses to perform the study on his own then we would retain a consultant to review the results and make recommendation or comment as well as, prior to that, as well as approving a scope for the study to be presented to the Planning Board.

Mr. George Kimmerling stated there was a motion made and I don't think there was a second so I'll second that motion.

With all in favor saying "aye".

Mr. Bruce Kay asked so then if I understand correctly, the next meeting the applicant does have the opportunity pro forma as part of procedure to appear at their discretion although the board has agreed conceptually that this matter for public hearing would be put over until December. As I further understand, at that particular time the board within its provenance has the discretion to further adjourn subject to the plans and the requirements that are mandated as far as the approval process is concerned. Am I correct?

Ms. Loretta Taylor responded and with every application as always we have the right to do that.

Mr. Bruce Kay stated thank you.

**PB 2019-1 b. Public Hearing: Application of Gas Land Petroleum, Inc. for the property of MF Point, LLC c/o Frank Righetti, for Site Development Plan approval, Tree Removal and Wetland Permits and a Special Permit for a gas station with a canopy and a convenience store located on an approximately 1 acre parcel of property at 2051 & 2053 E. Main St. (Cortlandt Boulevard) as shown on a 21 page set of**

**drawings entitled “Site Plan-Gasland Cortlandt” prepared by Chazen Engineering latest revision dated July 9, 2019 (see prior PB’s 16-04, 24-05 & 13-10)**

Mr. David Steinmetz stated good evening Madame Chair, members of the board; David Steinmetz from the Law Firm of Zarin & Steinmetz here this evening representing Gas Land Petroleum. With me this evening Chris Lapine from Chazen Engineering, our project engineer and Dr. Phil Grealy from Maser Engineering our traffic engineer. Very briefly, I’m extremely pleased to inform the board, as I gather you’re already aware, in light of comments that we’ve received from our neighbors, in light of comments that we received from your board we were able to promptly meet with the New York State Department of Transportation, discuss in greater detail that which we raised with you at the last meeting, namely that our client was willing and thought it was prudent to have a westbound left turn lane into the subject property thereby allowing us to eliminate the connection to Parkway Drive which raised concern with our neighbors and was not something that our client necessarily thought was the best, let alone the only way to redevelop this site. We’re pleased that Dr. Grealy and the rest of our team were successful in their meeting with DOT. DOT has subsequently written a letter to your board. I know that your outside professional consultants have reviewed this. I’m going to defer to Phil and to Chris to walk you through any other changes to the site plan but the single most significant issue that we discussed at the initial session of the public hearing, and that we discussed with your board even during the site walk has been successfully addressed and mitigated. So we feel like we have unquestionably taken a step in the right direction with regard to the neighbor’s concern. Secondarily, I would also remind the board that our client is willing to accede to the request of the DOT and provide that further mitigation to the entire area that really has nothing directly related to our proposed gas station but that is the double left turn lane off the Bear Mountain Parkway to allow more vehicles to go eastbound on Route 6 and to avoid some of the stacking and queuing that otherwise occurs. So we think we’ve addressed neighbor concerns. We’ve addressed a pre-existing condition that has absolutely nothing to do with our application. We’re improving safety. We’re redeveloping a piece of property in accordance with zoning and we’re quite pleased that this is seemingly being substantially alleviated in that regard. I’m happy to defer, if there’s anything else we want to affirmatively present. I know your consultant is here and obviously Marissa will articulate her review concerns if any.

Dr. Phil Grealy stated thank you. Good evening, Philip Grealy, Maser Consulting. Just to add to what Mr. Steinmetz indicated, at the meeting with the DOT which was held on September 30<sup>th</sup> we also had discussed certain other improvements and confirmed what they wanted relative to other signal upgrades in this area. We had originally proposed, based on our initial discussions with DOT, to provide the necessary hardware for and software for the adaptive signals at both Parkway Drive and the eastbound on/off ramp. In the discussions with DOT it was identified again that in the corridor, the missing link to that system is the signal at Locust and Route 6. After further discussions with the Department we will also undertake the upgrades to that signal so that would allow a complete system from Parkway Drive all the way through past the Cortlandt Town Center and up to the Yorktown border. The last item that we discussed in detail was at the

westbound on/off ramp. That intersection does not satisfy warrants for signalization currently. It is continuing to be monitored as part of the Cortlandt Crossing project as well as DOT. In the interim we will be making some safety improvements, some additional signing to advise motorists of the presence of that intersection if you're coming from the west as you're crossing underneath the Parkway there's really no advance notification so there's some signing, some striping and possibly some lighting that will all be required for us to do as part of our highway work permit. As part of the plan to provide the left turn, the westbound left turn into our site so anybody coming from the east would require us to do widening along our frontage. So basically from the reconstructed driveway up to the Parkway overpass we will be widening that section along our frontage, redoing the curbing, installing paving and then also completing the sidewalk system and bringing everything up to ADA compliance. Basically, there will be a complete sidewalk starting at our driveway all the way over to Parkway Drive connecting to the existing crosswalks across Route 6 to Jacob's Hill as well as a new crosswalk across Route 6 in the vicinity of the ramp. I think those are the other components of what we discussed in which will be required as part of our permits with New York State DOT. Thank you.

Mr. Michael Preziosi stated just also want to let the board know that the turn from Parkway into the site has been eliminated, the driveway, from this proposal and for the public.

Mr. Thomas Bianchi asked it's been eliminated. It shows up on the...

Mr. Michael Preziosi stated this alternative no longer has a connection from Parkway Drive into the site via the site driveway.

Mr. Thomas Bianchi stated that was one of my questions.

Mr. Chris Kehoe stated what you're seeing there is a direct connection from Route 6.

Mr. Michael Preziosi stated we do have our traffic consultant Marissa Tarallo here with us both her and I were with Dr. Grealy at the DOT's meeting on September 30<sup>th</sup> and Mr. Grealy did summarize the meeting very succinctly.

Ms. Loretta Taylor stated so there's not additional input at this particular point.

Mr. Michael Preziosi stated the board has the ability to ask Marissa any comments, any questions and she'll be able to address in conjunction with Mr. Grealy.

Ms. Loretta Taylor asked questions from the board?

Mr. Thomas Bianchi asked do you essentially agree with – this is a major change that has been made. It's going to be a very busy intersection. What I'm hearing is that with the adaptive traffic signals that this should work. Do you have any concerns or cautions on that?

Ms. Marissa Tarallo responded I would caution the sense that the adaptive system will make it a less busy intersection because that won't be the case but basically it's a busy intersection today. The traffic that they're generating isn't large. It's just currently a problem as they've mentioned and what they're doing to make it a larger intersection is also adding capacity. So the intersection can operate a lot better even though it's going to look bigger it's going to operate better. The other item is that they're taking out the existing signal and they're putting in a new one. So when they do that they can also increase the visibility of this signal which is currently a little bit of an issue. The signal heads are kind of small. They don't have any visibility back plate like the one that's further up by the Town Center. Those are all improvements that they can make as part of replacing the signal. Overall, this is an improvement to this intersection with or without the project.

Mr. Thomas Bianchi asked and the traffic that's going to be, that could enter from the Route 6 entrance, not the Parkway Drive but the Route 6 entrance, is that for general use as well for customers as well? Going eastbound...

Ms. Marissa Tarallo responded right, the right turn in?

Mr. Thomas Bianchi responded yes.

Ms. Marissa Tarallo responded there's no restriction on it so it can be used by anyone.

Mr. Chris Lapine stated anybody can use that coming into our site. It's a right turn into the site. It's the only means for ingress.

Mr. Thomas Bianchi stated so that's probably going to be the preferred route to get into the site when you're going eastbound because you don't have a light to wait for.

Mr. Chris Lapine responded exactly.

Ms. Marissa Tarallo stated that's why we were also in favor of removing the Parkway Drive so there was less multiple entrance points with cars meeting at the same point. Even though this has a slip lane to get them in, it will help to decrease the traffic at the signalized intersection and there's only two access points now so it's a little bit cleaner of a site circulation and with than with the third access.

Mr. Thomas Bianchi asked there should not be any backups on the ramp from the Bear Mountain Parkway with this adaptive signaling system? Could you address that? That's currently a problem right now.

Dr. Phil Grealy responded as identified in our study, the backups occur right onto the main line of the Parkway. Our analysis shows that they'll be reduced. There'll still be some backups to the Parkway. We're not going to eliminate them totally but they will be reduced from what they are today because we will have the additional lane to process that

volume. I think the adaptive will help to reduce that but based on the volumes and how they arrive, I think there still will be some time periods that will back up but I think it'll reduce the number of times that it occurs. The adaptive will definitely improve that situation but I don't know if it'll totally remove because the arrivals there happen fairly quickly, sporadically as they come off the Parkway. So by the time the adaptive response that there may still be short periods where it will back up but it will definitely improve what's there today.

Mr. Thomas Bianchi asked does the adaptive system get adjusted after you have some experience with the traffic?

Dr. Phil Grealy responded yes, and Melisa can add to this but what happens is with the actuation and the, what they call hockey pucks we refer to them, the sensors, they constantly record the volumes so it allows the system to react to – in the past, the actuation will react to traffic but not a specific cycle. So as the information comes in it's constantly monitoring what the demands are on each lane so it can respond more efficiently to the actual peaks within time periods.

Mr. Thomas Bianchi asked these are automatic adjustments? There's no manual adjustment...

Dr. Phil Grealy responded the information is fed into the controller and the software basically processes the demands and it adapts to the current pattern. Now, DOT also gets the information so they can monitor it and make adjustments to the system also. We're going to be providing a modem here. DOT in the past would have to come out to a location to look at how something's functioning or make changes. They can do that remotely now.

Ms. Marissa Tarallo stated I would just add to this that there's two things to keep in mind with this adaptive system, it goes all the way up to Lexington as you know and that's a very high demand intersection as is the Cortlandt Town Center. This is one system. So when you do an adaptive system there are parameters that that's what limits how much it can do. We tend to try to leave it open so it can accommodate whatever demand exists but ultimately we can say it can only have a cycle length of so many seconds beyond what it is today. There are parameters put on the system. This is all going to work in conjunction. It's going to look at what's demanded everywhere along this segment and its goal is to reduce your travel time along Route 6. At some point in time, DOT may need to split off these bottom intersections if they operate far differently than the ones closer to the retail center. The idea though is to make Route 6 flow very well but that can come at the cost of dealing with various side streets so that once you're on Route 6 you're moving quickly. The other item we discussed, and I don't know if it's still in the signal plan, was a back of queue detector for the signal. There's a detector that will be at the back of the ramp right when you get off of Bear Mountain Parkway. If that's activated, the signal has the ability as does the adaptive system to say: the queue is too long, transition and give us green time to clear out the ramp. There's a failsafe of when the queue spills back it can

talk to the signal and give it a priority to start clearing it out and that would exist with this signal.

Ms. Loretta Taylor asked quick question, where is that sensor located?

Ms. Marissa Tarallo responded the sensor for the backup queue?

Ms. Loretta Taylor responded yes.

Ms. Marissa Tarallo responded it's usually off of the ramp but you do need to give it a couple of cars before you hit the ramp because if it's right at the back of the ramp by the time it actually gets a signal going you'll have three or four cars sitting on Bear Mountain Parkway. So I'd say it's **50** feet back from...

Mr. Robert Foley asked on a pole or ground level?

Ms. Marissa Tarallo responded oh no, it's in the ground. It's like little pucks that we're referring to that look like hockey pucks. They bury.

Mr. Robert Foley asked so when you have heavy snows or whatever it doesn't interfere?

Dr. Phil Grealy responded no.

Mr. Robert Foley asked some of my thoughts have been answered but on the queue time my concern is the westbound traffic in the extended, so-called extended lane to make a left into your facility. Is it estimated how long a wait time would it be on some of these queue lines whether it's going west in the left turn lane or even coming off the Bear Mountain Extension?

Dr. Phil Grealy responded there's two parts to the answer. Every lane will have actuation, will have monitoring of the volume in the lane. In terms of the storage, we can store approximately three to four vehicles in that lane turning into the site...

Mr. Robert Foley asked the left turn lane?

Dr. Phil Grealy responded yes, correct, in that left turn lane and there will be actuation in that lane to observe what that demand is. In terms of the projected volumes; for this site, we're expecting, in a one hour period, approximately a hundred trips in an hour over the course of the entire hour on all approaches coming in. Approximately, I believe **35%** of that would arrive from the east turning left into the driveway so you're talking about roughly **35** vehicles per hour or a couple of vehicles per cycle. What happens is you may get an interval where you get two or three vehicles at once, that's the importance of having the actuation to respond to that demand. The design is to monitor basically as the volumes arrive be responsive to that. That's part of the design.



Mr. Robert Foley stated because my concern is the potential backup going too far under the overpass and then confusing or making the other entrance/exit to the Bear Mountain on the eastern side of the overpass more involved.

Dr. Phil Grealy stated understood.

Mr. Robert Foley stated when you say vehicles, you mean a regular standard car, chances are no big trucks would be turning into...

Dr. Phil Grealy responded the delivery, you would have delivery vehicles but primarily passenger cars in the rush hour time periods.

Mr. Robert Foley asked in other words if there's a panel truck delivering to the deli portion, component coming from the east in that lane, that's considered also?

Dr. Phil Grealy responded yes. Truck percentages are accounted for in the analysis, yes.

Mr. Robert Foley asked in your traffic analysis, maybe it's in there, in your studies did you consider the school bus hours?

Dr. Phil Grealy responded yes.

Mr. Robert Foley stated so in other words there are certain times in the morning and the afternoon with an influx of school buses which are longer, most of them are longer than one car.

Dr. Phil Grealy responded yes. So part of the base traffic information that we collect breaks down the vehicle mix by type: school buses, trucks, motorcycles, passenger cars. The data is categorized and that's part of what's in the study that actually identifies the number of buses per hour. I don't remember on each movement what they are but they're included in there.

Mr. Robert Foley asked and then for the left turn lane going westbound, what I'm concerned about, the signals will be over the road, the signage will be clear.

Dr. Phil Grealy responded yes. So right now the signal that's there is a span wire. Our design that DOT is requiring will be mast arms that will have the signs and sign signals mounted.

Mr. Robert Foley stated I know it will improve it and make it safer but then the time waiting for that left turn arrow, the green, the red and the regular full green or red...

Dr. Phil Grealy responded right now if you look at our plan we show replacement of the span wire and with overhead signs. Based on further discussions with DOT they may require us to put in mast arms instead. Right now you have two poles with the heads hanging from the span wire and we will have to add turn lane signs. In discussing it

further, because we still have to do the final design of the signal they may want us to do mast arms. If they do mast arms you have more...

Mr. Robert Foley asked solid cord all across?

Dr. Phil Grealy responded yes.

Mr. Michael Preziosi stated it's been referenced a couple of times. A follow up letter from DOT has been received. Has any correspondence been received since the 30<sup>th</sup>?

Dr. Phil Grealy responded we haven't gotten official. They just brought it up that they may want us to consider using mast arms. Nothing in writing because we haven't given them a final design so they said just look at it when we're evaluating the signal and we'll keep you informed of anything but that was a comment based on the speed of the road and the positioning that that was a comment that was given to us.

Ms. Marissa Tarallo asked could you also confirm, regardless of the span or the mast arm we're looking at doing the retro-reflective back plates. So that's the yellow border that at night helps to illuminate the signs because otherwise the signal is difficult to see especially under an overpass just as you come out. So the same ones you have further up Route 6 will be down here.

Dr. Phil Grealy responded correct. Regardless of whether a span wire or mast arm there will be signal back plates. They help with the glare and the visibility of the signals. They will be, regardless of which...

Mr. Jeff Rothfeder asked in the August report, the traffic report and your response, just a couple of things I didn't quite understand. One was in number five you talk about that the location exceeds statewide average crash rate and then you said DOT should be consulted. This was about the split phasing. I guess I'm more interested in the crash rate. And you said there's probably going to bring more traffic just by the presence of the gas station right. What's our concern about this? If it's already exceeding statewide rate shouldn't we be more concerned than we are about it?

Dr. Phil Grealy responded well there's two things. Number one, when you look at the type of accidents, some of those are caused by sun glare so part of the improvements, for example putting the back plates in that's a safety improvement that's part of the new signal design. The striping that will be installed will be high visibility striping. There are no overhead signs, lane usage signs today. These are all safety measures to respond to the current conditions. The other thing relative to the traffic; there will more turning movements into the site. A very high percentage of the trips on a road like this are attracted from the roadway. While there's an increase, our experience has been that the increase is even less in terms of new trips to the road but all of the measures that we're talking about here, for example, even at the westbound ramp where there are accidents we discussed with the DOT what could be done since the signals not warranted there and that is the signing, the striping, possibly some whiting, some vegetative clearing to

improve site lines. So those are all – the reason for those improvements are to improve safety.

Mr. Jeff Rothfeder asked but in terms of the crash rate, did you guys analyze what most of the crashes were coming from or even take a hundred of them and try to produce some kind of analysis of it?

Dr. Phil Grealy responded the summary shows rear-ends. For example, coming off the ramp there's been rear-end accidents because of the queues. On Route 6 itself there's been turning accidents and rear-ends and sun glare related accidents late in the day, people stop because they can't see the signal and then getting rear ended. I think all the measures that we have are to deal with that history that's there.

Mr. Jeff Rothfeder asked are you satisfied with that? It still feels to me a little bit – I appreciate what you're saying but it doesn't feel scientific enough for me.

Ms. Marissa Tarallo responded I'm trying to find the numbers because they have them in their study and that's what we were reviewing and they are actually in the process of revising their traffic study so we would receive that as a completeness review to just check that now that they've made these major changes to the intersection that the results are still sufficient. I'm looking for their exact number. There's a couple of things with this. The statewide average, I do not want to minimize that one accident that goes above the statewide average, those intersections should be looked at. However, if you think about New York State and we're not talking about New York City, New York State, actually the majority of roads are far more rural than what you have here in Cortlandt. We've done a couple of studies in Cortlandt where the majority of intersections exceed that statewide average. It's not uncommon here. That's not to say we shouldn't look at it but it's not uncommon. They are not exceeding it by triple, quadruple the rate so it's not at a point where it's very common. Once it exceeds the rate we ask them to look at patterns which is what you were asking for. The majority of patterns here are rear-end. They have a percentage in their study that shows that. It might be close to **50%**. I would ask them to confirm that. Rear-end accidents occur at signals. The one thing I can say is there were not any fatalities at this one and I believe the injury rate was either none or one. So the accidents, while exceeding the statewide average are not of high severity. It's mostly – there's congestion, there's a light, people aren't paying attention and they're rear-ending each other. That's why I ask about the increase in visibility of the signal and decrease in the congestion here, adding an exclusive turn lane does improve safety. Retro-reflective back plates improve safety. The adaptive signals also improve safety because they're minimizing stops. If you have to stop less then there's no one can rear-end you because you're not stopping. For those reasons, we're satisfied with the new design and especially because the access points are reduced. That was a concern of ours with the Parkway Drive and then two on 6. I do think this addresses a lot of the safety concerns. I would ask the consultant to confirm in their revised traffic study when they're finishing it but...

Mr. Jeff Rothfeder stated that's fine. That sounds good. Then could you report back or at least confirm that you guys feel it's okay what is being done here because you didn't directly address that as a confirmation in this report.

Ms. Marissa Tarallo stated absolutely. When we get the final report that has everything in it, because this intersection has now changed drastically from the last version you looked at, when they finalize it we will send a letter to the board noting any safety concerns or any issues in that regard.

Mr. Jeff Rothfeder stated okay, thank you.

Mr. Robert Foley asked do you know if, and I brought it up at an earlier meeting, there was a fatality there. I'm not sure if it was earlier this year.

Dr. Phil Grealy responded that was in October 2018 at the westbound ramp where the motorcyclist was killed. In discussing the measures there: the signage, the clearing of vegetation, that was part of the discussion to improve that. I believe that was just around this time of year last year, this time of the year.

Mr. Robert Foley asked was it at night do you know?

Dr. Phil Grealy responded I believe it was at dusk.

Mr. Robert Foley stated because that was another thought I had.

Dr. Phil Grealy stated I think it was around **5, 5:30** in the afternoon if I remember correctly.

Mr. Robert Foley stated because the sun glare is an issue going westbound at that time of the day when the sun sets or before the sun sets. The other thing is, and I've noticed this on another part of Route 6, and I've addressed it with Mike, over by the Cortlandt Crossing there are dark spots, believe it or not, along Route 6 east of Westbrook before you get to the school and then going up Barmore Hill. I'm not familiar, I can't recall whether in this location are there street lights. Is the road lit up? Not the fancy lights that are...

Dr. Phil Grealy responded yes. In terms of at the westbound ramp we may be doing some additional street lighting at that intersection as part of our permit work. It's signing, striping, vegetative clearing, and some additional street lighting at the intersection, not the traffic signal but street lighting.

Mr. Robert Foley asked street lighting. It lights up the roadway not just part of it?

Dr. Phil Grealy responded correct.

Mr. Robert Foley asked because that is a problem at other parts of Route 6.

Mr. Michael Preziosi stated I believe we did forward the Town Standards for the decorative street lights to Mr. Lapine early in the process which are incorporated into the site plans along the frontage of Route 6.

Mr. Robert Foley asked would the decorative lights, they don't really light up the roadway that much. They look good on the left side of Cortlandt Crossing but on the opposite side where the sidewalk is nothing's lit.

Mr. Michael Preziosi stated any sort of street lighting, overheads, copperheads as they used to call them, they would have to be at the discretion of DOT as part of their safety review if they would warrant such light. It would be part of the DOTs. We can recommend that DOT evaluate that.

Mr. Robert Foley stated because that would be helpful. I've noticed this over the years when the roadway's lit, it's clearer. I can't explain it. This location I'm not familiar how well lit the road is.

Dr. Phil Grealy stated I think whatever lighting is there like there's some lighting that spills from the Sinclair station, there's some lighting but there are dark spots at the intersection and that's why DOT said that would be one of the things to look at.

Mr. Robert Foley stated thank you.

Mr. Michael Preziosi stated we just check the Google Earth street view and there is a traffic overhead light by the off ramp across from the current site. It's at the intersection.

Dr. Phil Grealy stated but there are some dark spots like right as you come under the overpass of the Parkway. We're looking at that to see if there's anything to supplement what's already there.

Mr. Robert Foley stated even if there is the one, look on the other side. The example is Lexington and Route 6. The southern end of that corner is well lit. The northern end is not. It's not in your area.

Dr. Phil Grealy stated I know it though. I know what you're talking about.

Ms. Loretta Taylor asked are there any other questions?

Mr. Thomas Bianchi asked just one more. Given the complexity of this system and the amount of data that it's going to be accumulating and processing from Lexington all the way down to the applicant's property, I have to ask, what's the reliability of this system? Hopefully this is not the first time something like this – what's the reliability because if it should fail it could be catastrophic.

Dr. Phil Grealy stated well number one I think this region, region **8** of DOT was one of the last regions to adopt the adaptive systems because they wanted to make sure of that. I think here it's designed so it can be all one system but there's a likelihood that the DOT may actually split this somewhere maybe from Locust through here will be one system and to the east would be a different system but I don't know if that's – they'll make that determination because the idea is to keep the through traffic flowing along Route 6. I think it seems to be functioning pretty well and especially through Lexington is better. Here you may end up with two systems. That's my...

Mr. Robert Foley stated that may be a better idea because as I've noticed and I brought it up at past meetings, the side roads, not just the little streets, the majors: Westbrook, Lexington to get access onto 6 you wait longer. Maybe it's only **20** seconds and those are the local people and the Route 6 cars are coming through so that two-tier system may be better.

Ms. Marissa Tarallo stated if there's a distance between the intersections where it becomes ineffective to have them as one system, there's a far distance from Locust down here. But I would just add, as far as it being catastrophic if it fails, an adaptive system is an add on. It's an extra functionality. In order for the system to go down it would have to lose all of its communication. You can lose one intersection and not lose the system. That's the first thing. If an intersection or the whole system goes down, it just defaults back to being a regular signal with time of day plans because the applicant has developed time of day plans because he has to then build an adaptive onto. Those are pretty new. So if it ever went down, as a driver you'd feel it on the whole corridor. You'd certainly feel it up by Lexington. You probably wouldn't feel it down here because this signal would have been recently retimed. There really isn't like a – if the system goes down and the signals don't go all into flash and everybody doesn't know where they're going, that won't happen.

Mr. Thomas Bianchi stated it's like a backup plan that should begin if your primary system fails – it's more like a failsafe type of...

Ms. Marissa Tarallo stated it falls right back to a regular signal, exactly how you're used to. As a driver, you probably wouldn't feel it. You would just think that there's more congestion on the road. You wouldn't see or notice anything if the adapter failed.

Mr. Thomas Bianchi stated as long as it doesn't cause more accidents.

Ms. Loretta Taylor asked are there any other questions from either the board or the residents, audience?

Mr. Chris Kehoe stated see if anyone from the public wants to comment.

Ms. Loretta Taylor stated I just said that.

Mr. Chris Kehoe stated I didn't hear you.

Ms. Loretta Taylor asked is there anyone in the audience who wishes to address this application? John?

Mr. John Sloan stated good evening. John Sloan Parkway Drive. Mr. Steinmetz and his team have just spent a greater part of **40** minutes, probably the second session discussing traffic concerns and parting to you the fact of all the things that they've done both on the drawings and with DOT to allay your concerns, to talk about magic software that's just going to improve the traffic flow on Route 6. They talk about things like striping, signage, brush clearing, widening, all of those things as you sit there and are supposed to ease your mind and think, well this is based really truly on a lot of knowledge that this may actually work. But I do think that given the experience of this board, in the back of your minds if not in the front of your minds you know this is absolutely the worst intersection to put a high traffic generator in the Town of Cortlandt if not Northern Westchester. I don't know if the Triangle Shopping Center in Yorktown, that area, rivals it but I think this would be number one, primarily because there is so much going on, so much proposed with regard to traffic volume in a very compact area. From Conklin Avenue to Locust Avenue is what, less than a half a mile, yet you have so much that is being offered with regard to traffic into this intersection. Now you hear, and it was just in passing said that the busy hour projections are a hundred cars slowly going in and out of the proposed gas station. This means that those cars have to take their time getting into it. My feeling is that to look at this and knowing in your minds to know what common sense tells you about Route 6 as it exists today and Route 6 as it's proposed by these people that to base an approval on the basis of software working the lights magically and that software being updated and maintained throughout the years I think is nonsense. I think the other things that these gentlemen have referenced with regard to lighting, with regard to striping, signage and all of that is cosmetics. All of that's cosmetics. It doesn't improve anything. If you had a 106 degree temperature and I gave you an aspirin and it dropped to 105 I can represent as they do that I've made improvements to you. You're a bit healthier than you were before. You're still going to die and that's what's going to happen here with Cortlandt because the area under consideration already is saturated and will be more so. I live on Parkway Drive and we have just a few residents on Parkway Drive. I speak for them, but I also speak for the people who are residents of the Town of Cortlandt many of you will use and have used Route 6 in the future. We have the Santucci development, a massive medical facility that's about a half a mile away from this proposed gas station that's going to have an awful lot of traffic coming in and out of that road and being offered onto Route 6 and onto the Parkway as well. This is just not sustainable. The gentleman, as you well know you just have too many years listening to similar traffic studies, traffic presentations who all know that they will promise you anything with regard to easing your mind about the plan will work but if it doesn't, if Supervisor Puglisi's eventual plans for the beautification of Cortlandt Boulevard don't come to fruition because it's simply too much traffic to do anything with they're not going to come back to your board and "whoa the gas station is a lot more popular than our computer projections indicated. We're really sorry about that. We're going to pull out three pumps and try to alleviate, improve the situation." That's never going to happen. It won't happen with these people either. So I think, not only for our immediate benefit on

Parkway Drive, but for the greater benefit of the people of Cortlandt you really ought to decline this application. As I said the last time we met, there's nothing about another gas station and convenience store on Route 6 or not having one on Route 6 is going to impact the welfare of the citizens of Cortlandt. In fact, I was thinking this, this morning, in all of New York State there's probably not another mile of roadway that one can, never mind of roadway that offers so much ability to buy a loaf of bread or a gallon of milk as Route 6 does with the five or six convenience stores there already – the three major supermarkets. The economic loss to the town just isn't there. The benefit to the town of this not being there I think would be tremendous. Again, as I said last time, what's appropriate for this site is what it has always been on this site which is a low traffic volume generator. It's not for the board to pick out the proposal. It is for the board to determine what's in the best interest to the Town of Cortlandt. If you reject this proposal somebody will eventually come along with a dentist office or some sort of medical complex, something that is not a 24 hour heavy traffic generator. That's the kind of thing that people could live with and that's the kind of thing that Route 6 needs. I will also recognize the fact that you may or may not have made your minds up about whether to approve this project or not and therefore as I say that the project should in toto be rejected, I also have to hedge and say, since I don't know the opinion of the board, if regrettably the board does decide to progress this project, to move it forward, the one thing that we would like to see under all circumstances is for the board to ban any kind of audio, any kind of transmission on this site. As you well know from many gas stations which really boggles my mind, in particular the Mobile one on Locust Avenue you are subject to loud music as soon as you drive onto the site and then a magic video pops up working against the music telling you whatever to do: to buy milk, or watch a tennis match or something like that. We simply don't need that kind of environmental noise, that kind of pollution from a gas station in addition to the monstrous amount of traffic that it's going to generate. I hope you all head my words. I hope you believe what I say in recognizing the fact that this particular spot is just awful for the kind of proposal generated. A chicken bone is about this big and your throat is about this big. And if you look at them like that, one should fit with the other but if you try it you choke and that's what's going to happen here. I thank you for your consideration in heading to what I have to say. Thank you.

Ms. Loretta Taylor stated thank you.

Mr. Lino Sciarretta stated good evening Madame Chair, members of the board, staff, Lino Sciarretta partner with the Law Firm Montalbano, Condon & Frank on behalf of Sergio Furnellos who is the property owner to the rear. I will make a note next time I will appear first and let Mr. Sloan clean up because he did such a great job in terms of his presentation. But just to echo a couple of things that he said. Number one, you cannot underestimate by any circumstance here the fact that, we've heard and I hope your traffic consultant is not minimizing it, but this intersection exceeds the crash rates in New York. It's dangerous. There's been a fatality. No matter what you hear about these mitigation measures that are proposed which incidentally we've heard about this meeting with DOT yet on the website we have updated plans but I don't see a letter from DOT or from the applicant with respect to this meeting. I just think that going forward you should be, at least what should go on line it should be a little bit more transparent. For example, I



understand these plans were just submitted in October 8<sup>th</sup> which gives your board two days to look at these revised plans. With respect to your notice, I would suggest at the next meeting you revise it to state that the plans have been revised by, on the October 8<sup>th</sup> date because it still refers to July 9<sup>th</sup> but that being said for the technical standpoint it's premature. We still don't know what DOT has committed to, what the applicant is going to do. Yes, we're hearing all these different scenarios but we still don't have a firm commitment from DOT in terms of what's going to happen next. So I think you all need to hear that. I want to see it in writing. I want to see confirmation what's going to happen with that. With respect to my client, they're proposing a six foot high fence in the rear of their property which I submit to you is just not high enough. Now my client does not want this gas station here to echo Mr. Sloan, it's just an intense use for the site – it simply just doesn't warrant this. It's just too intense compared to what's there now. With respect to the fence, it's not high enough number one, number two the noise. This is going to be a **24** hour, and it's proposed as **24** hour gas station. I don't know what your traffic, or what the reports have looked at but we're going to take a look at it as well. Have you factored that into that **24** hour usage? You're going to have, and what Mr. Sloan was talking about, about those television screens that pop out. We have a resident right behind there. They're going to hear that constantly throughout the night at **3am**. They have young kids. That shouldn't happen. You shouldn't have those at a gas station particularly bordering on residential street. With respect to the consultant report, I heard earlier if I heard you correctly, you're going to be updating or they're going to be updating a traffic report, is that correct?

Ms. Marissa Tarallo responded they're updating their traffic report.

Mr. asked and you will be reviewing that update?

Ms. Marissa Tarallo responded as long as the town requests yes.

Mr. stated well we would ask that any information, traffic information that's submitted by the applicant to be reviewed in writing by AKRF your traffic consultant to confirm whether or not their representations are in fact accurate because again, you cannot minimize this intersection. Again, I've been here several times now and every time I've been here there's been an issue trying to get in and out of that site. You're aware of it. You live here. You know how dangerous this site could be. Correct, the mitigation measures that they're proposing for traffic, we don't know if they're going to work. We have no idea. That goes to my next point. This should really be, I know you haven't done the SEQRA yet on this but you should really do a full blown environmental study on this project, on traffic alone. You did have a fatality here. You did have a rear-end collisions here. That warrant in it of itself should a full blown environmental assessment. I know I seen a part I here but you should have this applicant – you have to prepare the part II and a part III should be prepared. Let's set it for a scoping session under SEQRA and let's start there but without that information, again, this project, given what you have that's currently there, what you're proposing, the use is far too intense. And for a **24** hour gas station bordering on a neighborhood such as Parkway Drive, again, I think this board needs to really rethink this and revisit this gas station at this site. I would hope this board

would continue this public hearing again. We saw the plans on Tuesday I believe it was. The plans were dated Tuesday, October 8<sup>th</sup>. We would hope that we would have enough time because we still have to review, again, we pulled off line today with respect with the comments from Chazen Companies and the new plans so we would hope that this board would keep the public hearing open so we could further comment on the new plans. Thank you very much.

Mr. George Kimmerling stated could I just ask for a point of clarification just on the traffic coming off the ramp, they'll be is it two lanes turning to the left and one to the right and is the one to the right also you can go straight into the gas station across Route 6? How is that actually going to happen?

Dr. Phil Grealy responded on the drawing there's a separate left turn lane and the other lane will be left, through and right. It'll be a multi-function lane that you can go either left, through to the station or make a right turn. The way that that will operate on its own phase so there won't be any opposing traffic leaving the driveway in the same phase.

Mr. George Kimmerling stated okay, thank you.

Ms. Loretta Taylor stated before you begin, I want to be clear, how many lanes are there coming off the ramp? How many?

Dr. Phil Grealy responded two lanes.

Ms. Loretta Taylor stated something I read led me to believe, and I was wondering how you could possibly do it, that there would be like three lanes. One to the left and two additional lanes, one going right and the other one going right and straight through.

Mr. George Kimmerling stated that's what I thought too.

Dr. Phil Grealy stated there's a left and then a left, through, right.

Ms. Loretta Taylor stated but it sounded as though you would have two – there would be three. Did it sound that way to you?

Mr. George Kimmerling responded I thought there were going to be three but it seems like there are two. One is a left and one is a...

Dr. Phil Grealy stated that's correct. Unless DOT comes back and says add one more and there is right-of-way but based on what has been presented is...

Ms. Loretta Taylor stated here it is, let me just read it to you, number three on the memo from October 2<sup>nd</sup>, it says, number three: "associated with the new left off of the ramp, the widening on our frontage will allow the" – I got it wrong, it's number two. "Restriping and modifications to the Bear Mountain Parkway eastbound off ramp to include a left turn and a lane for left through and right." It kind of sounded like there were going to be

three lanes, one of which would serve two kinds of turns and one would serve only one kind. It sounds like two left lanes – no I got it wrong.

Mr. David Steinmetz stated it's two lanes. The main difference if I may if I can help in lay terms. Right now you're precluded from making a left from that lane which creates the queue. So what DOT has done is now allowed two lanes to make the left but the only way we could do that was by expanding the Route 6 pavement, as Marissa said earlier.

Mr. George Kimmerling stated I think that's why we were confused. We heard that as you were adding another left turn lane but it's just adding the ability to turn left from the existing...

Mr. David Steinmetz stated to rephrase Mr. Kimmerling, we are adding another lane from which left turns can be made. The lane itself exists in space and time but it's currently precluded from left turns now which is why we think it is and DOT apparently agrees there is a safety issue that we're trying to improve, an existing condition. To answer it simply, there are two lanes coming off eastbound...

Ms. Loretta Taylor stated and one serves three purposes and one serves only one.

Mr. David Steinmetz stated exactly.

Mr. Robert Foley asked at the DOT in your meeting consider or was it ever brought up or asked?

Mr. David Steinmetz asked did DOT ever ask for a third lane there?

Mr. Robert Foley responded well yes, in other words if you had a third lane on the western side of the ramp that would be your full right turn lane and those cars could keep moving and alleviate the queuing of the other two lanes and just seems more sense. I'm surprised that the DOT didn't...

Dr. Phil Grealy responded there is right-of-way to add an additional lane. We did look at that. DOT did not ask for it but we can look at that if the board thinks it's something you want us to look at, we can look at that.

Mr. Robert Foley stated I'm not trying to fit a square into a round hole here but...

Dr. Phil Grealy stated the widening that's being done along our frontage will accept the lane whether it be a dedicated lane or the lane the way it's proposed now which is the left, through and a right. The added, Mr. Foley what you're saying is, look at adding another lane. We can look at that because we're already making the accommodation to turn two vehicles onto Route 6 eastbound. So we will look at that.

Mr. Jeff Rothfeder asked can you turn right on red?

Dr. Phil Grealy responded under the current proposal, there would be no right on red under the current proposal. The reason is because of some of the accidents. DOT will make the final decision but the plan that we have right now would have no right turn on red so that traffic coming from the east – but they'll make the final determination. It depends on the final sight lines and configuration.

Mr. Jeff Rothfeder stated if that lane ends up having three uses, if you could get some of them off by the right turners, that would help as well.

Ms. Marissa Tarallo stated can I just add for expectations associated with evaluating it, I have no objections to evaluating additional capacity at an intersection but based on their traffic report, the existing demand is **75%** left turn and only **25%** right turn so they are going to add some through so certainly if it's a through, right and you get them out of the way but DOT there's just not enough land to allow more than a double left turn since the majority of the traffic is double left unless the lane's extended so far back as to let the right turns go by, the left itself is going to back up. They're going to have to wait for their light and that other lane is going to become unusable pavement if nobody can get into it because the stacking is far enough back. So since the left is so heavy the dual left is the best thing you can do for the lefts in today's situation, in tomorrow's situation and every situation but that's not to say it's not worth evaluating to see if the queue would block an additional lane or if it would end up resulting in a solution.

Mr. David Steinmetz stated again Marissa, that's based on pre-existing data. Data that exists today has nothing to do with...

Ms. Marissa Tarallo stated that's your report. I'm just reading it. It says, if I'm not mistaken, there's **300** cars making a left on today in the am peak hour and **85** making a right.

Mr. David Steinmetz stated those are count – my point is those are counts not projections. Those are actual counts.

Dr. Phil Grealy responded those are actual counts, document counts for – and it's consistent for every time period, the primary movement off of that ramp is left turns.

Mr. Robert Foley stated there's an example in the town which we addressed with the Frontier development, Starbuck's whatever the four places there at Westbrook and that seems to be working the two left lanes going left but the problem there is they sweep wide and there's a bus stop with a bench right on the edge of the road and some day there's going to be an accident. The right lane could either go right but most of it goes straight and it seems to facilitate that – except for the two left turn lanes, backup almost to Home Depot on certain days and block the straight through or right turn lane. In theory, it looks good and then at certain times of the day it works at that intersection. I don't know how it will work here.

Mr. David Steinmetz stated I don't know on the wide sweep we are – DOT has to approve the ability of that left sweep. Certainly this intersection will have the additional space for that left turn. Madame Chair just a couple of brief comments in response to those made. There is no proposal for a TV at this gas station and my client, though no decision has been made with regard to audio, has absolutely no objection – if we think that there's an empirical legitimate reason to have no sound there, there's no need for sound and music. The one thing that's most perplexing, maybe Mr. Sciarretta hasn't spoken with his client but his client today spent time both on the phone and in person with my client actually immediately preceding this evening's meeting discussing the benefit of the six foot fence and agreeing to the six foot fence. Again, I can't speak to when Mr. Sciarretta spoke with his client but I can tell you that Mr. Nesheiwat literally was with Sergio within the hour and we're pleased seemed to reach an accommodation. Just lastly, I have no desire to argue with my friend John Sloan, none of us on our team claimed that we were proposing anything that was magic. This is not magic. I'm glad Marissa's here to validate that this is actually utilized and proven technology and nobody's trying to tell you something and make it sound like it's something that isn't. It's technology. It's adaptive. I'm glad that we got a little bit of a lesson on how it learns and explains things that can be modified. Also, I think it's unfair, no one on our team called the changes cosmetics. Others may disagree but again I'm glad that your consultant told us the benefits of the back plate, what was the word that preceded back plate?

Ms. Marissa Tarallo responded retro-reflective.

Mr. David Steinmetz stated retro-reflective back plate. Maybe retro-reflective is attractive but it's not designed to be a cosmetic improvement. It's actually, as we've learned tonight, again based upon empirical data from an expert it's designed to improve safety which I think is in everybody's interest. Madame Chair, members of the board, again as I said at the beginning I will conclude with we're pleased that the DOT agreed to meet with us promptly in response to comments that you made as well as comments the neighbors made. We're pleased that they did put in writing their acknowledgement of the double left and of, most importantly, the single left into the site with the adequate queuing westbound on Route 6. We would ask, members of the board, that you close tonight's public hearing. This matter is not ready or right for an approval however I believe the public portion or the verbal portion of tonight's hearing can be closed. The matter can be held open for written comments. And then lastly with regard to the SEQRA comment that Mr. Sciarretta made, there is a part III. The reports that we're talking now are entirely appropriate to be appended to the EAF and become part of the part III specific studies. That's what we've always done with this board when you've proceeded with a long environmental assessment form with supplemental studies. Those supplemental studies both by Dr. Grealy and that have been reviewed by DOT and your expert should certainly be annexed and made part of the EAF and there would be no basis for any other further SEQRA study with regard to that. So we ask, Madame Chair, that the board close tonight's verbal public hearing, leave the written portion open and we look forward to coming back and continuing the discussion and review the application.

Mr. George Kimmerling asked if I could just ask a question. I was interested that Marissa mentioned that the new plan, in her words, drastically re-envisioned this intersection. Would you agree with that assessment that this is sort of a drastic revision in terms of how this intersection might look or work in this plan?

Mr. David Steinmetz responded I'm not quite sure what you mean by that because we talked about – everything that we talked about tonight, Mr. Kimmerling, we actually talked about at the initial session, session one of the public hearing. All that we did in the ensuing month at the request of the board and the public was make sure that the comments that we got and the – Dr. Grealy didn't say anything different tonight than what he told you last month. He told you last month he thought the left turn worked. He thought that there was adequate queuing westbound on Route 6 and he hoped that when we met with DOT they would see the light, no pun intended. That's in fact what occurred. Drastic change, the proposal, I would agree that our proposal from the outset is a significant change and benefit to the intersection. That's been before you for several months. Tonight has anything changed? No, tonight we're coming in with DOT's blessing and thankfully with your expert sitting here saying she agrees. Nothing all that significant changed from last month to tonight other than DOT told us it works.

Mr. George Kimmerling asked did I mischaracterize your statement?

Ms. Marissa Tarallo responded no, I say that because there were a lot of options. The previous traffic study had an option to do this improvement and an option to this improvement. This has every single improvement combined into one option which is actually one of the few options that wasn't in the traffic study. And this is something I should clarify to begin with especially with based on the public comment, we are still owed a traffic study that's revised that has this intersection as its shown to you today with all the levels of service that we evaluate to make sure that there aren't any delays that extend, there aren't any queues that backup significantly. All of the stuff we looked at on the first onset still needs to get looked at. We will get a revised traffic study and I should also add that there's no way to evaluate adaptive using our software. So when they add it to this project that's just an added bonus what if situation, because as I talked if it shuts off it just goes to a signal. We evaluate this project as if the adaptive is not going on. You're getting that as part of this project if they move forward and if you require it but when we reevaluate the traffic study we won't be looking at if it works with adaptive. We're going to be looking at if it works even if the adaptive doesn't happen. That's how we evaluate it using our software.

Mr. George Kimmerling asked and when is that study expected to be provided?

Dr. Phil Grealy responded probably next week. We just met last week. We're in the process of finalizing it. We wanted to get any input tonight so probably next week we'll have it resubmitted.

Mr. George Kimmerling asked and then the public should probably have time to look at that and respond after the study is submitted? It would be part of the public record?

Dr. Phil Grealy responded I think the only thing that's changing in the study is the final delay calculations at this intersection in terms of what's already been presented. The accident information is the same. That's not changing. The improvements, we identified based on the input from the DOT so that's been refined but other than the analysis of this one intersection in terms of the actual delays which are going to be better because of the added lane, that's really the only change. Just one other thing relative to the intersection and I know you're aware but the existing driveway, even though this site is a low traffic generated today, the existing driveway is offset from the ramp and that creates problems today. Some of the accidents are caused because of that offset. The alignment which was always from day one alignment with the ramp was the first safety improvement.

Mr. Michael Preziosi stated based upon the discussion with the DOT, the discussion with the applicant, and discussion with our consultant there's really no reason to believe that the traffic won't improve based upon these recommendations. That being said we are still owed the updated level of service analysis and it is up to the board to determine whether or not to keep the public hearing open to allow for the public to review that analysis and to ascertain a hundred percent that the improvements are beneficial. With that being said, it's still up to the applicant to prove, burden of proof on the applicant showing these improvements are an initial benefit.

Mr. Robert Foley stated I think it would be more prudent for us to keep the public hearing open.

Ms. Loretta Taylor stated this is the way we normally proceed so we probably should.

Mr. Michael Cunningham stated just one more comment from the public.

Ms. Rita Sloan stated hello I'm Rita Sloan. I'm a resident at Parkway Drive. I'm a lay person so some of this traffic stuff with adaptive and all this is not something I normally hear and understand but I do come off the Parkway very frequently to make a right hand turn onto Route 6 and today what I see from what I'm hearing about the two lanes is the one lane today where you can make a right hand turn, you can make a right hand turn on red. If in the future you have people making a left, going straight, or going right, having to wait for the light to change is going to cause an even bigger backup onto the Parkway because you're going to have people – you cannot now go onto there and go right and get out of everybody else's way. So if everyone has to wait, you're going to have more people waiting on the backup to the Parkway, not just people trying to make a left but people who now have to wait for the light to change to make a right or wait for people who are going straight to go ahead of you in the same lane. Also, I have a question on if you're coming out of the gas station. There are people who can make a left. Is that going to be a light, a left hand turn lane only? So that makes that light even longer for people coming off the Parkway because they have to wait for people to make a left hand turn. The light is going to be longer than it is today if I understand this correctly. Do you see what I mean?

Ms. Marissa Tarallo responded if you're leaving the gas station the light will be longer.

Ms. Rita Sloan stated if you're leaving the gas station and you're making a left hand turn, I'm assuming it's going to be a left hand turn arrow which means people coming straight have to wait so their light will be red.

Ms. Marissa Tarallo responded so it's split phasing as it is today. Right now because the driveways are offset, the gas station when they get a green, the Parkway can't go, the Parkway off ramp and then when the Parkway off ramp is going the gas station can't go. So that's staying the same.

Ms. Rita Sloan stated but that light is only activated when there's someone leaving the property and that's rare.

Ms. Marissa Tarallo responded at the moment, absolutely yes. It will get [doubled].

Ms. Rita Sloan stated and it's rare because I drive there all day long. That current property and from what I hear they expect **35** cars or **100** cars, I don't know. Today that property gets maybe two cars an hour if that and it also closes at **5** o'clock. Even when there was a deli was there it was very little traffic going in and out of that property. There are a lot of things now that are changing that to me are going to cause a lot more problems going in and out of all those streets. I can also tell you leaving Parkway Drive, that light is also timed for traffic only so then unless someone is coming out of Jacob Hill or someone is going off of Parkway Drive, that light is always green on Route 6. As a driver, and I know every resident on Parkway Drive, when we get that light and that light turns green, we wait, we don't go left because people on Route 6 have run that red light a lot. There's luckily not been an accident but that's because we're cautious because we know that a lot of people – that light is not, for some reason people seem to run that light an awful lot so as a driver we always wait to make sure the traffic has stopped before we go. I think a lot of that stuff has to be taken into account before anything is approved. Mr. Foley, I'd like to say, I agree with you. I think this hearing should still be remained open to the public because there seems to be a lot of things that still have to be resolved and I think the public has a right to know. Thank you.

Mr. Lino Sciarretta stated Madame Chair if I may. I've heard this evening documents being referred to by your board, correspondence by DOT or the applicant I would just respectfully request that, I know on line you do put the documents with respect to the application if you could include those bits of correspondence in your agenda notice and on line so that the public can access them because on line were strictly the plans.

Mr. Chris Kehoe stated you're always welcome. We've got **20** or **30** cases. We put certain information on the website. You're more than welcome to get in touch directly with me and I will provide you whatever that you need but I can't put every single document on the webpage about every single case but I will provide directly to you anything that you need.



Mr. Lino Sciarretta stated I'm not asking for every case but given the...

Mr. Chris Kehoe stated but if I do it for this case...

Mr. Lino Sciarretta stated application that we're discussing but I'll be happy to email you and ask for those documents. We would like this part of the record because you are referring to documents and yet we don't have those to refer to so we just think that's important. Thank you.

Mr. Chris Kehoe stated once again, I have all of the documents. Typically, people contact me and I will copy whatever document is requested. No one has contacted me to copy any of these documents.

Mr. Lino Sciarretta stated I understand. I will say the Town Attorney's office, I've contacted them and they've been very cooperative in terms of providing information so I will also contact you. So thank you.

Mr. David Steinmetz stated Chris I appreciate you saying that because I know you reached out to me after Mr. Sciarretta had asked for something else and we made sure that we had it. We would agree and appreciate the fact Chris that you and your staff have been very attentive to all the requests that you've received. Madame Chair, in light of the fact that the number of comments has been significantly depleted, the fact that the neighbors do not have a traffic consultant reviewing empirical data and providing an expert or empirical information. Though they have every right to participate in this process and I'm sure can, will and should continue, my client has asked that your board close the public hearing and allow a sufficient time for written comments subsequent to tonight for anyone that wishes to submit written comments with regard to the supplemental traffic information that will be coming in within a week.

Ms. Loretta Taylor stated I don't know when it's going to come. You're saying a week. It may come in, in a week and it may not. It may come in **12** days from now. How do we know for sure when it's coming in?

Mr. David Steinmetz responded all I would say to you is, in my experience with this board when it's something of a technical nature that you know your staff is going to be reviewing and your outside consultants are going to be reviewing, that's no normally something that would hold the public hearing open. If there was incomplete information or we had not answered something that the public had asked us, if I was not able to stand before you tonight and answer the question about the TVs I could understand it. If I was not able to stand before you tonight and address the issue about audio raised by the members of the public I could understand it. But the fact that our technical consultant and expert and your technical consultant and expert are going to finalize something that has to be finalized before you ever vote on this application, I'm simply saying I don't believe that there's a due process denial if the public hearing is closed.

Ms. Loretta Taylor stated I don't know. Let me just ask the board. I know you would like to keep it open.

Mr. Robert Foley stated I would like to keep it open and also I would like to know if you could provide us with an example that we could visit of a similar type. Do you have other gas facilities within the region here?

Mr. David Steinmetz asked Bob, were you not here at the last meeting? We have, in the Town of Cortlandt. They've received an award for their gas station in Montrose.

Mr. Robert Foley stated the one we approved. That's a different setup there.

Mr. David Steinmetz stated I apologize. I thought you were asking whether they had another gas station in...

Mr. Robert Foley stated that would have a similar scenario of traffic patterns, lighting, traffic lights that – do you operate one in a similar situation, not the Montrose one. That worked out.

Mr. David Steinmetz stated maybe I don't understand the question in which case I apologize. I thought...

Mr. Robert Foley stated we could, or at least I could go take a look, first hand and see so "in the trenches" and seeing how it operates what you're claiming it will do, which it may well do. But, anyway, that's my question. As far as being on the question, I still don't agree with closing the hearing.

Mr. Michael Cunningham stated I think Mr. Foley wants an example of a similar gas station that your client may own.

Mr. David Steinmetz asked similar in what way?

Mr. Michael Cunningham responded it seems to be as far as the traffic light and traffic pattern?

Mr. Robert Foley asked similar scenario which is very complicated. We've been at this for several months, several sets of plans, traffic lights, you've dealt with the DOT. Is there a similar facility that you operate or even someone else that at least I can go and see how it works in real life?

Mr. Michael Preziosi stated I think he's asking if there's a similar gas station that's directly across an on or off ramp from a state Parkway or highway.

Mr. Jeff Rothfeder stated I think that's asking a lot of the applicant.

Mr. Robert Foley stated maybe there is.

Mr. Jeff Rothfeder stated or somebody else's gas station is similar to his.

Mr. David Steinmetz stated what I would simply answer you Mr. Foley, honestly, is we could try and look for that and you could go look at that but I don't think anything is going to provide this board with a better perspective than having actual empirical data counted and studied both, not just by our client's expert but by yours. For you to go to Fishkill or Poughkeepsie or Scarsdale to look at another gas station, I question the validity and empirical benefit to the board but again that's up to you and your board.

Mr. Thomas Bianchi stated given the complexity and comprehensiveness of what the coverage is for this application I'm leaning in favor of keeping the hearing open. I think transparency is very important here and the residents are entitled to any further information that may be forthcoming or evaluated or calculated, whatever you want to call it. So I think one more hearing would be appropriate.

Mr. David Steinmetz stated fully understand.

Mr. Jeff Rothfeder stated I agree, especially because this last report just came in and it just feels like the public still doesn't feel satisfied that they know enough yet. I think we should try not to go past one more month but we do one more.

Mr. David Steinmetz stated fully understood.

Mr. Jeff Rothfeder stated Madame Chair I move that we adjourn the public hearing to the next meeting.

Mr. George Kimmerling stated we're not adjourning the public hearing.

Mr. Michael Cunningham stated yes.

Mr. Chris Kehoe stated as opposed to closing.

Seconded.

Mr. Robert Foley stated on the question, I stand by what I was asking. I think there's nothing better than seeing a real example, real life. I'm not saying it has to be your facility but is there one? I vote in favor of adjourning.

Mr. David Steinmetz stated fully understand.

With all in favor saying "aye".

Mr. David Steinmetz stated thank you all. We'll see you next month at the hearing. Thank you.

Mr. Michael Preziosi stated I would just suggest a two minute recess to allow our traffic consultant to pack up and head on home.

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### **OLD BUSINESS**

**PB 2017-3 a. Application of VS Construction Corp., for the property of Roa Hook Road Associates, Inc. for Site Development Plan approval and a Special Permit for a Contractor’s Yard for an approximately 3.5 acre parcel of property located on the north side of Roa Hook Road as shown on a 2 page set of drawings entitled “Site Plan” prepared by Ciarcia Engineering, P.C. latest revision dated August 19, 2019.**

Ms. Loretta Taylor stated we’re moving now into the old business portion of our agenda. The first item is one that I had mentioned at the outset would be adjourned.

Mr. Robert Foley stated I make a motion that we adjourn this at the request of the applicant?

Seconded with all in favor saying "aye".

**PB 2019-16 b. Application of Henio Bastys for Preliminary Plat approval for a 2 lot major subdivision of a 10.98 acre parcel of property that is developed with nine (9) multi-family apartment buildings located on the south side of Scenic Drive approximately 500 ft. north of Baltic Place as shown on a drawing entitled “Preliminary Plat for Nida Associates, Inc.” prepared by Ralph G. Mastromonaco, P.E. dated March 20, 2019.**

Mr. George Kimmerling stated Madame Chair I make a motion that we refer this back to staff.

Mr. Thomas Bianchi asked can we prepare a resolution?

Mr. Chris Kehoe responded there’s some technical narrow legal things that we want to double check but assuming that they come out to the satisfaction of Mike and Mike we can have a resolution ready.

Mr. Michael Preziosi stated the motion would be to instruct us to prepare an approving resolution subject to those type of items to be addressed.

Mr. George Kimmerling stated I make a motion to refer back to staff for the preparation of an approving resolution to be presented at the November meeting.

Seconded with all in favor saying "aye".

**PB 2019-7 c. Application of Nabil Khoury for Amended Site Development Plan approval and a Wetland Permit for a proposed 35 ft. by 75 ft. 4 bay garage, a 480 sq. ft. building addition and additional parking for an approximately 1.835 acre of property located at 2311 Crompond Road as shown on a 4 page set of drawings entitled "Westchester Auto Exchange" prepared by Architectural Visions, PLLC latest revision dated September 25, 2019 (see prior PB 10-07)**

Mr. Joel Greenberg stated good evening Madame Chairman, members of the board. I've prepared about a four hour speech but I think I'll just cut it down to two sentences. Chris has put up on the screen major revision that we made based on the comments that we got from the board at the last meeting. We relocated the parking, as you can see, all the way to the right. We've added a tremendous amount of landscaping both on the south side and on the west side which really is based on the comments that most of the board members had made at the last meeting. I think we've made a tremendous improvement to the site plan and we respectfully request if you could schedule a public hearing for your November meeting.

Mr. Jeff Rothfeder asked so you're still essentially sitting on the wetland?

Mr. Joel Greenberg responded no, if you look at the revision, the parking has been moved quite a bit away from the wetlands and that's all been landscaped now.

Mr. Jeff Rothfeder asked what's the distance between the cars and the wetland itself? Of course you're in the buffer obviously.

Mr. Joel Greenberg responded obviously with this we're not touching the wetlands at all. Basically it's probably in the neighborhood of between **30** and **40** feet from the parking space to the edge of the wetlands at its longest distance versus what we had before which was probably in the neighborhood of **10** feet. We've increased it tremendously.

Mr. Jeff Rothfeder asked sorry?

Mr. Joel Greenberg responded basically versus what we had last time which was **10** to **12** feet of landscaping between the parking and the wetlands.

Mr. Jeff Rothfeder asked you said at its longest distance though or...

Mr. Joel Greenberg responded as you can see the wetland configuration is not a regular shape. It goes in and out and out and in.

Mr. Chris Kehoe stated I think the other way to say it, at its closest distance might be, on

the side, might be **10** feet.

Mr. Joel Greenberg stated yes, it ranges anywhere, for a very short distance as Chris said as you coming off the side road there we actually did increase it another two or three feet but it has been increased from the last time and of course a portion of the south has been increased tremendously.

Mr. Jeff Rothfeder asked what are you highlighting?

Mr. Chris Kehoe responded right here, my understanding is because of some rearrangement in here and maybe narrowing some of the travel lanes and rearranging the parking that these hardscape improvements were more out here and then this distance was much narrower with landscaping.

Mr. Joel Greenberg stated we also revised the dumpster too which took away a lot of landscaping which we put back.

Mr. Chris Kehoe stated this is the plan from before which I think the easiest way for me to look at it is this sort of triangular area in here. This is what it looked like originally and then that's what it looks like now. Some changes were made into there.

Mr. Joel Greenberg stated that area also on the west side too I think we added more landscaping.

Mr. Chris Kehoe asked here?

Mr. Joel Greenberg responded over there, yes.

Mr. Jeff Rothfeder asked but the distance where you have the display parking to the wetlands that's really small. That must be the **10** feet, down there at the bottom.

Mr. Joel Greenberg responded no, look at the edge of the wetlands. That's a huge section there that is not being touched at all.

Mr. Chris Kehoe stated this up at the top.

Mr. Joel Greenberg stated there's only one spot where the arrow is now which has been increased but it hasn't been increased as much as the other area. That's been increased about three feet but the other areas have been increased considerably more, again varying because of the configuration of the wetlands.

Mr. Jeff Rothfeder stated I don't know. I personally have a problem with it because we're not even supposed to be in the buffer and you're sitting right in it.

Mr. Joel Greenberg stated well the entire site's and the buffer.

Mr. Jeff Rothfeder stated I know. To me it means it might not be usable for this purpose or to expand in this way because the buffer has a meaning. The buffer is there because otherwise the wetlands don't ultimately survive isn't left clear.

Mr. Joel Greenberg stated as I mentioned, then you have to take away the entire site because...

Mr. Chris Kehoe stated one thing we've done is we've recently sent Trevor out there just with respect to the trees that were discussed at the site inspection. We haven't retained a wetland consultant yet. I think a wetland consultant has been retained to update the delineation of the wetland but not to provide any information about, and this would be up to the board, the characteristics of the wetland or the impact of a project like this on the wetland. That could be done. You've prefunded an escrow account that has funding in it.

Mr. Jeff Rothfeder asked Coleman?

Mr. Chris Kehoe responded well whoever.

Mr. Jeff Rothfeder stated because he could tell us how healthy the wetlands are and whether there's other mitigating things we should do or if sort it doesn't matter.

Mr. Joel Greenberg stated Mike you might also mention the meeting that you had with the East Hudson Authority.

Mr. Michael Preziosi stated we've entertained this in the past about, as Mr. Greenberg was just mentioning, we met with the representatives of the East Hudson Corporation to potentially site a phosphorous reduction project on this property. Most of the wetland buffer that you see here coming into the site where the cars are closest to the bottom of the screen and page is mostly it's a water course that drains at Route 202. The predominant wetland's to the rear of the property in the buffer between the existing curb and the actual water body itself is mostly tall grasses and invasive vegetation. What we would look at would be reach, enhancing the buffer that's being proposed which is what Joel has attempted within this project providing more plantings and removal of the invasive within that underfoot buffer to the water course. As again he was mentioning, there's not exactly a hundred foot buffer so-to-speak. Most of the site's already impervious in that area but we really need to look at strengthening that water course and then also improving natural vegetation and native species, a better variety and even potentially cleaning out some back portions of the wetland.

Mr. Joel Greenberg stated and as Mike said, there's a lot of invasive trees, if you remember from the site inspection which we flagged and I guess the tree person will go out and review that. That will be replaced with things that are more conducive to this wetland and the East Hudson Authority program apparently, I believe they are agreeable to proceed with that.

Mr. Michael Preziosi responded so what they had suggested was, since it's a little early in

the process because they had to also obtain funding sources in order to construct these projects would be to provide pretty much a blanket easement on the property within the area that this project could be constructed and then if they progress they would build the project in cooperation with the applicant but any lands that they don't need would become encumbered again and returned back to the applicant. We're early in the design stages with that project. But to the board's point to do a limited study with the wetland specialist to comment on the existing conditions of the site and discuss the proposed plantings. Staff can work cooperatively with that consultant and limit it in scope.

Mr. Joel Greenberg stated just to repeat, as Mike has said, we're willing to, whatever the East Hudson Authority, whatever easements they want initially if the whole wetland if they want and then once they finalize the project we'll reduce it to whatever they want. We're totally agreeable with that.

Mr. Jeff Rothfeder stated I do understand the project may have some real advantages for the water supply and all so that makes sense. I'd like the consultant that goes out also to opine on the advantages versus the disadvantages.

Mr. Michael Preziosi stated and I think the applicant has their best intent to try and enhance the existing buffer and other portions of the wetland with these proposals. Our consultant will work cooperatively with staff and the applicant's architect revise the planting and mitigation plan.

Mr. Jeff Rothfeder stated okay that's fine with me. Thank you.

Mr. Chris Kehoe stated obviously it's still up to the board if you want, we mentioned before that it might not be bad to get the public comment on this even though some of these things are being worked on. There's no reason to close the public hearing but you can at least open it.

Mr. Thomas Bianchi stated Madame Chair I'll move that we schedule a public hearing for this application at our next meeting.

Seconded.

Mr. Chris Kehoe stated just on the question, obviously it's been discussed on the record but we'll work on retaining the wetland consultant taking into account comments of Mr. Rothfeder.

With all in favor saying "aye".

Mr. Joel Greenberg stated I'll save the other three hours for the public hearing. Have a great Columbus Day weekend. Good night.

Ms. Loretta Taylor stated good night.



**PB 2019-11 d. Application of Dimension Energy LLC, for the property of Croton Realty and Development, Inc. for Site Development Plan approval and a Special Permit and for Tree Removal, Steep Slope and Wetland Permits for a proposed Solar Energy System known as the Croton Avenue Solar Project located on the east side of Croton Avenue approximately 500 ft. north of Furnace Dock Road as shown on a 7 page set of drawings entitled “Site Development for Croton Avenue Solar Project” prepared by Cronin Engineering, P.E., P.C. latest revision dated July 17, 2019 (see prior PB 1-11).**

Ms. Loretta Taylor stated good evening.

Mr. Kieran Siao stated good evening Madame Chairwoman, the rest of the board. Good to see you all again. At this time I have no further updates on our project so I’m going to take the opportunity to answer any final questions you may have about our project and get a better understanding of next steps.

Ms. Loretta Taylor asked are there any questions, issues? I don’t have any.

Mr. Jeff Rothfeder stated Madame Chair I move that we adopt a neg. dec. on this application and refer it to the Town Board.

Ms. Loretta Taylor stated with an accompanying memo.

Seconded.

Mr. Chris Kehoe stated but just on the question, I did discuss with your engineer today and there’s language in there that says something to the effect you’re proposing **45** rows of panels and we will change that to plus or minus **45** rows of panels. We didn’t have to be that specific. It doesn’t really matter if there’s one more or one less so we’re going to say plus or minus on that. I’m going to make that change. I believe that’s in the neg. dec.

Mr. Kieran Siao stated thank you I appreciate that.

Mr. Michael Preziosi stated and I just want to make the applicant aware that the process will be the referral to the Town Board and if they are inclined to grant the permit then it would come back to the Planning Board for the final site approval at which time engineering staff with the consultation of Planning will prepare a final comment letter just addressing outstanding technical items nothing that substantially alters the project but there’s been some recommendations by the DEP, for example as the types of pollinator mixes that should be thrown into the wetlands, questions to that extent, nothing that substantially alters the project or the parameters of the project but just some planting comments and questions, some storm water related items, conveyance, etc. which we’ll incorporate into the approving resolution.

Mr. Kieran Siao stated looking forward to working with you on that one.

Mr. Michael Preziosi stated and the last thing before I forget as well, I think we mentioned a few times we will also need to see a decommissioning plan to be incorporated within the approvals. That's an important step in the process.

Mr. Chris Kehoe stated I think there is a plan floating around somewhere in one of the documents that was submitted. Is there a decommissioning...

Mr. Kieran Siao stated yes, we can provide a decommissioning plan.

Mr. Chris Kehoe stated but I think based on that I think we have to come up with a decommissioning number, a bond amount, information like that.

Mr. Kieran Siao stated I'd be happy to have that conversation.

Mr. Michael Preziosi stated thank you.

Ms. Loretta Taylor stated no more questions, no more issues.

With all in favor saying "aye".

Mr. Kieran Siao stated thank you very much. Have a great night.

**PB 2019-5 e. Application of New York SMSA Limited Partnership, for the property of Bezo Enterprises, LLC for Site Development Plan approval and a Special Permit for a proposed public utility personal wireless facility (telecommunications tower) on a portion of a 6 acre parcel of property located at 52 Montrose Station Road as shown on an 11 page set of drawings entitled "Preliminary and Final Site Plans" prepared by Colleen Connolly, P.E. latest revision dated July 15, 2019.**

Mr. Michael Sheridan stated good evening. My name is Michael Sheridan. I'm an attorney with Snyder & Snyder, the attorneys for New York SMSA Limited Partnership d/b/a/ Verizon Wireless which as was just stated is looking to put a public utility wireless telecommunications facility at 52 Montrose Station Road. I'm here tonight, as this board is aware, we did a submission in response to comments from the Town Engineer as well as the consultant for this board. That was submitted on August 28<sup>th</sup>. We have since received another memo with some additional comments from the Town Engineer. We are still awaiting a response from this board's consultant. However, this evening in connection with continuing to move this project along my understanding was that this board may have certain questions about the visual resource assessment that was included in the August 28<sup>th</sup> submission. Verizon Wireless hired a third party visual consultant Saratoga Associates who went out for a balloon test, as you're aware, on May 4<sup>th</sup> and

prepared the report in connection with the photos taken on that day. The report dated August 27<sup>th</sup>, again, was submitted to you with the August 28<sup>th</sup> submission and if you have any questions I can go through it with you now.

Mr. Chris Kehoe stated just for a little background, I think we discussed this at the work session. If you recall, we had similar discussion last meeting where we're awaiting for our outside consultant to finish his memo and we're still waiting for that. And at that time we thought maybe they can go to the Zoning Board and start the process but then we decided that before they go to the Zoning Board this board has to be really comfortable with the location of the proposed tower and then they have to tie it down a little bit more with some surveying information and really lock in to where it's exactly going. We thought it was premature to send to the Zoning Board because you really haven't dug into this yet, whether you think it's the right place, and there are certain parameters which you have to operate in but then there are numerous photographs and simulations that you can briefly go through if you wanted to just so you can start to decide whether you have a huge problem with the tower. Staff is still looking whether it needs to be **140** feet tall, information like that.

Mr. Michael Preziosi stated Chris did a good job summarizing our last meeting with the applicant but essentially, at the moment, before we send it to the Zoning Board there's a couple of environmental thresholds that the board needs to be made aware of, the first being tree removal that's being proposed. The applicant has attempted to minimize the total number of trees coming down but we still haven't had a quantified report or updated site plan to reflect such and the same with the location on the site. Before we send them directly to the Zoning Board for any specific dimensional variance we like them to take an opportunity to reevaluate the location and potentially shift the tower further from the property line. So the applicant is looking into that. But tonight, the genesis of tonight's meeting is to address the visual assessment that was provided with the balloon test and the float that was performed on May 4<sup>th</sup> and then to kind of go through those images and explain the view shed and what's impacted from which angles. As the board may recall we provided about **20** or so locations in and around town that we felt could be impacted by the visual impacts of the proposed cell tower. With that, we'll turn it back over to the applicant's attorney to then walk through the different areas that were photographed and explain any sort of issues or impacts that may have been identified with the visual assessment and view shed analysis.

Mr. Chris Kehoe stated and you have to follow these images in the hard copy form somewhere. They may be actually easier to look too in your book but we have them projected on the screen.

Mr. Michael Sheridan stated that is correct in what Michael just said is true that there was a visual view shed map that was done indicating the areas where visibility may occur. In connection with that, we worked with town staff to determine locations to go out and take photos from during the balloon test. I think there were approximately about **25**. We ended up with **29** different locations in the visual resource assessment. It was visible from **5** of

those locations, filtered from two additional locations and from **22** of those locations it was not visible.

Mr. Chris Kehoe stated as you were speaking, I was scrolling a little bit and I think we went through the first three or four where it's not visible and then there's this image from Montrose Station Road which I think a lot of the visual impacts obviously are from Montrose Station because that's the closest point. That's an example where one of the images says it's visible. Obviously here's another one from Montrose Station Road. That's the horse paddock so this has got to be really close to the site.

Mr. Michael Sheridan stated correct, that's right on, I believe it's really on the property technically. I think it may be an easement road but if not it's just right off the edge of the property upon which the tower is going to be located. Again, that's right in front of – that's the building right next to the horse paddock.

Mr. Michael Preziosi stated I'm sorry interrupting Michael but I think it's important to note that the cell tower as shown in these photographs are floated at an elevation that's the maximum that's permitted under our local ordinance at an elevation that's probably the highest point on the property as well. This is really kind of a worst case scenario as far as the height of the tower relative to grade on this property.

Mr. Chris Kehoe stated and then I believe we go through a series where there's numerous images that aren't visible.

Mr. Michael Sheridan stated correct, there's numerous images where it's not visible and that's indicated in the visual resource assessment that due to the, I believe the quote is "the facility will be substantially screened by intervening in dense mature woodland vegetation even during winter and leaf off seasons."

Mr. Chris Kehoe stated because if you recall we tried to race to get this before the trees had budded at all but we were a couple of weeks late. The trees have to get leaves on them. Everyone I think knows where that country store is on Maple Avenue. So that's a visible one.

Mr. Michael Sheridan stated correct, but again it's through existing mature vegetation that will be screened substantially even the same in full leaf off condition.

Mr. Chris Kehoe stated I'm going through these. I thought I'd stop at this one because this might be of particular interest to some people on the board. We won't say who lives exactly at number 2 but...

Mr. Thomas Bianchi stated it wasn't visible, I know.

Mr. Michael Sheridan stated I think it's indicated in the report, based on the amount of trees, mature vegetation that exists in that area of Cortlandt and I think the report makes it

clear that due to the terrain as well, which is a very hilly terrain that it's I believe the quote from the report is "no large geographic areas where the facility views will occur."

Mr. Thomas Bianchi asked this is a lattice tower?

Mr. Chris Kehoe responded to that point, I know given the lateness, we're going through it pretty fast but I do want to put some of the images where they actually superimposed the lattice tower because I thought those were very helpful too.

Mr. Michael Sheridan stated simulations were done from those photos where it was visible where you could see the balloon.

Mr. Chris Kehoe stated here's an example. It's hard to see but that's the top of the balloon there and then the next image is the tower. But to what your point you were saying before at least from this vantage point, which I think is on Montrose Station Road, I mean it's pretty visible there.

Mr. Michael Sheridan stated that vantage point, that's right next to the horse paddock. That's right next to the property. You can see it. There's I think an existing utility line that runs right in front of it which is tough to see in the photo on the board. This is immediately at the property and it's also, look at this next one, you can see it from there as well. Again, it pops up behind the power lines. It's going a little bit above the tree line but it is a lattice tower. It's not...

Mr. Jeff Rothfeder asked but is that taller – you said that's the maximum height.

Mr. Michael Preziosi responded yes, our code allows a maximum height of **140** feet to co-locate four providers and emergency service at the top of the pole. So that's the highest.

Mr. Chris Kehoe stated that's part of the interesting debate. To be **140** may be really tall but we sort of like it because then more people can co-locate and you need less additional towers elsewhere. That's the balancing...

Mr. Jeff Rothfeder asked is that part of our decision making?

Mr. Michael Preziosi responded yes, that's what our technical consultant is reviewing whether or not the RF analysis shows a need for **140** foot, versus **130**, versus **120** and then the board has to weigh those decisions to the point that Mr. Kehoe just made which is: do we want three or four co-locations because as you lower the tower height, less and less likely a co-locator will go on the pole.

Mr. Chris Kehoe stated and you may win that battle but then the next month someone comes in with another pole somewhere else.

Ms. Loretta Taylor asked can I ask a question about the poles themselves? Are they always lattice or can they be...

Mr. Michael Sheridan responded they're not always lattice. One of the reasons why it's proposed to be a lattice at this location is where it's to be located, again it's up towards the back of the property and what is the more wooded area of the property up on the top of the hill in order to get the best coverage from this facility and allow for co-location but also to avoid increased environmental impact and to be able to build the tower it's easier to do it with the lattice tower design than to do it with a full monopole design because a large crane would need to get up there to construct it if were a monopole, where a lattice tower it's shorter pieces that would be able to be brought up to that facility on a smaller truck.

Mr. Michael Preziosi stated there's more temporary disturbance with a monopole than there is with a lattice tower so it would cause more immediate environmental impact.

Mr. Michael Sheridan stated but as indicated in the visual report, it's really not that visible from around the area. Again, of the **29** locations, **5** were visible, **2** were filtered and **22** were not visible and these were locations that were of interest, picked through town staff and as directed by this Planning Board.

Mr. George Kimmerling I do recall driving down Furnace, is it woods where the Yeshiva is? Is that right – I have to say I was shocked at how visible it was on that whole ridge, because you're up on that ridge and then you're looking down.

Mr. Chris Kehoe stated George I think it's actually this image. It's hard to see but here's the image. It says "Furnace Woods Road near Galloway" and then if I switch to the next one, there it is. It's sort of hard to see here but it's on that ridge really prominently.

Mr. George Kimmerling asked is the process that something like this gets a public hearing? How does this approval work down the road?

Mr. Michael Cunningham responded it will get a public hearing yes.

Mr. George Kimmerling asked was there also some indication that when sites are chosen or approved that there's some process around approving that other sites were evaluated but this turned out to be the best site?

Mr. Michael Preziosi responded yes, and within the town's telecommunications ordinance our priority listing of sites to be evaluated and it's up to the applicant to determine why this is the ideal location.

Mr. Chris Kehoe stated and that's, I don't want to say buried but in the big, thick document there is information to that and then our consultant will be looking over it to concur or not concur.

Mr. Michael Sheridan stated that's part of the application.

Mr. Michael Preziosi stated we do expect during the public hearing that some of these questions about visual impacts will come up again. So we'll make sure that all this information is put on the website along with some of the environmental documents so that the public can digest this ahead of the public hearing.

Mr. George Kimmerling asked was there any comment from Westchester County in regard to the impact on Blue Mountain in terms of the recreational area?

Mr. Chris Kehoe responded I believe you notified, maybe adjacent municipalities early on in the process and you wanted us to circulate for lead agency designation but I held off on that because – there's two ways we can do it: there's an involved agency that has to actually issue a permit but then there would be interested agencies that we could also refer it to. I believe we thought that the Zoning Board might be the only other involved agency because they're the only other agency that could issue a permit but maybe Westchester County Parks or the Westchester County Agricultural District would be interested parties. Now, I have talked to David Kvinge from the Agricultural District and just generally speaking he says there's no prohibition against a tower on a designated agricultural piece of property because this horse farm is a designated site in the AG District. And then David Delucia from County Parks was actually out at the site but he didn't make a representation one way or another. I do think we should probably notify them whether it's formally as part of a lead agency process or more informally just by sending them ultimate public hearing notice.

Mr. Michael Preziosi stated they have been noticed because they're an adjoining property but it wouldn't hurt to formally notice them.

Mr. George Kimmerling stated I was just curious if they weighed in or not.

Mr. Chris Kehoe stated I do believe David Delucia, which I thought maybe was different, I think he said they don't permit towers on their own property. Maybe they permit some emergency services things to go on their property. Obviously this is not on the park property. It's close to the park property.

Mr. Michael Sheridan stated and we did go onto the park property. That was part of the visual resource analysis and went up to the highest point immediately adjacent to, I think there's two hills in there and we went up the top of one of the hills. The visual consultant took photographs from up there. That's part of the report. It was not visible.

Mr. Robert Foley asked and the County Park property is where?

Mr. Chris Kehoe stated it touches...

Mr. Robert Foley asked what's the name of it?

Mr. Chris Kehoe responded Blue Mountain.

Mr. Robert Foley asked the sports and center.

Mr. Chris Kehoe stated Blue Mountain Reservation.

Mr. Robert Foley stated the overall Blue Mountain.

Mr. Chris Kehoe stated, yes, I mean it's huge.

Mr. Robert Foley asked and this one on Lafayette, it's not visible? I can't see.

Mr. Chris Kehoe responded it would be hard...

Mr. Michael Sheridan stated it is visible. It's just barely the top of it is peaking above the trees.

Mr. Chris Kehoe stated right back there. It's hard to see.

Mr. Robert Foley asked and that's headed towards Maple on Lafayette?

Mr. Thomas Bianchi responded Damian Way, probably going towards Peekskill on 202.

Mr. Robert Foley asked which part of Lafayette, closer to 202? I'm curious because...

Mr. Thomas Bianchi stated it's going the other way.

Mr. Michael Preziosi stated it's going the other way. It's going south from 202 as you're heading towards Maple and Lafayette.

Mr. Chris Kehoe stated and that's a little clear. That's it at the very top.

Mr. Robert Foley stated and it is visible yet the day of the balloon I called a friend up and maybe he's further back on Lafayette. He didn't see anything.

Mr. Michael Sheridan stated I think if you were driving around that day, you would notice that it wasn't very visible. Again, based on the existing mature vegetation, the topography of the area, it was in many locations, you had to search for it in order to see something.

Mr. Robert Foley asked and the one you had of the deli...

Mr. Michael Sheridan stated many locations you couldn't see it at all.

Mr. Robert Foley stated those people who live right there they didn't see it either. They thought I was nuts when I called and said: "look up."



Mr. Thomas Bianchi asked what's the least height that it could be?

Mr. Michael Preziosi responded that's what we're having our consultant look at based upon the submitted analyses as to whether or not – there's a little dispute as whether or not it can be lowered **10** feet or so.

Mr. Thomas Bianchi stated **10** feet is around what a maximum...

Mr. Michael Preziosi stated it can actually be lowered **20, 30** feet but then again...

Mr. Chris Kehoe stated that negatively impacts...

Mr. Thomas Bianchi stated I didn't understand what you said before...

Mr. Michael Preziosi stated it proliferates other poles but yes...

Mr. Thomas Bianchi stated I think there's a tradeoff here with the visual impact and height.

Mr. Michael Preziosi stated absolutely and that's what we're going to be...

Mr. Thomas Bianchi stated which is, one's got to give and the other one's got to take it.

Mr. Michael Preziosi stated and that's what we're looking at as if the pole is lowered **20** feet and you can still co-locate three antennas, it say **110**, I'm **109** feet, if it still gets the required coverage that a carrier would ideally look for. That's where our telecommunications expert is still weighing and reviewing the documents.

Mr. Chris Kehoe stated and then in theory, I forgot your numbers but if we took **29** pictures and it was only partially visible in **5** of them and then you do the exercise and it meets the RF's requirements and everything and it goes down to **130** maybe and then that further eliminates two or three additional spaces that it can be seen. Maybe that's an exercise that you want to do.

Mr. Michael Preziosi stated we brought that comment up to the applicant in our discuss is, especially with the proposed location being extremely close to the property line, is if you move it to the interior of the site and you lose **10** or **15** feet, we'd still may allow **140** foot high tower but it still won't be visible because it'll be **20** foot lower on elevation.

Mr. Thomas Bianchi stated I think that's a good exercise to perform, definitely.

Mr. Robert Foley asked by having a lesser height, someone just mentioned, would there be a need then in the immediate or in the general area for another tower eventually?

Mr. Michael Preziosi responded that's the trade off because if you can't co-locate four carriers or three carriers you may get another proposal later on, but there's no way of knowing that.

Mr. Michael Sheridan, currently the tower is designed for Verizon Wireless' needs for the area to provide the coverage to the existing significant gap and it's also designed to allow for co-location to allow other carriers to go on the tower. That's the application before the board.

Mr. Michael Preziosi stated so our next step just to reiterate and summarize is the applicant is reviewing the most recent technical memorandum by Engineering and also will address the comments from our consultant on the RF and compliance reports all the while updating their site plan to be based on an actual field survey so that after his requirements to go to the Zoning Board it's based off an actual survey which is a requirement and then our Building Inspector can issue a denial letter and start that ball rolling, so-to-speak as the rest of the items are being...

Mr. Chris Kehoe stated but I do think as you work on that survey and you're dealing with your engineer, I would think at some point you need to tell this board, we cannot and will not move this tower anymore based on blah, blah, blah, blah, blah and then this is where we have to keep it and then that's when you're going to go to the Zoning Board.

Mr. Michael Sheridan stated I think that was done with our last submission and I think at this point we're just waiting for your consultant to get back with his comments whether he has additional comments that we need to address, but that was – we did go back to Verizon and discussed it. The determination there was that the tower is the height it needs to be to provide the coverage...

Mr. Chris Kehoe asked prior to our meeting?

Mr. Michael Sheridan responded that was at the last one. Those were some of the comments that were...

Mr. Michael Preziosi stated our consultant hadn't had the opportunity to evaluate your position in which is what he is doing now. And if he feels that you've been thorough and complete in your analysis then your position would be this is the location of the tower. Finalize the dimensional setbacks that you're looking for variances on and then the board would be in a position to make the referral to the Zoning Board of Appeals.

Ms. Loretta Taylor asked would there be a way of tabulating the number of towers that Verizon is vigorously pursuing? Do you have any in Croton? Are there any in Peekskill? How many? Neighboring areas?

Mr. Michael Sheridan responded I could check on that. I think that's something that changes over time. I think there's a lot of issues with – at this point this tower is providing a need for a significant gap in coverage in the area. There are other sites that

are being done to alleviate capacity needs so I think that's not something that's a stagnant number or a stagnant list that they just are going through. I think it's ever evolving. I could check with Verizon on that.

Ms. Loretta Taylor stated I would imagine it would never always just remain the same. I'm curious as to how many other towers are proposed and end up being installed in neighboring areas so that we have some sense of how this is affecting or impacting others surrounding or neighboring communities.

Mr. Robert Foley asked isn't there an issue with one down by, not Teatown Road but over by the Danish House, that area, Quaker Ridge?

Mr. Michael Preziosi responded that's part of the compliance report and the analysis to show the coverage. Prove there's a coverage gap first off and then prove that this tower is addressing that specific coverage so that you don't have these proliferations of towers. In this instance, the application is for coverage not capacity.

Mr. Robert Foley stated okay.

Mr. Jeff Rothfeder asked and the coverage sounds like it extends? It's not just in the immediate Cortlandt area but even further. Is that what we're looking at?

Mr. Michael Preziosi responded I think for the most part it covers mostly the Cortlandt area heading north from the site towards – there's a high ridge at the Blue Mountain as you get over and that's what's addressed in the compliance report is those coverage propagation waves so-to-speak, where the coverage is being provided. And within that report it analyzes the existing towers that are currently constructed or under construction. The one that was just recently approved by the Zoning Board about three or four years ago at the Fire Department on Croton Avenue and identifies another tower over the Peekskill line just past Dayton Lane and then identifies other towers that are currently being proposed or under construction.

Mr. Jeff Rothfeder asked and does it identify other coverage gaps that you have in this area besides this particular one?

Mr. Michael Preziosi responded just Verizon's coverage.

Mr. Michael Sheridan stated it identifies for the area where the tower is, the existing coverage that is occurring because of the existing facilities and even proposed facility that it was currently approved, is constructed.

Mr. Michael Preziosi stated it co-located about two years ago at the Fire Department.

Mr. Michael Sheridan stated it shows that existing coverage and then it shows the coverage that would be provided by this facility in an area.

Mr. Jeff Rothfeder asked and that coverage is a gap?

Mr. Michael Sheridan responded there's a gap that's it's covering. If you look in your materials you can see there's two maps: one shows the existing coverage and then one shows the coverage that will be provided from this facility.

Mr. Chris Kehoe stated non coverage areas are white and then when they're covered it fills in as blue or is that...

Mr. Michael Sheridan responded I think the non coverage areas are – it's clearly delineated...

Mr. Chris Kehoe stated you look at a map and...

Mr. Michael Preziosi stated it's color-coded with a legend and there's also four maps at different heights so if Verizon is at **140** or **120** or **100** it shows how far you can obtain that coverage.

Mr. Chris Kehoe stated but I don't find those maps incredibly easy to understand but take a look at them. It's not all of a sudden where you see a tower go up and a big blue blob takes over, and you say "oh, that's all the new coverage." It's more nuanced than that it seems to me at least.

Mr. Robert Foley stated some of that was in the material we got.

Mr. Chris Kehoe responded yes.

Mr. Robert Foley stated because we got a lot of material on this.

Mr. Michael Preziosi stated yes and then a supplemental submission in August.

Mr. Michael Sheridan stated there's a key to it that shows you the different colors and what the what the different colors represent and you can see from one to the other.

Mr. Michael Preziosi stated that's really what our consultant is looking at. We steer more towards the environmental site impacts and we leave the RF compliance and the analysis and the radio frequency studies for the professional.

Mr. Chris Kehoe stated and similar to Marissa when you actually have your public hearing the consultant will be here and hopefully the consultant will answer the tough questions from the public about the necessity and the coverage and all that stuff.

Mr. Jeff Rothfeder stated I think part of what you were asking was: "so what are the next ones that are going to come before us?" and a sense of "where are your other gaps in this area, in our community as well as other communities around us?" Can we produce a map that shows that? You know where your gaps are right?

Mr. Michael Sheridan responded I can check with Verizon on that.

Mr. Thomas Bianchi stated that may be useful but it doesn't show Sprint. It doesn't show T-Mobile.

Mr. Jeff Rothfeder stated I know that.

Ms. Loretta Taylor asked but don't the other ones co-locate?

Mr. Michael Sheridan stated I'll ask about that but I think essentially there's an application before the board. The application is for this area. It's for this gap. That is what we are asking this board to consider.

Mr. Jeff Rothfeder stated I absolutely understand, just for informational purposes for us if they could produce it that would be great.

Mr. Michael Sheridan stated I will check on that.

Mr. Michael Preziosi stated we're drafting the Telecommunications Act of 2020.

Mr. Robert Foley asked and the sites don't always have to be on elevation, on a hillside right? Like in the old one they started the cell towers are all on the hills like in the north and north end of Route 6 and Put Valley, you see them. They're not camouflaged as trees from back then.

Mr. Michael Sheridan stated I think is designed, it's up towards the top of the hill and it's designed to provide coverage to a wider area.

Mr. Robert Foley stated so the elevation is important.

Mr. Michael Sheridan stated because it's a line of site technology.

Ms. Loretta Taylor asked they're not all up on hills are they?

Mr. Michael Sheridan stated they're not all up on hills?

Ms. Loretta Taylor asked they're not all on hills are they?

Mr. Robert Foley asked if you had a straight plane or large...

Mr. Michael Sheridan responded they are, at the locations they need to be to provide the coverage. I know you have varying ones in this town. We just had one approved over Albany Post Road that's just on the top of a...

Ms. Loretta Taylor stated Jim Reed's...

Mr. Chris Kehoe stated he's talking about the Fire House but there is one at Jim Reed.

Ms. Loretta Taylor stated and in fact I don't know whether it's completed or not, I drive by and I'm looking at this huge bright cobalt blue thing that's sitting out there. As you drive by...

Mr. Michael Preziosi stated that's the Jim Reed site.

Ms. Loretta Taylor stated I don't know whether that bright blue thing is going to stay but it's really unattractive.

Mr. Michael Preziosi stated there's a current open permit for modifications to the antenna so that they could be swapping the equipment on the pole.

Ms. Loretta Taylor stated hopefully that's what that is. It's some kind of a crane or some kind of equipment because it's very unattractive.

Mr. Michael Preziosi stated they've been waiting for Osprey's to leave their nests so they can get over there. There's actually quite a beautiful nest on the pole.

Mr. Michael Sheridan stated ideally they try and be located like this site here towards, away from the road and as far as...

Ms. Loretta Taylor stated you drive right by this one that I'm talking about. I guess once the bright cobalt blue huge thing is removed you won't see it, maybe you won't see it but there are not a whole lot of trees there so whatever it's going to be it will be seen. It's not like somebody made a great effort to hide it.

Mr. Chris Kehoe stated that's similar to your debate about solar though right? You can either put solar in the woods which has impacts or you could put the solar in the field which has less impacts. This tower may have impacts. The Jim Reed one doesn't have tree impacts but it has visual impacts, maybe other impacts.

Mr. Michael Preziosi stated we warned Mr. Sheridan that the board has refined their approach in their review.

Ms. Loretta Taylor stated I'm just feeling hurt because they took down part of the vista that we had when we had the rock cut. They took the whole half down now we've got a big old bright blue thing there. I'm hoping it will disappear.

Mr. Michael Preziosi stated that's temporary.

Ms. Loretta Taylor stated and we've got other stuff that we've had to deal with in that area. It's always something.

Mr. Robert Foley stated we approved the rock cut coming down. I was new then.

Ms. Loretta Taylor stated it didn't get my vote.

Mr. Robert Foley stated we didn't get a lot of response from the public. That was where my first introduction was to SHPO, whatever you call it, but they don't really come to the site and look, the architectural impacts.

Mr. George Kimmerling asked should we make a motion?

Ms. Loretta Taylor responded yes I think so.

Mr. Robert Foley stated given all the work that has to be done on this I make a motion that we refer this back.

Seconded with all in favor saying "aye".

Mr. Michael Sheridan stated thank you for your time.

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**ADJOURNMENT**

Mr. George Kimmerling stated we are adjourned.

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**Next Meeting: WEDNESDAY, NOVEMBER 6, 2019**

