

Meeting Minutes

THE REGULAR MEETING of the PLANNING BOARD of the Town of Cortlandt was conducted via Zoom webinar on **Wednesday, November 4th, 2020**. 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
Robert Foley, Board Member
Jeff Rothfeder, Board Member
George Kimmerling, Board Member
Valerie Myers, Board member

ALSO PRESENT:

Michael Preziosi, P.E., Director, DOTS
Chris Kehoe, AICP, Deputy Director, DOTS
Michael Cunningham, Assistant Town Attorney

* * *

CHANGES TO THE AGENDA

Ms. Loretta Taylor stated there will be a couple of changes to our agenda tonight. We will be adjourning two of the applications per the request of the applicants: **2020-12**, the cell tower recertification and **2017-25** is the Lu Lu Properties livery cabs. We will deal with those when we come to them on the agenda but they will not be handled tonight. They are going to be adjourned.

* * *

ADOPTION OF THE MINUTES OF THE MEETINGS OF OCTOBER 4, 2020

Ms. Loretta Taylor asked can I have a motion for the adoption of the minutes of October 4th?

So moved, seconded.

Mr. Robert Foley stated I have a few that I'll submit.

With all in favor saying "aye".

*

*

*

CORRESPONDENCE

PB 2018-27 a. Memo dated October 23, 2020 from Holly Haight, Fire Inspector and letter dated October 21, 2020 from Daniel Richmond, Esq. as required by Condition 2 of Planning Board Resolution 4-19 to provide an update to the Planning Board on the operation of the site and any substantial code violations for Yeshiva Ohr Hameir located at 141 Furnace Woods Road.

Mr. Steven Kessler stated Madame Chair I move that we receive and file the memo.

Seconded.

Mr. Chris Kehoe stated on the question, you also would have received Ken Hoch's brief notes. I think I emailed it to you.

Ms. Loretta Taylor stated yes you did.

Mr. Chris Kehoe stated that came in after the agenda but he notes he had no complaints about this site.

With all in favor saying "aye".

PB 13-05 b. Letter dated October 21, 2020 from Brad Schwartz, Esq. requesting the 16th , 90-day time extension of Final Plat approval for the Mill Court Crossing Subdivision located at the south end of Mill Court.

Mr. Thomas Bianchi stated Madame Chair I move that we grant the **90**-day time extension.

Seconded.

Ms. Loretta Taylor stated that's in Resolution **21-20**.

Mr. Robert Foley stated on the question, I'll be voting no as I have in the past on this. While I'm addressing what's in the resolution, the previous subdivision that was approved. Nothing to do with any future plans for there.

Ms. Loretta Taylor asked all in favor?

Members stated 'aye'.

Ms. Loretta Taylor asked opposed?

Mr. Robert Foley responded yes opposed.

Ms. Loretta Taylor asked do we need to poll?

Mr. Chris Kehoe stated Chairperson Taylor; yes, Mr. Bianchi; yes, Mr. Foley; no, Mr. Kessler; yes, Mr. Kimmerling; yes, Mr. Rothfeder; yes, Ms. Myers; yes. The motion passes **6 to 1**.

PB 9-99 c. Letter dated October 21, 2020 from Linda Whitehead, Esq. requesting the 35th , 90-day time extension of Final Plat approval for the Furnace Dock Inc. subdivision located on Furnace Dock Road.

Ms. Loretta Taylor stated as I said during the work session I will be voting no on this one.

Mr. Jeff Rothfeder stated I shouldn't make this motion because I'm going to be voting no as well. I just want to say about it is that two main reasons: one is that they're coming up about the excuse about the sewage and keeping up this issue with the sewer operator. The sewer operator wasn't the applicant and it's not our problem really to go down that rabbit hole with them. The other thing is that there are members on this board that have nothing to do with this project, don't even know what it is and are being asked to vote on it, on extending it and I just think that the applicant should just reapply at the point that they're ready to go ahead and do something.

Mr. Robert Foley stated I will be voting no also as I alluded to in the past. I don't know how many years this goes back, at least **10** years, and then this idea of possible senior housing which was just thrown into the mix at the work session. Maybe a good idea but I'm voting no on what we have before us.

Ms. Loretta Taylor stated I need to say too why I am voting no, it's primarily because we have had **34**, we have granted **34** extensions; **90**-day time extensions as well as a five-month time out which was granted to all applicants due to COVID. This applicant has been embroiled for years with the operator/owner of the sewage treatment plant and I feel that either he cannot or will not provide the Department of Health with the will serve letter which would clear up any of the problems that he's having that the Department wants fixed, the repairs to the sewage treatment plant. These things have just been hanging out there for quite a long time and the applicant has requested these extensions and mostly based on the fact that certainly lately that they can't seem to work out anything with this gentleman and I'm in agreement with the idea that, with Jeff – it's not our problem. We've given these people a lot of time from the board and time of the staff working with them, and waiting, and coming back time after time, after time, after time. I don't think that it's warranted. Despite the many extensions we've given them, the Department of Health refuses to give them a letter, or refuses to sign their plat because

they do not have the will serve letter. They've got their rules about how they do things and I guess we need to establish how we do things as well. If they can't get that letter from the Department of Health, I don't know why we continue to give them one approval after another, after another and then one extension in fact after another, after another. This has been on the books since **1999**. It's just really becoming ridiculous. I don't see us doing them a favor, so-to-speak, by continuing these perpetual extensions. Anyway, I am going to vote no. I am voting no on the Resolution that is proposed for this evening because I think the application is stalled, it has become stale and it's time to move on.

Mr. Thomas Bianchi stated I'm also voting no on a reason that there have been substantial changes to the codes but have been in place since, about ten years ago I guess it is and I think that the applicant should file a new application so that we can bring everything up to current standards.

Mr. Steven Kessler asked Linda, question for you...

Ms. Linda Whitehead stated I would really like the opportunity to speak.

Mr. Steven Kessler asked can I ask you a question first?

Ms. Linda Whitehead responded sure.

Mr. Steven Kessler asked so in your letter you say that the Health Department had a – they wanted additional repairs and improvements made. And you say that the owner has one more repair to make. Does that mean that others have been completed to the satisfaction of...

Ms. Linda Whitehead responded that is our understanding. We don't control the sewage treatment plant. I am just repeating what we have been told by the owner of the sewage treatment plant. He has recently told my client that there is just one item left to do. But I think there's some misconceptions if I could just take a minute. We have not been embroiled as was stated with the owner of the sewage treatment plant. We have nothing to do with them. We have been trying to get them to give us the will serve letter and then all of a sudden, we found out we couldn't get it because they had these violations. Our client for three years now has been trying to help them and they disappear for months at a time. They don't return calls. They don't get back to us. We've been trying to help them solve their problems and they have not been willing to even let us do that. So, we've been actively trying to do that so that we can get to the point where we can get the letter and get the Department of Health to sign this plat. Again, remember the Department of Health did sign this plat several years ago. The final approval originally was in **2011**. I believe we actually had a Department of Health signature in **2012**. At that time there was some – we hadn't resolved everything. The town changed consultants. We had to update the storm water. We've been through that a few times. Then there were some changes when the town bought the adjacent property and requested that our client give them access over the property to service the pond and the dam which we did. That required changes to the plat. That's the point at which we needed to get a new Health Department signature

because the plat changed. These are all -- the reason that we have not gotten, been able to get the Health Department's signature again. It's something that's been completely beyond our client's control. There's nothing that he could have done to address this condition. It's been completely beyond his control. I think -- the law says that you cannot be arbitrary and capricious in denying an extension. And I honestly think you are here. You are denying my client something because he didn't do something that's completely beyond his control. He had no ability to meet this condition. He's being held up by a third party over which he has absolutely no control. I just don't see how that's not going to be deemed arbitrary and capricious.

Mr. Steven Kessler stated Linda, it's also the lynchpin of your application to have that connection.

Ms. Linda Whitehead stated so let me go back. We have an agreement. We have threatened to bring them into court several times over this because we have an agreement with them where they are obligated to provide us service and allow us to connect. The town many years ago actually expanded the sewer district to provide for that connection based upon the agreement we had with them. We did everything we could have done. That agreement has been in place for a very long time. Based on that agreement, the only way that we've even gotten the owner of the sewage treatment plant to speak to us is because we reminded them that they have obligations under that agreement to provide us with service and allow us to connect. Our client has recently agreed to increase the payments that we agreed to in that agreement to try to get this resolved. We had a number in that agreement and yes that agreement is old and maybe that number is low now so our client was willing to increase the amount that he's going to pay for the right to be able to connect but they are obligated to allow us to connect under the agreement that we have in place with them which the town has. Town has a copy of that agreement. It was provided to the town a long time ago. But that said, they cannot give the letter because they are under a violation condition where the DEC is saying to them that they cannot actually allow additional connections at this time. We've really been trying to do everything we can. This is something that my client has no control over, no ability, no other way to resolve the issue. He's got the agreement in place. They are obligated to allow us to connect.

Mr. Steven Kessler asked Linda, let's suppose that they make the repairs, does the DOH now have to come back to attest to the fact that they can actually handle the capacity from your development?

Ms. Linda Whitehead responded no. They have a SPEDS permit from New York State and there is more than sufficient capacity under their SPEDS permit and I know your engineer is listening and can probably speak to this as well, but there's more than sufficient capacity in the plant under their current SPEDS permit to handle our flows. The town never would have expanded the sewer district if that wasn't the case. We had to provide the studies and everything else on the capacity.

Mr. Steven Kessler asked my question really is, in the intervening **20** years or **10** years, is

the capacity still there?

Ms. Linda Whitehead responded yes, the capacity is still there but when the violations were issued and the work was required, DEC said we're not going to let you accept any additional flow until you address these items. Once those items are addressed, the violation goes away and the capacity still exists.

Ms. Loretta Taylor stated but Linda, despite what your client has done to try to make this situation better, it is still a problem. It's ongoing and until this owner/operator can get his own act together this is sort of just fluttering there. We were told, and you know this, that you have to be aware of cumulative impacts, in this case negative ones that could be occurring when a project just gets stalled and it sits undelt with for year after year after year. I think we need to move on. There's no reason why your client can't apply again and get the thing moving later on. We need to work out the problems that exist with the owner/operator of the sewage treatment plant. I don't know how much longer that will take but I don't think that this board is obligated to continue giving extensions when in fact the Department of Health is refusing to sign. They have their rules and regulations. They're not going to sign off on this until this person does what he's supposed to do. Why do we continue to give you extensions when in fact the thing has just stalled, and it stalled and you're down to asking for extension number 35 now? There comes a point where we have to sort of cut the extensions off.

Ms. Linda Whitehead stated some of those extensions were – go back to a time when the town was asking us and we were working with the town to do some things. If I could just – we worked with the town. We worked with the town on providing the access. Our client actually made a payment to assist the town in buying that property, a rather significant payment that the town asked them to pay even before the plat had been signed. So there's been a significant payment already made to the town which was a condition of this approval but that money was used by the town to buy that property and then our client agreed to provide the access. Our client – I understand your point but that's not fair to my client to say to my client that you have to start all over. You have to incur significant cost to start all over because of something that's completely beyond your control. With respect to the issue about the regulations changing, as your engineer will say, as the storm water regulations have changed, we have had to update our storm water plans several times. There were some grandfathering provisions but I believe we have updated it to meet some current regulations. We are still going to have to meet – when we go to build, we're still going to have to meet most of the current regulations. We don't get grandfathered on all of those things.

Mr. Michael Preziosi stated Linda when we had last worked with Dan Ciarcia, I want to say about three years ago or four years ago, to re-approve the construction improvement drawings but we have had since then at least two updates to the storm water regulations. There are still some significant environmental changes that are going to have to be made to your plans. So I'm glad you're acknowledging that this evening but the longer we wait, there are changes to environmental standards especially as it relates to storm water. Just be cognizant of that as you proceed.

Ms. Linda Whitehead stated and again, and what we've looked at in the past with that issue is we've looked at the DEC regulations and when the DEC regulations require us to make changes, as you said, we did sign, I think it was about three years ago that you had signed off on it, the most recent version. But we've continued to do that. We've been continuing to work with the town and I just think that at this time for you to just now say you're not going to grant anymore extensions and that my client who has done everything that he could possibly do is now going to have to start all over. To me, I disagree with you. I think that's being arbitrary and capricious.

Mr. Steven Kessler stated but Linda just for the record, this isn't the first time some members of this board have expressed their concern about the number of time extensions and the lack of progress.

Ms. Linda Whitehead responded I understand and we have continued to do everything we can. This is beyond – there is nothing my client could have done.

Mr. Robert Foley asked Linda, who is your client because now it's a different name?

Ms. Linda Whitehead responded so the Cosmo Marfione who is the primary person who has been dealing with the town is still involved. The property was transferred from Blitman to AJ Cortlandt. AJ Cortlandt's principles are actually to the prior investors and Cosmo is still involved, and Cosmo is the one who has been actively working on this for over ten years now.

Ms. Loretta Taylor asked is there anybody else who has a point-of-view or comment, whatever so we can move on?

Mr. Steven Kessler responded no, Jeff I'll make the motion on your behalf. I move that we adopt Resolution **22-20** the **35th 90**-day time extension of the final plat.

Ms. Loretta Taylor stated I need a second for that.

Mr. Michael Cunningham stated give me a second just for voting purposes.

Seconded.

Ms. Loretta Taylor asked on the question? All those in favor; 'aye'. Not in favor or opposed say 'nay'. Are you going to poll since several people have actually expressed an opinion that they would not vote for it?

Mr. Chris Kehoe asked did someone say 'aye' to the Resolution?

Mr. Steven Kessler responded I did.

Mr. Chris Kehoe stated and then are there any 'nays'?

Mr. Jeff Rothfeder responded nay.

Ms. Loretta Taylor stated there are several I think.

Mr. Chris Kehoe stated so then I have to poll the board. Ms. Taylor; nay, Mr. Bianchi; nay, Mr. Foley; nay, Mr. Kessler; aye, Mr. Kimmerling; nay, Mr. Rothfeder; nay, Ms. Myers...

Ms. Linda Whitehead stated disappeared.

Mr. Chris Kehoe stated she has that problem sometimes. We will just note that she wasn't there. So the motion fails to carry **5** to **1**.

Ms. Loretta Taylor stated sorry about that Linda but we have to move on.

Ms. Linda Whitehead stated I still think that this board has acted inappropriately and I will have to review with my client how he wants to proceed on that and you can speak with your own counsel. I think you've been arbitrary and capricious based on the fact that this is beyond my client's control.

Ms. Loretta Taylor stated Linda, for the whole time we have done all these extensions, we have paid attention to the fact that there were extenuating circumstances and earlier on we granted extensions and more, and more, and more because someone was ill and they couldn't move forward on this, on the application. It's gone from one thing to another, to another and we're here at number **35** possibly and we need to stop.

Ms. Linda Whitehead stated it's just inappropriate. It's not fair to my client. It is not fair to my client.

Ms. Loretta Taylor stated that's your opinion.

Mr. Michael Cunningham stated Linda, if you want to litigate so then we'll litigate.

Mr. Thomas Bianchi stated I think **35** extensions is not arbitrary.

Ms. Loretta Taylor stated certainly isn't.

Ms. Linda Whitehead stated no, the denial is. Thank you. Good night.

Ms. Loretta Taylor stated good night.

*

*

*

RESOLUTION

PB 2020-12 a. Application of New York SMSA Limited Partnership, d/b/a Verizon Wireless, for the property of the Lake Mohegan Fire District, for recertification of the Special Permit for an existing cell tower located at 260 Croton Avenue.

Mr. Robert Foley stated Madame Chair I make a motion that we adjourn this application.

Ms. Loretta Taylor stated you adjourn it to December 1st, our December meeting, right?

Mr. Robert Foley responded December 1st.

Ms. Loretta Taylor stated this is per the applicant.

Mr. Steven Kessler stated per the applicant.

Seconded with all in favor saying "aye".

PB 2020-8 b. Application of NewYork-Presbyterian Hudson Valley Hospital for Site Plan approval for the redevelopment of an approximately 37,375 sq. ft. parcel of property currently containing an existing mostly asphalted parking area located at the site of the former Citron Building to provide 118 staff parking spaces in two phases and for a new walkway for pedestrian access to the main campus buildings for property located at 1970 Crompond Road. Drawings latest revised October 21, 2020. (see prior PB's 8-13, 23-04)

Ms. Loretta Taylor asked George?

Mr. George Kimmerling stated Madame Chair I move that we adopt Resolution **23-20** granting site plan approval for this.

Seconded.

Mr. Chris Kehoe stated just on the question, I had some conversation with the applicant in the hospital and I asked them some questions while I was preparing the Resolution but they did not ask to see a copy of the Resolution. I didn't know if they were aware that they could see it or not but it is an approving Resolution with **15** conditions. Some of the conditions are boiler plates, some of them are fees; some of them are concerns or issues that would need to be addressed with our engineering department. I don't think any of the conditions are extremely burdensome but I just wanted to make sure that the applicants knew. If they want to hold off and see the Resolution and review it or if they want to accept the Resolution and then start dealing with staff on meeting them.

Mr. Robert Foley asked I have a question or two really quick, Chris.

Mr. Chris Kehoe responded yes.

Mr. Robert Foley asked under condition **12** about the easement and emergency access driveway leaning to the parking garage over plans identified, plans of the hospital?

Mr. Chris Kehoe stated I believe that's been a concern that the connection from this area, or maybe it's the entry road back towards the parking garage crosses over property not owned by the hospital.

Mr. Robert Foley stated so that **1966** Crompond road is not actually the hospital address.

Mr. Michael Preziosi stated right. There's an emergency exit from the parking garage that was constructed on the adjoining property. There doesn't seem to be a filed easement or agreement in place.

Mr. Robert Foley asked this was the old Citron property?

Mr. Michael Preziosi responded it goes from the parking garage across from where the SPCA is currently housed and then back onto the Citron site.

Mr. Robert Foley responded okay thank you. I also have a question on the short EAF, again it may be a technicality under **8B**, the answer was no as to public transportation services available at or near the site. Buses go into the hospital and go by onto **202**. Is that important? Just a technical answer I guess.

Mr. Chris Kehoe responded when you adopt the Resolution, you're adopting parts **1** and **2** of the EAF. I can change that to check yes. So that's fine.

Mr. Robert Foley stated that's it. Thank you.

Ms. Loretta Taylor asked so we are on the question. All in favor?

With all in favor saying "aye".

PB 2018-23 c. Application of Mahlab Family Realty, LLC for Final Plat approval for a proposed 4 lot major subdivision (with one lot being a no-build lot) 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. Plat dated June 26, 2020, Improvement Drawings dated September 23, 2020.

Mr. Steven Kessler stated Madame Chair I move that we adopt Resolution **24-20**.

Seconded.

Mr. Robert Foley stated on the question, I think I will be abstaining on this. I read back through all my material I know in March when we voted I voted yes but I have reservations now. I don't want to get specific but from an environmental standpoint – I know the board and the staff have done a lot of good work on it but I have an issue with the Village of Ossining and the Town of Ossining said about the Indian Brook Reservoir. I will abstain rather than just say no.

Mr. Michael Cunningham stated Bob, abstentions are normally for a conflict or if you weren't present for the application and didn't know enough about it.

Mr. Robert Foley stated if I can't then I'll vote no.

Ms. Valerie Myers asked Michael on that question then am I allowed to vote or should I abstain from this?

Mr. Michael Cunningham responded you've been around for the review of this final plat. You can vote on it.

Ms. Valerie Myers stated okay, thank you.

Ms. Loretta Taylor asked are we ready? All in favor?

Mr. Robert Foley responded no.

Mr. George Kimmerling responded no.

Ms. Loretta Taylor stated got two no's, you get to poll I guess.

Mr. Chris Kehoe stated Chairperson Taylor; yes, Mr. Bianchi; yes, Mr. Foley; no, Mr. Kessler; yes, Mr. Kimmerling; no, Mr. Rothfeder; yes, Ms. Myers; yes. Motion carries **5 to 2**.

Ms. Loretta Taylor stated thank you all.

PB 2020-3 d. Application of Heike Schneider, R.A., on behalf of 3451 Lexington Avenue, LLC, for Site Development Plan approval and for Steep Slope, Wetland and Tree Removal permits for a proposed 56,000 sq. ft., 2-story classic car storage facility, a 4,900 sq. ft. showroom and a 3,528 sq. ft. storage building on a 16.3-acre parcel of property located at 3451 Lexington Avenue. Drawings latest revised October 20, 2020.

Mr. Thomas Bianchi stated Madame Chair this is mine but I have a question first. I got the Resolution. I printed it out but I haven't had a chance to look at it closely. Does the Resolution include some of the comments from the County Planning Board regarding...?

Mr. Chris Kehoe responded I had mentioned that Mike and I were organizing the Resolution and that got dropped off. We are going to add condition #25 that a bike rack be shown on the subject site plan. That may not be the most important thing necessarily but the county always wants to improve bike routes and bike connections. I think that a general comment with respect to sidewalks, and we are requiring a sidewalk along the entire frontage of the facility. The recycling comments, those are generally – there's going to be a dumpster enclosure. This will be private pickup; they will take care of the recycling. I don't remember the other one. I don't have it right in front of me.

Mr. Thomas Bianchi stated storm water management.

Mr. Chris Kehoe stated there are detailed conditions regarding the SWPPP.

Mr. Michael Preziosi stated we've had a discussion with the applicant in the past. They revised the Storm Water Pollution Prevention Plan. Ultimately, I think the county shares the same concern that I have is just that if there's going to be detailing and car washing on site, that it's properly contained on site and not discharged into the wetland or into a storm water [drains] and the applicant understands that and will address that concern.

Mr. Thomas Bianchi stated then I'll move to adopt Resolution number **25-20** granting the application.

Seconded.

Mr. Robert Foley asked on the question. I will be voting no and I'll just briefly state why which I think I've alluded to at previous hearings and other review and again it's no offense to the board and the staff for all the work they've done but I still feel that the footprint of the building is too big when you really go there and see on the site. If it was a little smaller and over those many months the applicant did reduce it down you would have more room on the frontage, the setback from Lexington Avenue which would have provided better access and also better safe turning and Lexington Avenue traffic pass-by. And then on the Westchester County Planning Board letter, I think I said earlier, before the meeting started I did get a callback today from the gentleman in the Planning Department, Norma [Drumming's] office Lucas [Herbert] and he resolved the question I had: why didn't the memo mention the condition road? I think that has to be addressed in the future about Lexington Avenue. So, I will be voting no. The other thing is Chris, on the Resolution which I read thoroughly, on page 5, and this was something else I brought up during the process, I don't think, unless I missed it, I don't think the Planning Board had a site visit. Am I wrong? It says there in the middle of the page...

Mr. Chris Kehoe responded you might be right. Staff went out on a lengthy site inspection. I may have confused that – I can remove that.

Mr. Robert Foley stated I urged it when we went out to Annsville for that project up there, the Santucci project and there was another one at the other end of town on the northern end but I guess the reasoning was there's no building there to see but that wasn't why I wanted the site visit.

Mr. Chris Kehoe stated I think I'll modify that comment or I'll leave it in a different form saying that the planning staff and our wetland consultant conducted an inspection because we did spend a lot of time out there with Paul Jaehnig.

Mr. Robert Foley stated that's what I first thought you meant but then I do see the words "the Planning Board conducted." I really feel just because there's not a structure there it doesn't mean we can't do a site visit. But anyway, and no offense to the board but I will be voting no.

Ms. Loretta Taylor asked are there any other comments? All those in favor?

Members stated 'aye'.

Ms. Loretta Taylor asked opposed?

Mr. Robert Foley stated 'no'.

Mr. Chris Kehoe stated Chairperson Taylor; yes, Mr. Bianchi; yes, Mr. Foley; no, Mr. Kessler; yes, Mr. Kimmerling; yes, Mr. Rothfeder; yes, Ms. Myers; yes. The motion carries **6** to **1**.

PB 2019-10 e. Public Hearing: Application Dwayne Reith, of Custom Marine, for Site Development Plan approval for boat storage located at 301 6th Street, Verplank. Drawings latest revised August 25, 2020 (see prior PB 1-15).

Mr. Jeff Rothfeder stated Madame Chair I move that we adopt **Resolution 26-20** approving this application.

Seconded.

Mr. Robert Foley asked on the question I have a question on the Resolution, page **6** number **7**, Chris. Where it says the storage of **15 1** boats, is that a...

Mr. Chris Kehoe responded yes that's a typo. It's **15** boats.

Mr. Robert Foley stated I have a lake but I don't own a boat but I thought that was a designation for one boat. Thank you.

With all in favor saying "aye".

*

*

*

PUBLIC HEARINGS (ADJOURNED FROM PREVIOUS MEETING)

PB 2017-25 a. Public Hearing: Application of Lu Lu Properties, NY for Site Development Plan approval for an office and parking lot for a livery cab service on an approximately 41,376 sq. ft. parcel of property located on the north side of Travis Avenue, west of Albany Post Road (Route 9A). Drawings latest revised October 23, 2019 (to be adjourned to the February 2021 meeting)

Ms. Loretta Taylor stated next item on the agenda would be adjourned public hearing which will be further adjourned. Bob, it's you.

Mr. Robert Foley stated Madame Chair I make a motion that we adjourn this application to the December meeting.

Ms. Loretta Taylor stated no, it's to February.

Mr. Robert Foley stated to February. I'm sorry.

Ms. Loretta Taylor stated February 2nd of 2021. This is **PB 2017-25** the Lu Lu Properties livery cab.

Seconded with all in favor saying "aye".

*

*

*

PUBLIC HEARINGS (NEW)

PB 2020-14 a. Application of Teatown Lake Reservation Inc. for renewal of a Special Permit for a Private Nature Preserve to conduct a summer camp program and a weekday public program and for amended site plan approval for tree removal and wall removal at Cliffdale Farm for the purposes of improving wildlife movement for property located on the north side of Teatown Road, approximately 3,000 feet east of Quaker Ridge Road. (see prior PB's 10-10, 5-15).

Ms. Loretta Taylor stated this is a public hearing. Do we have any persons who have attended who want to speak to address this particular matter?

Mr. Michael Cunningham stated if you'd like to speak about this matter please 'raise your hand' or if you dialed in you can star nine. Nobody's raised their hand.

Ms. Loretta Taylor stated this seems pretty straightforward. Why don't you...

Mr. Michael Cunningham stated somebody actually just did, Marylou Menard.

Ms. Loretta Taylor asked you do have someone, yes?

Mr. Michael Cunningham responded yes. Someone just raised their hand, a Marylou Menard.

Mr. Larry Provost stated yes, this is Larry Provost. I'm using Marylou's computer because my computer's too defunct to work with Zoom. I live on Teatown Road and I'm familiar with this property. I support Teatown in their day camp application. It's a great program and it provides a lot of good to the community without any taxpayer funds on it. I have concerns about the walls and the removal of the walls. I only vaguely understand the concept of why they want to remove them. It has something to do with I guess raptors eating small nesting birds in the grass. But my concern is that: one, the walls in this area are used to mark the various properties. I know my particular legal description of my property starts with – the starting point is **500** and some odd feet due east of the wall that used to separate two properties. My concern is that these walls are used in legal descriptions of deeds and if they're removed then something has to take their place in terms of demarking where the property lines are. Secondly, I worry about the unintended consequences where these wind breaks were put in by the farmers for a reason and it's to break up the wind. If the trees are taken down my concern is that we'll get a great big dust ball situation. I know part of the stuff that I read talks about wanting to restore these fields to their original pristine condition. Well, in this area, the original pristine conditions were forested. So, these fields were, I have to assume, were cleared by farmers and used as farmland. Those are my concerns about removing the walls and the trees. We support trees in this town so I think more information should be given to the public and more thought should be given and more explanation given to the neighbors as to what they hope to accomplish by removing these. Thank you for listening to me as always.

Ms. Loretta Taylor asked Chris do you have any information at all that might help?

Mr. Chris Kehoe responded I believe two people are here from Teatown, the Director and I believe a person intimately familiar with the environmental project. Mike, have they asked to be promoted? You're muted.

Mr. Michael Cunningham responded are the applicants here to speak about the project? If so please raise your hands.

Ms. Loretta Taylor asked were they able to hear the gentleman's concerns?

Mr. Michael Cunningham responded yes.

Ms. Rebecca Policello asked can you hear me?

Mr. Steven Kessler and Mr. Chris Kehoe responded yes.

Ms. Rebecca Policello introduced herself and stated I'm the Science and Stewardship Coordinator for Teatown and I'm stepping in for Dr. Danielle Begley-Miller who started this project. To address a few of the concerns raised by the neighbor. The main goal of removing the walls and the hedge rows, and the trees is to reduce the presence of predator [birds]. What happens is when you have trees in the middle of fields, the birds perch up on the trees, the predatory birds, and then they prey on the grassland nesting birds. By removing the trees, we're able to connect these three small fragments of field which are virtually useless for grassland nesting birds and make them one larger field parcel that will be about **12** acres. Most grassland nesting birds need a minimum of **10** acres to be able to nest safely in a field. With the stone walls specifically, the reason that those are needed to be removed is because we can't manage the fields effectively when they're there. Right now, these walls have been very degraded. They've crumbled and fallen in the fields and it makes it virtually impossible to mow. So lots of invasive species have taken root in these walls. We can't take a weed whacker to them even and they'll continue to become infested with invasive seeds because they're very difficult to [finish] them. By removing the walls we're able to regularly mow instead of having to resort to chemicals we would otherwise have to use a lot of herbicide to be able to manage that which is not part of our ecological goals and also not part of our funding. By opening that up we will be able to create an open habitat. To address the concerns about wind; we will be leaving the walls on the outside of the fields along with the trees that are on the outside of this **12**-acre parcel. The wind that's able to pick up will be very minimal and the topography of the land will also help break that up and we'll be re-vegetating with species that are healthy for this specific habitat. There will be a mix of shrubs and native grasses which will also help with the wind. To address the concern about marking various properties; the walls in question, if you are looking at the map that's up on the screen, it's just two internal walls. The outer boundaries of Teatown's property will still be marked by the stone walls that are there. They're kind of difficult to see on this aerial map but it's near where there's a **440** mark on this map. The outer walls will still remain intact. Those never really need to be touched even for future management. I'm trying to see if I answered all of those questions. When we're also talking about stone walls, there are still a lot of stone walls in this area. This portion of Teatown's property has a total of over **16,000** feet of stone walls that are up and we're proposing removing about **4%** of those which is just **675** feet. We're really trying to just target where it's necessary to take them down.

Mr. George Kimmerling asked I have a few questions if I can ask unless there are other people from the public who wanted to speak first. I'm not sure.

Mr. Michael Cunningham stated nobody else from the public raised their hands.

Mr. George Kimmerling asked thanks for being here, remotely, I can't see you but I see your name is here. I'll talk like I can see you. I had two questions; one is why are the applications for the summer program I think it is and for this tree and wall removal sort of linked together? It's my understanding they're two totally separate objectives, right? You want to continue the special permit I think it is for the summer programs and you want to also be able to remove the hedge rows and the walls to increase that grassland habitat for birds. I was just curious why they're linked together because I think while many of us might feel like of course a summer program is awesome and that should continue, there might be issues with the tree removal, I think it's 86 trees and the stone walls. Just kind of curious about like that – both would sort of live or die together it seems. The second is, if you could just help me understand why it is better to have grassland habitat and those birds versus the predator birds. I'm not an expert like you guys are on how this all this works together but it would seem to me, again being a total lay person on this, that predator birds they do their thing and grassland birds some of them eaten. But I guess I don't understand why is it important for the predator birds to be removed from – have their perches removed so that the grassland birds can flourish and why, pardon the naivety, but why is that a good thing?

Mr. Chris Kehoe responded before Rebecca answers the important question, I can just step in. I think it was staff's recommendation that they combine these two things. The independent of the birds and the stone walls I was talking with Dianne and telling her, her renewal was coming up and she needed to do all of that. They sent an email. I think it was actually independent, it was [brought] on in the Code Enforcement office and I suggested bringing them together. If you want to separate them – I don't think you have to approve them both together. That's your call but it wasn't Teatown's idea to book them together.

Mr. George Kimmerling stated okay, thanks.

Ms. Rebecca Policello stated I can answer the second question. One of the main reasons why it's better to have this grassland habitat is because it has been greatly reduced in the northeast over the past few decades. The availability of large uninterrupted grassland in Westchester for example is really, really limited. There are plenty of places for the predatory birds to perch and to nest but there are very few options for these grassland nesting birds so they are greatly declining throughout the northeast. This isn't just trying to preserve biodiversity for Teatown, this is also to preserve biodiversity for the entire northeast and species that will likely be lost if we aren't able to maintain these larger habitats. Even if we do extend these parcels into larger grasslands that doesn't guarantee that these grassland birds will survive. We still have the bird – the predatory birds are still hunting and doing their thing but it gives them a fighting chance. If we don't remove these hedge rows and stone walls, there is no chance for the grassland birds to nest. We don't have any that are successful in fledging so it would be really great to bring in some more diversity and to help keep these species from declining even further, wherever we can.

Mr. George Kimmerling stated great thanks.

Mr. Jeff Rothfeder asked according to your original application letter, you're planning to do the tree removal over the winter?

Ms. Rebecca Policello responded yes. So the schedule would be mowing and then removing trees and stone walls in the winter.

Mr. Jeff Rothfeder asked and how soon are you going to re-vegetate?

Ms. Rebecca Policello responded so we would want to really manage those areas. So we wouldn't re-vegetate until the fall of **2022** and that's because we have a lot of invasive seeds in that seed bank so we want to be able to mow it down a lot to reduce whatever energy is stored in those roots before we plant so the natives have a higher chance of being successful.

Mr. Jeff Rothfeder asked Chris I'm not sure – is the only document we've gotten about the tree removal is that list of trees?

Mr. Chris Kehoe responded I think so and that was going to be one of my questions. I believe there's 83 trees and there is that spreadsheet with I think three separate spreadsheets and then there have been representations made regarding replanting and re-vegetation but I don't believe we've seen a plan for that.

Mr. Jeff Rothfeder stated that's what I was thinking. Has anybody, like our tree guys, even looked at that list? What does that come from, Bartlett?

Mr. Chris Kehoe responded no that's from Teatown and I think we touched upon this last month, Teatown being an environmental organization and using – getting an environmental draft and doing this work, that's on one hand. The other hand it would be up to this board to determine if their plan, which they may need to flush out a little bit more, meets the intent of the tree ordinance or if you want more information or if you want a planting plan developed so you can make sure that a certain number of trees are replanted or just get more information on that.

Mr. Jeff Rothfeder stated I was going to say, I think we need: one, I don't know if we need to send our arborist out there necessarily because this is an environmental organization but at least for our arborist to take a look at it and tell us if there's anything we should be concerned about just on the face of it. And then, yes, I'd like to see what a re-vegetation plan looks like so we can run it by the CAC as well.

Mr. Michael Preziosi stated I don't think there's a need for the environmental consultant to really look through this. I think just from the feedback that I'm hearing from the Planning Board is some combination of replanting is going to be required or requested. What we could do is we could touch base with Teatown offline. We could go through the list of trees that they're proposing to remove, maybe work with them on saving some of the larger caliper trees along the fields not to necessarily remove all **83** trees and maybe

come up with an alternative to maybe replant some of the trees elsewhere on site or make some sort of legacy or educational program for replanting in the near future.

Mr. Jeff Rothfeder stated I'd like to see what the plan looks like though and have the CAC take a look at it as well.

Mr. Robert Foley stated I agree with Jeff. I was going to ask about the CAC whether they've seen any of this yes. Do you know Chris?

Mr. Michael Preziosi responded that has not occurred Bob but we can definitely do a formal referral to the CAC which Chris I believe are meeting shortly correct?

Mr. Chris Kehoe responded yes, next week.

Mr. Robert Foley stated also just out of curiosity, maybe Rebecca already addressed it and I may – George may have been on that same thought. I'm just curious, on the [inaudible] do bluebird's habitat the area in question that you're talking about with the walls and the trees, do you know Rebecca?

Ms. Rebecca Policello responded yes, this would definitely help with bluebird populations.

Mr. Robert Foley asked so the fly aways would improve the clearing?

Ms. Rebecca Policello responded exactly, and their resources in the fields. This will help us manage the fields to make sure that we have the resources that they need for food. They don't need the fields for nesting to be open necessarily but their food resources will change as we're able to improve the quality of these fields.

Mr. Robert Foley stated the reason that I ask Chris is because one of the members of the CAC is well versed about flight ways, fly aways of the bluebirds [inaudible] with the historical society property on Locust Avenue to accommodate that.

Mr. Chris Kehoe stated this sort of touches upon exactly what George was mentioning. I leave this up to the board but at this time if the board wanted to separate and take care of the summer programming and after-school programming and approve that, not tonight but next month, then you technically don't have to do that anyway. The special permit stays in effect as long as they are actively pursuing the renewal so you don't have to separate them but that's an option. Then, we would be, I guess waiting to hear from Dianne, and Danielle, and Rebecca about whether it's on this aerial plan or another plan to provide more information about the replanting.

Mr. Michael Preziosi stated Chris, if I can just to address some of the comments from Jeff and Bob and George, within the town's ordinance for tree removal for standards of approval – and we did discuss this with Teatown during our conference call a couple of weeks back. I don't believe Rebecca was on the call but we did discuss with them quite at

large for them to discuss with the board, the Planning Board, why the tree removal will have a positive effect upon the wildlife habitat and to take a specific look at the replacement of trees of similar species elsewhere on the site. And those are two conditions and standards of approval within the town's tree ordinance; chapter 283-7. If Teatown can provide this information then the Planning Board and the CAC would be in a much better position to approve the removal of the 86 trees and the other improvements for the fields.

Mr. Jeff Rothfeder stated I agree.

Mr. Chris Kehoe asked so Rebecca and Dianne -- and I know we've talked about this and I think there have been verbal representations made about the species, the native species being planted and some additional planting but you understand the need to provide some more information may be in a plan form to the Planning Board?

Ms. Rebecca Policello responded yes, absolutely. Along the stone walls, the plan is to re-vegetate with native grassland species and it would not be replaced with trees within that area but yes we can put a list of species and the re-vegetation plan together for you in a hard copy.

Ms. Loretta Taylor asked how should we handle this at this point? We can go ahead, as you said, and approve the summer camp issue but the other would be remaining – the other part would remain and then we would have our consultants and various committees take a look at it. Do you want to really split them off or do you want to keep them together and just do one – approve one section tonight and be done with it?

Mr. Chris Kehoe responded I don't have a Resolution tonight to approve – I can do a retroactive one but Dianne I don't think there's any rush unless you're in a rush with respect to the programming.

Ms. Dianne Barron responded no I'm fine. We're fine waiting.

Mr. Chris Kehoe stated I think if it's okay with the board, we'll try to keep them together.

Ms. Loretta Taylor stated okay, not a problem for me.

Mr. George Kimmerling stated Madame Chair if there's no other speakers on this issue, I move that we close the public hearing and we prepare an approving resolution for the December meeting.

Mr. Jeff Rothfeder stated I don't think we're ready for that.

Mr. Chris Kehoe asked do you want to close the hearing and refer it back to staff and then we'll bring it back next month, hopefully with the plan. Next month's meeting is December 1st and you've got Thanksgiving in there so it might be tight anyway but...

Mr. George Kimmerling stated I was thinking we'd get all that stuff done but that's fine. I will replace my motion for a motion to close the public hearing and refer back to staff.

Seconded with all in favor saying "aye".

Ms. Rebecca Policello stated thank you.

Ms. Loretta Taylor stated you're welcome.

*

*

*

OLD BUSINESS

PB 2020-6 a. Application of Palisades Enterprises, LLC for Site Plan Approval, a Special Permit and for Tree Removal and Steep Slope permits for a proposed 2,940 sq. ft. gas station and convenience store with six fuel pumps on an approximately 1.7-acre parcel of property located at 2058 East Main Street (Cortlandt Boulevard). Drawings dated August 19, 2020.

Mr. Steven Kessler stated Madame Chair I move that we refer this back at the request of the applicant.

Mr. Chris Kehoe stated as I mentioned, I didn't know if John or Ralph were going to be here but they are here and I guess John just wants to briefly update the Planning Board on the traffic.

Mr. Steven Kessler stated sure.

Mr. John Canning stated good evening Madame Chair, members of the board. Forgive me, I'm doing double duty. I'm on two calls so I just have to find my notes here. When we met with you last you had asked if we had been to the Department of Transportation. We had not. We set up a meeting with the Department of Transportation. We provided them with the traffic study. We met them about two weeks ago to discuss the project. They seem to agree that a traffic signal is needed at this intersection because it has problems. They asked that we provide the Synchrofiles, that's the computer software that's used to evaluate the performance of the intersections in the future with or without a traffic signal. We will be providing those files to them this week along with the revised traffic study. We're revising the traffic study to incorporate the comments of your consultant so that it is as accurate as it can be. The Department of Transportation said they would like to also look at the need for a left turn lane eastbound on Route 6 at the site as well as the possible need for a third lane on the off ramp from the Bear Mountain Parkway which is opposite the site driveway. The provision of a conceptual signal plan was also discussed at the meeting to see where the signal would go, where the poles would be and where the signal heads would be. That will be included with the revised

traffic study which we will be submitting to you shortly and we will be following up with the DOT in the coming days and we'll get back to the board as soon as we can with the results of that meeting. I just wanted to bring you up-to-date on what has happened since your last meeting and thank you for your patience. If you have any questions at this time I certainly will try to answer them.

Mr. Robert Foley asked I have a question John.

Mr. John Canning responded yes Mr. Foley.

Mr. Robert Foley asked you're saying that at the meeting with the DOT was discussed about a left turn lane on Route 6 to go up into the entrance on the south side of Route 6 to go up again to the Bear Mountain Parkway? The left turn on Route 6 going...

Mr. John Canning responded initially they said they would like to look at a left turn lane on eastbound Route 6, when you come under the bridge and you approach the site, a left turn lane would be placed in the middle of the road and you can turn...

Mr. Robert Foley stated oh okay, to go into the proposal.

Mr. John Canning responded yes, exactly.

Mr. Robert Foley stated and then the other question, you mentioned about the off ramp, on/off ramp of the Bear Mountain Parkway. Do you mean the existing footprint that's there now or was there any discussion on moving it or widening the whole thing?

Mr. John Canning responded at the very least, the Department said they would like to look at the numbers of turns coming off the ramp and if the number of turns is high they may consider requiring or requesting that an additional turn lane be added on the ramp. They have not said at this point in time that the ramp would need to be moved. A lot of it I guess would depend on the availability of right-of-way because this applicant does not control the property on the other side of the street and depending on where the right-of-way is, we may or may not be able to move the ramp.

Mr. Robert Foley stated because that would – again, I'm not looking at it now but that may help things safety wise with cars what's in front of the gas station.

Mr. John Canning stated I understand. These are the issues that we're looking at with DOT and hopefully we'll be able to report back to you at your next meeting.

Mr. Robert Foley stated okay then.

Ms. Loretta Taylor asked Steve?

Mr. Steven Kessler stated I move we refer this back to staff.

Seconded with all in favor saying "aye".

Mr. John Canning stated thank you. Bye, bye. Stay safe.

Mr. Steven Kessler stated you as well.

*

*

*

NEW BUSINESS

PB 2020-16 a. Application of Dyami Architects, for the people of Pike Plaza Associates, LLC, for Amended Site Plan approval for a new outdoor cooler/freezer with a fence and gate for the King Buffet restaurant located at 2050 E. Main St. (Cortlandt Boulevard). Drawings dated October 2, 2020. (see prior PB's 14-07, 12-13, 2017-13 & 2018-17)

Ms. Loretta Taylor asked do we have the applicant here? Is the person here?

Mr. Michael Cunningham responded yes and they're able to speak now if they un-mute themselves.

Mr. Kevin Dyami asked can you guys hear me?

Members responded yes.

Mr. Dyami stated that transfer just took a few seconds to come on line. Welcome everybody. This is for King Buffet at Pike Plaza. We're looking to add a cooler in the outdoor area. I thought I was actually doing that. That's you Chris that's moving that around?

Mr. Chris Kehoe responded yes.

Mr. Dyami stated there's an interior cooler and freezer combination within the building that has been troublesome for the past six or seven years as there's some sort of leak issue in the building that's causing water to come down into the tenant space below. The business was purchased by a new owner who agreed as part of the purchase to remedy the issue and what they had worked out with the property owner was to move the interior cooler, which is in disrepair, move it to the exterior of the building and then we can perform proper structural repairs inside the building. Chris, looks like he has his arrow on the area – I wanted to go to the demolition plan first if you didn't mind Chris. There we go. So the interior is highlighted at the bottom of the screen, it's just an existing cooler and freezer that we're intending on moving, removing, and moving to the exterior of the building and moving all of the dry goods that are currently housed in the outside of the space, inside the building. So we're basically flipping the function of the space. The area that's identified where we're going to remove the old fencing that's around the perimeter

in the outside of the space and gate and then we're going to build a new cooler on the outside, a new fencing around the perimeter to screen it from the street and that is the effectively the entire project as you can see there on the plan. That's how we're proposing to move forward. On the next few pages we show elevations and imagery of what the cooler would look like, of what the existing conditions are, of what the proposed fencing is going to be, which you see there on your screen there now and then the bottom right there's the current view of what you would see from the main street. That's the scope of the entire project. You'll see there's the elevations that we are showing what the project would look like from either the parking lot or from the street, pretty straightforward and simple project. We have received Health Department approval last week. We're presenting to you all this evening and we are in currently for a building department review as well.

Mr. Robert Foley asked Kevin, what is visible from below, from let's say the parking lot or driveway of Burger King?

Mr. Dyami responded if I have the ability to share my screen I can show you – if you don't mind Chris. Is that acceptable?

Mr. Chris Kehoe responded I'm not in charge. Michael...

Mr. Dyami asked who's in charge of that decision?

Mr. Michael Cunningham stated if you stop sharing your screen, Kevin will be able to share his.

Mr. Dyami stated there we go. You can see the plan that I have open. Everyone see the plan?

Members responded yes.

Mr. Dyami stated this is the property from Google Earth which I had pulled up in advance of our meeting. The area in question is right here which is currently the paved area and the storage area on the property.

Mr. Robert Foley asked that's Route 6 in the foreground?

Mr. Dyami responded you know what, I think me sharing my screen is pulling so much bandwidth for some reason it's very, very slow. Let me see if I can close something out here. I apologize. It's not working. I'll go back to the plan here. I'll go to the elevations that we had prepared as part of the application, my apologies for that. From the main street, and this isn't really a true elevation for you what you would see from the street because the street level is actually below so you'd actually see even less of this. What you have here currently on the perimeter is an iron railing. We're proposing to build a new fence behind that. What you see here, this little piece you see of the cooler at the

street level, and you'd see even less of that because your actual view would be below what you're currently seeing.

Mr. Robert Foley asked but it's really Route 6 would look down on Route 6, not Burger King.

Mr. Dyami stated correct. From the parking lot, I believe that was one of the comments as well. This is what you would see if you're looking from the side elevation of the building that we are proposing a fence to go around to screen the entire cooler/freezer unit. This is the existing exit door that's currently there now that we're not planning on modifying. This would be all of the cooler that you would see from that view.

Mr. Robert Foley asked and the tree remains?

Mr. Dyami responded the tree we intend on remaining. We have no intention of removing or cutting it back if we can avoid it. There may be some issues the building department might have with maybe some low branches for egress if there was a fire or something like that, in which case we would just do as minor trimming necessary to accommodate proper egress.

Mr. Thomas Bianchi asked Kevin, this is Tom, just a couple of questions. Why isn't the height of the fence at the level of the freezer?

Mr. Dyami responded this is a standard six-foot high fence. We've thought, for several reasons, one; that going to an eight-foot high fence would be a little bit put off. It would look a little bit too industrial and because of the views that are afforded to you based on real angles and views that we're not really concerned about almost any of this cooler being visible from the street. I'm going to try this again and see if I can get this to work.

Mr. Thomas Bianchi stated you're going to be looking up towards it so the angle of the view is going to probably provide hidden view.

Mr. Dyami stated right. Let's see if I can actually get this to work now. I still don't understand – I really think that I'm burning a lot of bandwidth here.

Mr. George Kimmerling stated it's certainly visible from Google Map Street View. If you're on that sidewalk from 6, you're actually higher than the parking lot. You can see it really clearly, that entire fence that's there now.

Mr. Dyami stated what we're saying is the new fence isn't going to be scalloped. This is a six-foot scalloped fence that we're going to be replacing with a straight six-foot fence and only the very small amount of the cooler would be visible at all from the street.

Mr. George Kimmerling asked how tall are the coolers?

Mr. Dyami responded the coolers are I believe **80** inches or so is the height of the cooler.

Mr. Thomas Bianchi asked another question is, are there going to be any deliveries to this cooler from the outside or is it strictly for access from the inside of the building?

Mr. Dyami responded currently all the deliveries come to this back lot already so there's going to be and change in deliveries or anything like that then they what they have currently today. So currently the gates are here and this is where all the deliveries come in. Currently what happens is they come into this gate, they come in through the back door and then bring anything that's frozen indoors. In our plan that we've proposed is any of those frozen goods will be brought in through this door directly.

Mr. Thomas Bianchi stated so it's already a delivery point.

Mr. Dyami responded that's correct. No modification there at all.

Mr. Thomas Bianchi asked is there going to be any noise generated by the compressors? Is it all internally equipped, equipment?

Mr. Dyami responded to my knowledge it is, yes.

Ms. Loretta Taylor asked can we get some assurances on that to check into it to make sure?

Mr. Dyami responded I certainly can. As a matter of fact I probably got an updated drawing from the cooler manufacturer yesterday. I can look and see if I have it available. This is an older plan but it's the same – we changed the configuration slightly. The cooler plans have also been submitted to the Building Department for review as well. These are the plans that were provided by the manufacturer. I do not see a reference to any type of – the compressor's location so we can have that added if necessary.

Mr. Thomas Bianchi stated normally condensers are located on the outside of the unit and there is some noise associated with it. That would be something that you'd want to minimize any noise generation, not that it's a populated area but still, less is more.

Mr. Chris Kehoe stated we don't believe, I don't think, that a public hearing is necessary on something like this. We can have a Resolution of approval ready next month and if the drawing is revised to show any compressors, that's fine, or we can make it a condition of approval.

Mr. Steven Kessler stated that sounds good.

Mr. Thomas Bianchi stated condition of approval I think is fine. If there's no other comments I'll move ahead to – with a motion. Is that all right?

Ms. Loretta Taylor responded that's fine.

Mr. Thomas Bianchi stated Madame Chair I'll move that we have staff, direct staff to prepare an approval resolution for the next meeting.

Seconded with all in favor saying "aye".

* * *

Mr. George Kimmerling asked Madame Chair can I just go back to, not with the applicant obviously because they've probably have left, would it be possible to think about a site visit with Teatown? I had meant to bring that up when the applicant was here. I don't know if I can bring that up now.

Mr. Chris Kehoe stated to that point George, I was thinking the next item on the agenda, Hemlock Hill Farm and the potential beer garden. I know at the work session you had many comments. I was thinking maybe scheduling a site inspection for that so we could do both. I could reach out to the Teatown people. That won't be a problem.

Mr. George Kimmerling stated I feel like it would help to actually walk the Teatown area and try to better understand what their goals are but maybe I'm alone in that.

Mr. Robert Foley stated I agree George.

Ms. Valerie Myers stated it's a good idea.

Mr. George Kimmerling stated thanks.

Mr. Robert Foley stated we may have to bring our snow boots but we've done that before.

Mr. George Kimmerling stated I'm going to bring a sled.

* * *

PB 2020-17 b. Application of Hemlock Hill Farm for Site Plan Approval for a seasonal beer garden, in conjunction with Captain Lawrence Brewery, to be located at the Hemlock Hill Farm, 500 Croton Avenue, as described in a packet received by the Planning Division on October 22, 2020.

Mr. Michael Cunningham stated if you're here to present for the application, please 'raise your hand'.

Mr. Chris Kehoe asked do I have to stop sharing my screen, Mike? Oh no good you can let them in.

Mr. Michael Cunningham stated I let them in.

Mr. Chris Kehoe asked you there Laura?

Ms. Laura DeMaria asked yes. Can you hear me?

Mr. Chris Kehoe responded yes.

Mr. Scott Vaccaro stated hello.

Mr. Chris Kehoe stated go ahead.

Ms. Laura DeMaria stated I can't see anything. I only have a microphone I guess. Good evening everyone. This is Laura DeMaria from Hemlock Hill Farm. I presented this idea to Chris Kehoe just about five weeks ago. It was the end of September. So apologies for not having any engineering on it yet but we just wanted to see what the board thinks of it and then we can further exercise the plan and get engineering. Scott and I have been working together, Scott from Captain Lawrence and I have been working together since **2006**. We hauled his brewer's grain up to the farm where the cattle enjoy that grain. That's mostly their diet. We've experienced, this year specifically, a lot of our customers and clientele are looking for more things to do outside and especially farm activities. We run farm tours but you know; it's limited. We see that there's a big demand there for folks to come out, enjoy the farm, have something to eat, have something to drink, make it a family-fun kind of venture. We're kind of in our beginning stages of just planning that. I think Scott also from his customers have a bunch of – he has a beer garden and I think there's more demand there for that to be expanded. I can let Scott speak more on that and I can speak more on the property.

Mr. Scott asked can you hear me?

Members of the board responded yes.

Mr. Schott Vaccaro introduced himself and stated owner/founder of Captain Lawrence Brewing. I'm not sure if any of you are familiar with us but we've been in Westchester County for almost **15** years now. We started in Pleasantville in a small warehouse there when I first met John DeMaria when he started hauling our grain away for his cows. Since then we've moved a little bit farther south to Elmsford where we operate a **35,000** square foot brewery, distillery and beer garden. Just last week we opened up a small **5,000** square foot operation in Mount Kisco on Lexington Avenue and definitely a weird time in the history of things to be opening and expanding but our main business has changed or is morphing, obviously with all of the things that are going on these days. We consider ourselves a hospitality experience as much as we even do consider ourselves a packaging brewery. Over the years we've gone from a little **300** square foot tasting room to now having a fairly expansive hospitality operation. We've worked with the DeMaria's for almost **15** years now. We've always talked about the possibility of working together on something on the farm. I live up in South Salem which is close to the

Harvest Moon and Outhouse Orchards which do a large fall festival out there. I've seen how people and families enjoy spending time outside having a burger, having a beer and getting to enjoy nature.

Mr. Chris Kehoe stated the board discussed this at the work session and I think Laura was listening in. So the board did have some questions and that's why we think maybe going out and taking a site inspection wouldn't be a bad idea given its location, some could say it doesn't have too many neighbors, others could say it's in a residential area. There was maybe, not concerns, but wanting to know more information about the layout, and the parking, and if there would be music, noise. A lot of that could be investigated during a site inspection but then obviously if the board has more questions and comments go ahead.

Mr. Thomas Bianchi stated I think we discussed at the work session that we would like to see better drawings or sketch of layouts.

Mr. Michael Preziosi stated there's also concern expressed about the sanitary requirements from Westchester County Department of Health approvals and how this would be considered – whether this would be considered a seasonal activity or more permanent restaurant/beer garden. That would be something that would have to be discussed as Mr. Bianchi just mentioned having more detailed drawings.

Mr. Scott Vaccaro responded I just want to touch quickly on the Department of Health. Neither Laura nor I are overseen by the Board of Health. We are overseen the Department of Ags and Markets because we're not really a traditionally restaurant and they've kind of passed one off to the other. We would need an approval from them. That would be the governing body.

Mr. Chris Kehoe asked is that David Kvinge's organization? Is he the staff person from the county?

Mr. Scott Vaccaro responded it's New York State. It's not the County.

Mr. Robert Foley asked I have a question, Scott or Laura, Bob Foley. It was brought up at the work session. They're nice, whole nice proposal you have here in your narrative but being it's a beer garden, I'm wondering if you're going to have a venue or staging area for any kind of a music presentation? At least the German beer gardens that was familiar with in Germany and here with the [inaudible] man which would be an attachment, and if you are, you'd have to indicate it on the plan here.

Mr. Scott Vaccaro responded that obviously would add to the experience. I think my understanding – yes, we would be able to put anything and everything on the plans obviously for your consideration and going out there for a site visit would probably be the easiest way to lay all that out there for you. I will say that down in Elmsford where we do have a beer garden at our facility, we do have live music. We have small acts, nothing that requires a stage.

Mr. Robert Foley asked where in Elmsford, on 9A?

Mr. Scott Vaccaro responded yes, we're on 9A.

Mr. Robert Foley asked near where?

Mr. Scott Vaccaro responded near Granger. We're over in that area.

Mr. Robert Foley asked near the Saw Mill Parkway entrance/exit?

Mr. Scott Vaccaro responded it's **444** Saw Mill River Road is the address there, but I will just say this that we are – we see a lot of customers throughout the week. It's mostly between the hours of noon and **6:00 pm** on Saturdays. There's more strollers and families than there are adults. We would envision very similar demographic coming out to the farm.

Mr. Robert Foley asked is it near the Knicks train?

Mr. Scott Vaccaro responded yes, it is. It's really close.

Mr. Robert Foley stated thank you.

Mr. Scott Vaccaro stated if you drive underneath that Regeneron building where the Knicks practice on the right and you're heading east, you go underneath that building, and you drive over 9A and then you take a right onto Clearbrook and we're right down there.

Mr. Robert Foley stated now I know. Near the theater. May I also ask the entrance/exit, I haven't been to the farm in years, that's the only entrance/exit Laura onto your property?

Ms. Laura DeMaria responded correct. The driveway is wide enough for two cars to pass but yes that is the in and out.

Ms. Loretta Taylor asked I have a quick question. You mentioned that you used to have a food truck. Now you will be serving food. Do you intend to have a food truck on the premises at all?

Ms. Laura DeMaria responded yes, the food truck is a part of the beer garden so we would be serving food and beverage, soft drinks and beer.

Ms. Loretta Taylor asked then you would have to put on the sketching that you're going to do – you would have to put the food truck on there so we could see where that is located.

Ms. Laura DeMaria asked do you have that picture of the sketch that shows the food trailer, the drink trailer, the port-a-Johns?

Mr. Chris Kehoe responded I'm currently showing one of your sort of photoshopped color renderings which is very nice looking which shows sort of the two food trucks, gives an idea, and then the port-a-potties. And then you also had a sketch which showed the picnic tables, the port-a-potties, the food trailer and the drink trailer.

Mr. Michael Preziosi stated Chris you just have to share the screen again.

Mr. Chris Kehoe stated I'm here staring at it, looking at it. Hang on. Sorry. Looks quite clear to me. Sorry. That's the entrance that Bob was talking about. I was staring at these things and thought you all were looking at them. And then that's the photo rendering.

Ms. Laura DeMaria stated this is our current garden. We just grew corn in this garden this year. That fence is not up right now, that white fence but that's something we would apply. The port-a-John's to the right, and if you see the two trailers in the backdrop, there should be a better photo of a better layout, right there.

Mr. Chris Kehoe asked on this one, where is the actual farm building located? Is it over here?

Ms. Laura DeMaria responded kind of where the logo is up top left. Right there, yes. And then the parking would be – so the driveway is to the left of where it says “flower garden pathway”. So the driveway is right there to the left. If you continued up and then turned left, there's a big parking field. And we use that to park cars, especially during Thanksgiving. It's our busiest week for customers. We have about **300** plus customers during the day so there's lots of traffic going in and out. I guess a couple hundred cars up there that's not our intention though. We don't plan on having that many people at one time. It's really just for the community. I don't want the property to get overwhelmed or any of us either. It's something we want to keep managed and nothing get out of control. Again, like Scott said, it's more of like a family activity.

Mr. George Kimmerling asked Chris could you go back to that sort of street view that shows the driveway? Laura, I'm looking at this and there's sort of a post fence to the right. Is that fence, I don't know if you can see it, there's a big tree or two trees, is that fence, is that the area where the beer garden would be and that fence would be replaced by the white fence?

Ms. Laura DeMaria responded no, that's the entire area. That's well over an acre. If you look at the aerial map where I drew in black, it's about half of that field. So it's about **250** feet by a hundred feet. Now you can see the road, that's where you're seeing the fence line.

Mr. George Kimmerling asked what is the setback?

Ms. Laura DeMaria responded that entire area we'd still like to grow corn crops. It would also serve as a bit of a buffer. I know usually there's an issue when you can see things from the road it can cause a distraction and what not, so I agree with that. I intend to just grow corn crop in there which can get up to **10** feet tall.

Mr. George Kimmerling asked and then on this map the parking is sort of north...

Ms. Laura DeMaria responded if you go north of the – go left a little bit.

Mr. Chris Kehoe asked here?

Ms. Laura DeMaria responded, no a little more left. Up there, this entire field, north, that entire field is parking. Now we don't use all of that. Usually when we're very busy we'll use about a quarter of it, the bottom south east parcel.

Mr. George Kimmerling asked the expected – I believe the hours are proposed from, is it **3:00 to 9:00 pm** Thursday through Sunday? Sorry, I don't have it open in front of me.

Ms. Laura DeMaria responded I think we said to start Thursday through Saturday but again, this is kind of still up for discussion. I think that's what Scott and I...

Mr. Scott Vaccaro stated weekends usually **12** o'clock, Saturday and Sunday because you get the families coming out to feed their kids lunch right at noon.

Mr. George Kimmerling asked and then into maybe **9** o'clock at night I think the proposal was.

Mr. Scott Vaccaro responded that seems late enough to me.

Mr. George Kimmerling asked how many people do you think you would have all at once potentially? And I guess the question for staff is whether there are occupancy rules for something like this?

Ms. Laura DeMaria responded I would think no more than **50** at once. That might even seem to be a little high but we could certainly fit **50** people in that area. If you figure we have **30** cars that's – I also sent over a sketch of the parking area. I think I put **50** cars.

Mr. Scott Vaccaro responded it's hard to say. Our new location that we just opened up we'll have **25-30** people there on a Wednesday. On a Saturday, throughout the entire day we'll **150** people over the course of **6-7** hours.

Mr. George Kimmerling asked and it's a similar size?

Mr. Scott Vaccaro responded no it's smaller. It's inside. This is obviously all outside. This is all obviously weather-dependent. If it rains or if it's cold, or if it's a hundred

degrees, it's going to be pretty empty. It's tricky to put a number on it. A hundred at one point in time would probably seem like a lot but again, you know...

Ms. Laura DeMaria stated we would put a cap on it when we figure out what the capacity is and we would manage that.

Mr. George Kimmerling asked one last question, if you go back Chris to the drawing that has the trailers on it and shows the exit and entrances. How should we be thinking about, given the size of the enclosure, the number of people who might be here, how do we think about from – I don't know if it's a code perspective the size and location of entrances and exits both for proper flow but also for emergencies if all of this is fenced in?

Mr. Michael Preziosi responded there's requirements in the State Building Code regarding how many means of egress you have. So that's dependent upon the size of the enclosure. I think it's **25** or **30** square foot per individual. We'll work that out with them as they proceed with the application.

Mr. George Kimmerling stated okay thanks. But generally, we're going to see, pardon the expression but a real drawing with all this stuff?

Ms. Laura DeMaria responded if you guys are open to it, if we can take the next step then we're ready to do that.

Mr. Scott Vaccaro stated I think we just didn't want to waste everybody's time. We just wanted to kind of get an idea.

Mr. George Kimmerling stated no it's great.

Mr. Steven Kessler stated absolutely.

Mr. Chris Kehoe stated typically we go out on a Sunday morning and usually, not usually always somebody's there from the applicant when we go out. With the Thanksgiving coming up, I don't know exactly what the best Sunday would be.

Ms. Laura DeMaria stated sooner rather than later, not the Sunday before Thanksgiving, that's definitely a busy day for us at the farm.

Mr. Chris Kehoe stated we've got Sunday the 15th then the Sunday the 29th is the Sunday after Thanksgiving, either one of those two. That's sort of up to the Planning Board. Do you have a preference? Do you want to go on the 15th?

Ms. Laura DeMaria stated I'd say the 15th would probably be better.

Mr. George Kimmerling stated I think it's probably better for people who might be – I don't know if anyone's traveling for Thanksgiving, but the Sunday morning after, I don't know. It was fine for me but...

Mr. Steven Kessler stated that works for me I think better also.

Mr. Robert Foley stated it's okay for me too.

Mr. Chris Kehoe stated so I'll put down the 15th then what will happen is I send out a notice. I'll send it to you Laura. We're doing a lot more things via email now. Since we're going to do two of them I haven't figured out the order yet. And then some number of the Planning Board, maybe all seven members, sometimes it's four or five members and myself will be there and we generally don't like to spend much more than **15** minutes to a half hour at a site. We'll take a walk around and show everything.

Ms. Laura DeMaria stated very well, sounds good.

Mr. George Kimmerling asked can I ask the sense of the board and staff whether or not we would have a public hearing on this as sort of a new commercial enterprise here in this space? What would be the...

Mr. Chris Kehoe responded it's your call. One thing is we did put the orange sign up notifying the neighbors of this application and I didn't get any phone calls. If you do have a public hearing then obviously we do send out the notices so that may draw some more people but as you go on the site and you take a look at it and you get more familiar with it – that seems like something reasonable because one could argue it is sort of introducing a commercial use in a residential area albeit a nice one I guess.

Ms. Laura DeMaria stated we have the store there. It's been there since the '70s. Of course, we've renovated it a bit but we have a good amount of traffic that comes through.

Mr. Chris Kehoe stated that's helpful.

Ms. Laura DeMaria stated it's existing.

Mr. Robert Foley asked are you in operation now?

Ms. Laura DeMaria responded yes. We've been busier than ever this year.

Mr. Jeff Rothfeder stated Madame Chair I move that we set a site visit for the 15th and refer the application back to staff.

Seconded with all in favor saying "aye".

Ms. Loretta Taylor stated thank you both very much.

Ms. Laura DeMaria stated thank you.

Mr. Scott Vaccaro stated thanks.

*

*

*

ADJOURNMENT

Mr. George Kimmerling stated Madame Chair it's **8:43 pm**. I believe we stand adjourned.

Ms. Loretta Taylor stated thank you.

*

*

*

Next Meeting: TUESDAY, NOVEMBER 4, 2020

