

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, December 3rd, 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 (absent)
- Steven Kessler, Board Member
- 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, Deputy Director, DOTS

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CHANGES TO THE AGENDA

Ms. Loretta Taylor stated there will be a couple of changes to the agenda tonight. We will be adding a proposal for a batting cage, batting cages for young people to hone up on their skills. That’s coming under correspondence. And then we have a letter from Linda Whitehead for **PB 9-99** asking for an extension for Furnace Dock. So those two things will be added to the agenda in the right or appropriate spots.

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ADOPTION OF THE MINUTES OF THE MEETINGS OF NOVEMBER 6, 2019

Ms. Loretta Taylor asked I think we had agreed that we would not adopt the minutes tonight so we will hold them in abeyance and approve them for the next meeting.

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CORRESPONDENCE:

PB 9-99 a. Letter dated November 5th, 2019 from Keith Staudohar requesting the 2nd 90-day time extension of Final Plat approval for the Hanover Estates Subdivision.

Mr. Steven Kessler stated Madame Chair I move that we adopt **Resolution 27-19**.

Seconded with all in favor saying "aye".

b. Adopt the 2020 Planning Board meeting schedule

Ms. Loretta Taylor stated we will take a look at it. I think we've pretty much agreed that it's fine. Can I have a motion for that?

Mr. Robert Foley stated I make a motion that we approve the **2020** Planning Board schedule.

Seconded with all in favor saying "aye".

PB 12-94 c. Proposal for the operation of a space that would contain batting cages for baseball and softball training.

Ms. Loretta Taylor asked is the – I think Mr. Feliciano is here?

Mr. Chris Kehoe stated I don't know if he's here. I don't see him.

Ms. Loretta Taylor stated you had a chance to look at this evening. Are there any questions or anything of concern to the board? Then maybe we'll just go ahead and approve by motion.

Mr. George Kimmerling stated Madame Chair I make a motion that we approve the proposal by vote.

Seconded.

Mr. Chris Kehoe stated just on the question, he does need to do work with the building department with respect to any interior modifications that need to be made to the space. This is the old Blockbuster store at the Cortlandt Town Center which will be turned into a seasonal batting cage operation just to run through April. As we discussed at the work session, if the applicant decides he wants to make it more permanent, he will be required to return to the Planning Board for more detailed approval.

With all in favor saying "aye".

PB 1-11 d. Letter from Linda Whitehead requesting the 33rd request for a 90-day extension for the application of Beaver Brook, Cortlandt, formerly Furnace Dock.

Ms. Loretta Taylor asked did you want to say something Linda?

Ms. Linda Whitehead responded just really if anybody had any questions. Just a reminder, where we are at this point is the plat has to be resigned by the Department of Health, to do that we need a will-serve letter from Jonas Bastys, Inc. for the sewage treatment plant. They are currently under DEC violations and cannot give us that letter. My understanding is they've been in discussion with the town about a rate increase that would allow them to do some required work. It's really something beyond my client's control at this point and has been for the last several extensions.

Mr. Jeff Rothfeder stated Madame Chairwoman I move that we adopt **Resolution 28-19**.

Seconded with all in favor saying "aye".

Ms. Linda Whitehead stated thank you.

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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. Andrew Brodnick stated good evening. I'm Andrew Brodnick and I represent Susan Todd and Andrew Young. We've been concerned that some of the previous meetings regarding some of the problems that some of the Planning Board members had raised with respect to the Code Enforcement Officer's opinion and a ruling that we didn't any Zoning Board of Appeals review of this. I just felt that I just wanted to make it clear that we would hate to be caught in the middle of some kind of dispute or issues that may be raised between town boards and officers and we would hope that we wouldn't have to suffer as a result. We think we fulfilled all the standards that are required for the special permit and would respectfully request that the resolution be voted on and of course hopefully be approved.

Mr. Robert Foley stated Madame Chairwoman I make a motion that we approve **Resolution 29-19**.

Seconded.

Mr. Robert Foley stated on the question, I made the motion. I will be voting very clearly in favor of this.

Ms. Loretta Taylor stated you can wait until we vote.

Mr. Michael Cunningham stated we're going to need to take a roll call on this. Chris is going to have to take a roll.

Mr. Chris Kehoe stated Mr. Kimmerling; yes, Mr. Rothfeder; no, Mr. Kessler; no, Ms. Taylor; yes, Mr. Foley; yes. The vote is **3** to **2** in favor. That does not carry.

PB 2019-16 b. Application of Henio Bastys for Preliminary and final 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. latest revision dated November 15, 2019.

Mr. Steven Kessler stated Madame Chair I move that we set a public hearing on this application for January 7th and have a resolution prepared as well.

Seconded with all in favor saying "aye".

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PUBLIC HEARING (ADJOURNED FROM LAST MEETING)

PB 2019-1 a. 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" latest revision dated October, 8 2019 prepared by Chazen Engineering and a drawing entitled "Conceptual Improvement Plan" prepared by Maser Consulting latest revision dated October 17, 2019 (see prior PB's 16-04, 24-05 & 13-10).

Mr. Tim Rode stated good evening Chair, members of the board. I'm Tim Rode from the law firm of Zarin & Steinmetz filling in for David Steinmetz tonight on behalf of Gas-Land. I understand that we have already discussed this project at length during previous meetings. I do not wish to repeat what's already been said on the record. I would,

however, like to draw the board's attention to a couple of discreet items which we hope will help bring this public hearing to a close. First, we submitted a letter to the board dated November 20th, 2019 in which we lay out some of the project modifications and changes that we have made to accommodate the interests of the town, its residents, and the DOT. I'm not going to go through the whole letter but for the public's benefit I would just like to mention some of the highlights. They including realigning the main driveway entrance to the project site with the Bear Mountain Parkway eastbound off-ramp, upgrading the existing traffic signals and traffic infrastructure along the Route 6/Bear Mountain Parkway corridor, and installing state-of-the-art adaptive traffic signal control, restoring the off-site wetland buffer in the DOT right-of-way, adding screening along both Parkway Drive and the rear of the property to accommodate neighbor's privacy interest. We're also committed to working with the DOT to improve the westbound Bear Mountain Parkway off-ramp pending post-project monitoring and an implementation study. These changes, we feel reflect Gas-Land's good faith effort and willingness to work with the town and all interested parties to ensure that the site plan accommodates their concerns. Second, we understand that parts II and III of the environmental site assessment that were submitted as part of the site plan application still need to be completed. We are happy to assist with the EAF. However, it's our understanding from staff that it is this town's normal and custom practice to complete parts II and III of the EAF in connection with making a determination of significance. Finally, on traffic, we've taken all the town's and its consultant's comments very seriously. We believe that the improvements we've made will actually make the existing traffic controls around the site more efficient. We did receive the memo from Ferrandino and Associates dated November 20th, 2019 and our traffic consultant Dr. Phil Grealy is here to address the memo as well as any remaining questions that the board may have regarding traffic. With that, I'll hand it off to Phil.

Dr. Philip Grealy stated good evening, Philip Grealy, Maser Consulting. I think before I address that letter just maybe check with the board. At the last meeting, we had received correspondence from your consultant and a November 5th memo from Ferrandino & Associates. We prepared a response dated November 14th which was submitted and I didn't know if you had any questions on our responses. I think that covered all the items that were addressed in their first memo. If there are any, I'll address those. With respect to the November 20th memo, it refers to some of the same issues. As Mr. Rode has indicated, we have made a commitment to work towards signalization of the westbound ramp also pending DOT's input. At this time, we had input from DOT and the town that part of the Cortlandt Crossing project that there was some responsibility for that project to continue to monitor the intersection. However, we have made a commitment as part of the post-implementation study to also address it. If it's not addressed by Cortlandt Crossing, we'll address it with the understanding that if there's other applications that are a part of that, that they would be part of the whole discussion but we have committed to that. It was a concern that was raised. We've analyzed it and we make that commitment. In terms of the details of the other improvements that we've committed to, our traffic study on pages 12 through 14 outlined in detail each one of those items that was conceptually improved by New York State DOT in their November 4th letter. Now, specific to the most recent memo from Ferrandino & Associates, I think the first item was

commitment to dealing with the westbound ramp in addition to doing at Parkway Drive and at the eastbound ramp. I think, again, we have that commitment and we will monitor that as part of the post implementation study which was recommended by your consultant so we know what actually is happening after the station is opened. With respect to comparison to other facilities such as the gas station, the Hutchinson River Parkway, it's like comparing apples and oranges in terms of location, the opportunities in terms of other stations that are here. The Hutchinson Parkway Station is on the parkway. It's in an area that there are no other gas stations in quite a distance for people to use. We don't have that type of facility. In terms of diesel, yes, Gas-Land does provide diesel at the facility, however, it's a very small percentage. Probably **2%** to **3%** of their sales relate to diesel. It's more convenience of people that either have diesel vehicles, some landscaping, that type of thing. We're not here to service tractor trailers on this site. In terms of, there were some concerns about stacking, exiting the driveway outbound to Route 6. We have two exiting lanes. During peak times we do anticipate that vehicles will have to queue on the site along the eastern boundary of the area. We see this working as kind of a counter clockwise circulation pattern. Traffic comes in. They use the gas pumps. They go to the convenience store, when they leave they'll circulate around the easterly side of the property and that is additional area for stacking. While at the intersection we have the two lanes for a limited distance, we have additional area, and as part of the site plan we'll work together with the town with any additional signing, striping, to make sure that that functions properly. I think in terms of the traffic numbers, at the last meeting it was talked about the **40,000** vehicles a day here. Again, more than half of those vehicles are on the Bear Mountain Parkway and they're not crossing at this intersection. Also, with respect with this type of facility, especially with the pointing out of the volumes on Route 6, well over **60%**, probably even higher in some cases in peak hours are trips that are already on the road. They're not new trips. This is not a destination. And our analysis is very conservative because we only use a **25%** credit for that, which is what DOT typically likes to be conservative. I think those were the main items that were focused on in the Ferrandino memorandum. There's some other items relative to landscaping and procedures in terms of the submissions but I think those were the key traffic items and we'd be happy to answer any other questions the board may have.

Mr. Chris Kehoe asked before you get off traffic, do you want Marisa to comment at all?

Ms. Loretta Taylor responded yes.

Ms. Marisa Tarallo introduced herself and stated with AKRF the town's traffic consultant. We've reviewed the revised submission from Maser Consulting and provided a memorandum dated November 11th where we, based on the review of the submitted material provided acceptance of the findings of the TIS analysis. We're comfortable with the analysis as it was provided and as it progressed across our several rounds of comments and review. It's still subject to State DOT reviewing the analysis on the site plan. In regards to the more recent memos, we agree with the majority of the items that Phil has discussed. Queuing on site is not a priority for us, primarily because it's not affecting a state roadway. If they queue really affects their ability to operate and the more

people can't get into their site, the less people can come to their site. So we believe that queuing in a peak period is reasonable. We have suggested the post-construction monitoring plan which was agreed to in Maser's most recent memo which would collect traffic data at the westbound ramp. Currently, it does not meet the warrants that State DOT requires so it can't be signalized until it meets those warrants. The applicant would collect traffic data; redo an analysis at that location. If it is warranted by either traffic data or crash data, they would then present it to DOT and the signal could be constructed. That would be conducted once they're fully operational and they can realize whatever traffic would be generated by this site.

Ms. Loretta Taylor stated this is a public hearing. I think before we continue with the board and their comments or anyone else, we would like for you to come up and express your thoughts on this for or against. You need to come to the podium, identify yourself and your residence please.

Mr. John Sloan stated good evening ladies and gentlemen. This is the fourth time we're now meeting. I think everybody here is tired of hearing statistics, and assumptions, and assumptions, and from what I gather from my attendants at the work session, pretty much we'll close the public hearing tonight. My point again is the point that I've made consistently all along. One, that all the traffic data that you've heard from no less than three consultants over five, six months, maybe more, prior to the public hearing study is all assumptions, all based on the future, all based on predictions and the only response if those things go awry two, three years from now was "oops more than what we expected. Sorry". What you do know, what is not an assumption is that Route 6 is the busiest corridor in Cortlandt if not northwest Westchester. You also know this, that a high volume application such as Gas-Land's is a choke point on probably the worst place you can put a high volume application and therefore we think, the neighbors and I think, and I would think a good part of the town if they had their concern about it in terms of traffic is that this is something you should deny outright. You have the legitimate reasons to do it. You have extended study of the statistics and you have the right to understand that you can, as board members, decide that, yes, we understand what the traffic studies say but if it were just traffic studies, if it were just statistics you folks wouldn't be needed. All it would be is tallying up the spreadsheet and the application would be approved, but you know this is the one application for this particular site. We certainly say for the benefit, not only of the Parkway Drive residents, but as I said in a previous meeting, pretty much for anybody, Cortlandt resident, non-Cortlandt resident who uses Route 6 on a daily or weekly basis. Now, having said that, it would be foolish of me to say to place all my eggs in one basket and say it's either denial or not denial. If per chance, you decide to accept this application, to approve it, which I don't think you should do for minute, but if you do that there are certain conditions that we would like to see done to mitigate the impact it has on the neighborhood as well as on Route 6. One, the number of pumps should be reduced. For those of you who were on the board some years ago, you recall that's exactly what this board did with the Mobil station on Locust Avenue and Route 6. They proposed I think **12** or **15** pumps, something like that and we reduced the number and that worked out very well. It also reduced the traffic volume that could go in there. Secondly, we would like to see anything with regard to mitigating noise that exits the site whether

that entails muffling air conditioning units, heating units, and certainly banning outright any kind of amplification whether it's for fun advertisement or somebody's particular taste in music that day, whatever that is. There's certainly no need for that kind of stuff. I think there was something else I was thinking about but noise, lighting I'm sure you've well considered already with the lights that go down into the site as opposed to spread out so that they could be seen in Haverstraw. Those are the particular points we have but I'll end up my final recitation before the board by saying you I think have the obligation to use your best judgment to overrule the various debates that you've heard, the grinding debates that you've heard about the traffic and the predictions of what will happen to the traffic, say to yourselves and among yourselves "this is simply the wrong application for this spot. Down the road, literally somebody else will take cognizance of what you do and come in with a low traffic generating application, and nobody here or here should have any problem with that. Thank you.

Ms. Loretta Taylor stated thank you.

Mr. Lino Sciarretta stated good evening Madame Chair, members of the board, town staff, Lino Sciarretta partner with the firm Montalbano, Condon & Frank here on behalf of Mr. Sergio Fornelos the property to the rear of this proposed application. I want to reserve my comment on how Mr. Steven Mafia from Ferrandino & Associates come up first and I'll address what he has to say and other comments after he speaks but I think it's important for him to hear him given the fact that we've heard from Mr. Grealy and from AKRF regarding traffic. Without further ado I'd just like to bring up Mr. Steve Mafia.

Mr. Steve Mafia stated thank you. Good evening members of the board. Thank you again for this opportunity to address you regarding this application. As you know, my firm prepared a memo dated November 20th in response to items that were discussed at the previous meeting here and additional information that was provided by the applicant. I will start off first by -- with a request that the town provide some confirmation as to the discussions that were apparently held at the outset of the project identifying the scope of the work that was to be done as far as the traffic is concerned. We understand that DOT felt that certain intersections should be identified and studied and included in an expansion of an adaptive traffic control system. We question whether or not additional intersections to the west of this project should have been included as well because of their close spacing to the project site and the fact that if you are going to have an effective coordinated signal system through the town and you include the intersections at the ramps with the Bear Mountain Parkway, and other intersections to the east, it should include the last two intersections, at least in that area as we identify that at the intersection of Conklin and Route 6 and the intersection of the driveway to the Stop And Shop and Route 6. We still ask whether or not those intersections should be or should have been included and if not that they should be added, at least to determine whether the coordination of the signal system should be extended to include those two locations. What good would the coordination of the system do if it doesn't include two closely spaced intersections that aren't part of that coordination and kind of break it up as you get farther west? Regarding the traffic volumes, it's gone back-and-forth a few times about

the level of traffic in the area. We again, point out respectfully that this site is adjacent to the Bear Mountain Parkway. It doesn't have access directly to the parkway but it does have access via the ramps so the interchange itself should include and should be looked at as including not only traffic on Route 6 which is the adjacent roadway with access to the site but traffic on the Bear Mountain Parkway because again, as I'm sure the business model for this application showed, there's a wealth of potential customers passing by the site on the Bear Mountain Parkway. It's not just Route 6 and then a couple of local cross streets. It's two major roadways that intersect right at this site. And the Bear Mountain Parkway, as we know, does have access directly to Route 6, and in this case, directly across from the site in the eastbound on and off ramps. Regarding mitigation measures, the upgraded traffic signals are to include, we understand, Locust Avenue as part of the Cortlandt Crossing project and it's mentioned again here tonight that the traffic signal at the westbound ramp will be reviewed and looked at, at a later date. We think that it's important to know definitely now before more additional development and additional traffic from an intensive expansive use like the Gas-Land application has the answer for that intersection at the westbound off-ramp intersection. There was discussions regarding the warrants, it's a term that the state uses to decide whether or not traffic is at a level that triggers or passes a threshold that says you ought to have a traffic signal at this location. And I will read directly from the state's highway capacity manual in terms of what are the warrants, and why and how a traffic gets installed. "Traffic control signal installation decisions should be based upon engineering judgment, an investigation of existing traffic conditions, existing physical characteristics, accident history, vehicular and pedestrian volumes, the 85th percentile speed of approaching vehicles, the anticipated traffic conditions for location under study, and other factors." They list in their manual 11 different traffic signal warrants, the first one being minimum vehicular volumes; it's how much traffic volume do you have at an intersection and does it meet the minimum criteria for the requirement of a traffic signal. The second one is called interruption of continuous traffic flow. That means there's so much traffic on the main roadway that a lower volume side street just doesn't have an opportunity to enter onto a roadway to cross it. The third one is minimum pedestrian volumes. It has nothing to do with traffic volumes but if you have a significant amount of pedestrians crossing a roadway, the state will consider the installation of a traffic signal. A school crossing; same thing with pedestrians but in this case along a school route. The fifth one is called progressive movement. And this goes to what we've been talking about as far as adding Conklin in the next traffic signal. There's a progression that you're creating with this adaptive traffic control system that you'd want to continue beyond the site to the west and beyond just the signals at the ramps. The sixth warrant is called accident experience. It's not just the total number of accidents. It is the type of accidents that would be reduced or eliminated by the installation of a traffic signal. In fact you have to be careful with accident warrant analysis because a lot of times rear end accidents actually increase when you install a traffic signal at a location that doesn't have one but there are certain other more severe types of accidents: right angle accidents, and turning accidents that are improved or could be improved by the installation of a traffic signal. Seventh warrant is called system warrants, and again that goes to our adaptive traffic control argument that two other intersections ought to be included in the adaptive system and certainly again the definitive answer on the signal at the westbound off ramp ought to be included for, not only progression, but the system

warrant that the state uses. The last four warrants have to do with combinations of traffic volume warrants and lower incidents of the higher traffic volumes. There's a four hour warrant. The first warrant that I read basically is an eight hour. In other words, you have to have a certain level of volumes on the roadway and on the side streets for eight hours but the state will also entertain a four hour warrant. They'll also look at what's they call peak hour delay and the last warrant is a peak volume warrant where they'll look at, along with again engineering judgment and other factors involved, whether or not a traffic signal should be installed. And again, you're looking at the **11** warrants, it's not just volume, it's a whole series of other factors including accidents, progression, coordination and other factors. And more importantly, the first thing that they mention is engineer judgment. Before you proceed, take a good close look at that intersection where I understand even in the last two weeks there were a couple of accidents along Route 6. I think one at the westbound ramp and one right in front of the project site that this is an important item to know in advance of any approvals that something is going to be done at that intersection by way of traffic signal installation. We know that there's excessive delay. The Maser study indicated that the levels of service at that intersection are significantly bad. We know that the accident history is I think more than double what it is at similar intersections on the statewide system. So again, we need, I think, definitive answer on whether that signal is going to be installed. What we read in the recent correspondence from the applicant was that they would be willing to participate, quote/unquote, in the construction of a traffic signal at the westbound ramp. I'm not sure what participate means and I would ask that the board ask the applicant to clarify, are you going to build the signal if the state decides that it's warranted or are you going to just participate, meaning you'll pay a share of the cost of construction while the town has to pay another share, the state has to pay another share, Cortlandt Crossing has to pay another share or some other developer who comes along has to pay a share of the improvement? And once you get that many different parties involved, it becomes a very long, kind of complicated process which could delay the ultimate goal which is to provide safety and traffic control at that intersection. We are still concerned about the queuing on the site. Dr. Grealy mentioned the fact that circulation pattern would work in a counter clockwise flow but the aisles around the gas islands are two way so you don't really know what direction traffic is going to move as it tries to access the gas pumps, and if there's a queue of traffic coming back from the traffic signal into the site and it begins to back up into the islands, the gas islands, yes the traffic is going to queue on the site but once that starts to happen as people try to get into the site, the queuing then starts to extend back out onto Route 6. This is something that we certainly would not want to see happen where difficult conditions within the site create problems outside of the site as traffic backs up onto Route 6. We had some additional comments that we made following our last comments that we made to the board. Mr. Sciarretta will follow up with a few of these regarding the special permit and we know that a special permit to operate a gas station at the site is necessary. We're asking what the status of that is and if there will be special conditions placed on that permit. The FEAF that was prepared by Chazen Engineers indicated that it didn't meet all the required buffers for landscaping areas. We'd like some clarification on whether or not that's been addressed and if not, has the town required, and has the applicant provided indications as to a request for waivers on those requirements. Parking on the site; by code a development indicates that they're

required to provide **13** parking spaces, based on the size of the building. The plan shows **11** striped parking spaces and **12** fueling positions. So they indicate that they provide **23** parking spaces. We're not sure that a fueling position qualifies as a parking space. It would mean that if somebody isn't going to get gas it means they could park at a pump and then go into the store and pick up whatever they're shopping for. We need clarification, I think, from the town as to whether or not a fueling position represents a parking space, if not, then they need two more parking spaces somewhere on the site to meet the requirement for the **13** spaces. One of the other things we did was to check the Gas-Land Petroleum website and found some interesting citations in their information regarding the types of partnerships that they have as they develop their gas stations and service stations, one of which included partnerships with chains like Dunkin', they're not Dunkin' Donuts anymore. I guess they're just Dunkin' and other coffee shops and food packaging services that you would find in strip malls like Starbucks, maybe Panera's or something like that. And certainly the size of the building that they're proposing would accommodate a Dunkin' and a Starbucks, maybe with seating and with tables and so on. Again, it's a large site. It's an expansive use and we brought up the fact that it's, with the **12** fueling positions, it's not unlike in terms of the numbers of fueling positions what we brought up as the gas station on the Hutchinson River Parkway in the median which has **12** fueling positions and a convenience store. Traffic volumes would be comparable on the Hutch to the total traffic that we identified in the interchange area of Route 6 and the Bear Mountain Parkway. We think it's important that the Planning Board get the applicant to identify more specifically what they have in mind for the store itself. It's **2,600** square feet of space which is more than your typical convenience store associated with a gas station. We looked at some of the existing stations to the east of this site on Route 6 and found, if you look at the table on page **3** of our memo, that of the five stations to the east of the site, the average lot size is just under four tenths of an acre and the average number of fueling positions is six. As we know, Gas-Land is about an acre and they're proposing **12** fueling stations and a **2,600** square foot store. This is, again, a large expansive and potentially intensive traffic generator. We think that this is something that the town needs to be aware of and to get additional information or as much additional information about the potential uses on the site before any approval is given on that. If necessary, as was mentioned before, the site, not only the number of fueling positions but the size of the building be reduced in scale to be more in line with the typical gas station / convenience store that exists along Route 6 in the town of Cortlandt. With that I'll turn it back over to Mr. Sciarretta who has some follow up information. Thank you for your time.

Mr. Lino Sciarretta stated thank you members of the board. Again, Lino Sciarretta on behalf of Mr. Fornelos. Just a couple of things I just want to go over based on what Mr. Mafia said and what I've heard. And again, I know this has been going on for a few months and I do appreciate the board's patience, and the consultant's patience and time in dealing with this. It's an important application and it warrants this type of scrutiny and consideration. I thank you for that. With respect to this site, it's in an HC zone, specially permitted use. I've heard throughout this process, it's an as-of-right project but at the same time your board, you've heard it from Mr. Sloan, you've heard it from Mr. Mafia, you have the right to say no. Just because something is permitted as-of-right, this board,

if this project is too intensive which you've heard has been testimony on this, it's too intense of a use for this site. You have the ability to say no. As a matter-of-fact there's a leading case in this court, and which I'll do I'll forward it to your deputy town attorney, Home Depot vs. Mount Pleasant where the Planning Board, like yourselves, did exactly that. They said no to a specialty permitted use because it was just simply too big. Now, with respect to, and I've heard a lot about the DOT, a lot about things that have to happen before this can become a reality. I mean the interesting part about the Zarin & Steinmetz letter that I received and was submitted in the record was the footnote which I thought was – that said it all. The footnote says, quote, some of the following improvements are subject to Gas-Land obtaining a highway work permit from DOT. Now, I've been here like you, I've sat through these public hearings. There's a lot that has to be done with the DOT in conjunction with that work permit in order for this project to work. So how this board, I understand, I heard it at the work session and it's your custom here to make sure that, before a building permit can be issued that work permit is pulled. I understand that. I respect it but I think you should all give consideration to that because again, a lot has to happen here in terms of the mitigation, the DOT, for this plan to work. I thought it was interesting that this is all subject to the work permit which may or may not be given. Now, with respect to the special permit, and we've heard for a few months now but I haven't heard anything about conditions that may be imposed on this project because under article **10** of your code you have to make certain findings with respect to the special permit. And I'll just give you a quote: "You need to make findings that the use will not interfere with the assembly of persons in connection, and will not be hazardous or inconvenient to the predominant residential or the prevailing character of the neighborhood." You have neighborhood, residential neighborhood on Parkway Drive right behind this proposed gas station. You need to take a hard look at that and make that finding. Another finding again, which you have to make in article **6** of your code, it talks about the nearby existing uses, the residences: "This shall not be detrimental to the existing or potential use of the value of land and buildings in the vicinity by reason of noise, vibration, excessive light, smoke, gas, fumes, odor or other atmospheric pollutant or danger of fire or explosion." I submit to you, these are things that we really haven't talked about, haven't heard that since I've been listening to this. We've talked about the traffic. We've talked about the size of the station, the site plan. But in terms of the special permit findings, these are things that need to be considered, need to be vetted during this public hearing process. That being said, you've heard the position, first of all on behalf of the client, look this is a bad project. It's irresponsible in our view. We think you should deny it but alternatively we can't stick our head in the sand. If you are going to approve this, and again, I was at the work session I understand that you're inclined to close this public hearing tonight but I heard something that, correct me if I'm wrong, but I understand that parts II and III of the EAF are still not complete. Is that correct?

Mr. Michael Cunningham responded that's correct. We're treating this application like we do every other one and it will be completed before any sort of approval will be issued.

Mr. Lino Sciarretta stated I would suggest so I also service the village with town counsel and I would just suggest that before that is done I think you should have to have that completed first, parts II and III before you even consider closing the public hearing

because quite frankly we, as a public, even the applicant needs to review that in order to vet it, in order to take a hard look at it. So if they're not completed, I have a hard time just understanding why you would close the public hearing tonight. At a minimum, if you're going to do that, we should, as a public, should be allowed to have written comment with respect to parts II and III of the EAF if it's not complete. Because again, from my experience, and again with all due respect to your custom, and I appreciate that, I think you need to have that parts II and III completed before you can close the public hearing under SEQRA. Now, with respect to SEQRA just touch on that now that we're on it. I've said this before, you have enough here based on the traffic, and I believe there were two accidents on Thanksgiving. I know the Planning Board received photos with respect to the site. This warrants in of itself with respect to traffic alone to pos. dec. this proposal and it should not be a negative declaration. You've heard about this intersection with the **40,000** cars and yes we heard from the applicant that this is an existing situation but just because it's an existing situation doesn't mean you have to make it worse. You can have a project here. You can have a gas station, something that's less dense than **12** pumps or a project that is not as traffic generating as this project here. You heard Mr. Mafia, and you heard the website of Gas-Land talking about a Dunkin' Donuts that they utilize and partner with. Now, Dunkin' Donuts, I submit to you during land use generates a whole different set of traffic than you would just a regular convenience store. So, to the extent that that has to be looked at, that should be looked at as well or at least the applicant should make some firm statement on the record that they might have a Dunkin' Donuts or that type of facility on site or have to come back in order to look at that. Now, again, we understand that we can't stick our head in the sand. If you're going to the route of approving this, we talked about conditions before. We talked about, if you recall, the fuel pumps have these televisions on them. I know the applicant stated that they were not going to put those. Those should be in your special permit conditions. We talked about this being a **24**-hour station. The 24 hours is a problem. You have the ability, I know your town attorney knows the case law, you can reduce the hours with respect to the station, if you're going to approve it. You have residents on Parkway Drive. You should not be a **24**-hour facility. Cars go in-and-out, they'll be shining into my client's property all night long. There should be a cut-off. This should not be **24** hours. The one **24**-hour station on the way here on Route 6, there's no neighborhood behind that facility unlike what you have here. I would respectfully submit to you all that this should not be a **24**-hour facility. The TVs should come out. There should also be sufficient screening with respect to Mr. Fornelos. We talk about, in Mr. Steinmetz's letter about a six foot fence but he's a higher ground so six foot fence is really not going to do much for Mr. Fornelos. I would submit a higher fence or some type of screening or shrubs to screen lighting because there will be lighting coming through even if you decide to put an hour or have these hours of operation cease at a certain time. There should be something there to screen him from the light and noise. There'll be air conditioning units there. There should be dampeners on that so that you don't hear those things running throughout the night. Again, these are items that you should be looking at and considering with respect to the conditions in your special permit which your code says you should do. Similarly, Parkway Drive, we saw the first site plan of this proposal utilize Parkway Drive. The current version does not, but that should be a condition. Parkway Drive should never be utilized with respect to this project.

Ms. Loretta Taylor stated excuse me, Mr. Sciarretta, was it determined that you would speak instead of the residents?

Mr. Lino Sciarretta responded no the residents here tonight who would like to speak, because again it is a public hearing Madame Chair and I'm done. I'm about just to wrap up.

Ms. Loretta Taylor stated please, because we're a long way from being finished with our agenda here tonight. I'd like you to hear from them.

Mr. Lino Sciarretta stated understood. Again, I would just submit to you that to the extent you want to close this public hearing tonight, I submit to you that this should be kept open until the parts I and II are complete. To the extent that you are going to close, that we ask that a certain comment period be given to members of the public to put in written comments to follow up with what I've said tonight in terms of conditions and other comments that I made this evening. Thank you very much. I appreciate your time.

Ms. Loretta Taylor stated again, this is a public hearing. If you have something that you'd like to say, either pro or con please come up to the podium, state your name and your residence.

Ms. Johana Jimenez stated good evening members of the board. My name is Johana Jimenez and I reside at – this is my husband Roland and we reside at 42 Parkway Drive directly parallel to the proposed gas station. I want to be clear from the beginning that my family and I oppose a gas station and anything that may operate **24** hours, **7** days a week at this location. We bought our house five years ago because of the terrific school district as well as the quiet setting of our house with quick access to Main Street and the Bear Mountain Parkway. We have an **18**-year-old, a **13**-year-old, and a **5**-year-old. My nephew who is three is always at our house. My kids are often outside playing on our street with other kids of the neighborhood and in our front yard playground. Putting this gas station and convenience store right next to our property hinders the quality of life that my kids and the entire neighborhood can have. Reasons why I oppose or why we oppose the gas stations: well first of all, the safety of our kids. They will be exposed to strangers at all times of day and night as well as the dangers of increased traffic. How many gas stations do we really need in a stretch of less than a mile? Are five not enough? Do we not have a limit as a town as to how many gas stations can exist within a stretch? How is adding a sixth gas station going to benefit the neighborhood? I would sincerely like someone to explain to me how this benefits us at all. Besides the property values that will plummet because of said gas station I note that if this is approved many will consider selling including ourselves. This will no longer be an attractive area where investing in real estate is attractive. The prices of our first home was not only to offer our family quality of living but as well as an investment that would have a positive ROI. As mentioned in our last meeting, according to their report by houzzly.com a gas station is the second industry to diminish property values. No matter what improvements said gas station proposes the traffic will increase and with that comes more accidents on a stretch of a road that is

already very dangerous. Just within the last two weeks, a couple of accidents have occurred. We have lost count of the accidents that have happened just within the last year and the traffic, not only on a weekday but weekends as well is heard of only in largely populated cities not in smaller family-oriented towns like Cortlandt Manor is supposed to be. I fear for the exposure to crime as well. A convenience store – or convenience store holdups account for **6%** of robberies in the nation. Is this what we want Cortlandt Manor to look like? And again, do I want any of this near my kids? Convenience store employees suffer from high rates of workplace homicides, second only to taxi cab drivers. Pollution: it's all been mentioned; air, light, noise, property. It's all going to significantly increase. I could go on and on as to the reasons why my family and I oppose this gas station but I will mention health concerns last, not because it is less important but because the list is endless alone when it comes to health concerns. Health affects ranging from nausea to cancer. There have been plenty of studies, too many to list, documenting relationship between childhood leukemia and living near a gas station. Some studies have noted **50%** increase in smoking and drinking among adolescents exposed to tobacco advertisements and sale of liquor at convenience stores at gas station. Effects of benzene include cancer, anemia, increased infections, and low birth weight. There is no safe level to benzene. To you, the elected town officials, my plea to you comes as a law-abiding, tax-paying individual, but mostly as a concerned mother of three. Thank you.

Ms. Loretta Taylor stated thank you. Is there anyone else who would like to come and speak?

Ms. Ana Arroyo stated good evening Madame Chairperson and fellow board members. My name is Ana Arroyo and I live at **16** Parkway Drive. I am the owner of the second house on the right directly in line with the proposed **24**-hour gas station. My husband and I moved up to Cortlandt Manor over **21** years ago to provide a better life for our family. Since moving here, we have lived a quiet, safe, friendly atmosphere. Upon hearing about the proposed **24**-hour gas station that will be built at the bottom of the street, my husband and I as well as our neighbors became very concerned. We feel that this proposed gas station will bring not only noise and air pollution to our neighborhood, but will drastically impact the way we live. That gas station, of course, will be lit all night. My bedroom is going to be facing that gas station **24/7** and at night I don't need light coming into my bedroom. I also have a dog who barks at anybody who comes near my property because that's her job, to protect my home and my family. This gas station will bring, as my neighbor said, young adults who will probably venture closer to our homes to check out the neighborhood. We don't need another gas station. We have five and two of them are **24/7**. Also take into account, when an accident happens on another street or road, drivers tend to find alternate routes which then causes more traffic as drivers try to find ways to get in and out of where they're going. New housing development is happening right near the Cortlandt Town Center. More cars will be on the road, more teenagers driving. Here is why I wouldn't want a gas station next to my house. I don't want a lot of people transversing up and down my street especially if they don't live there. Some people have bad intentions. The more people they're around, the more people will be thereby with bad intention. Crime seems to come with a lot of gas stations. Traffic: I don't want to have to worry about getting in and out of my own street because the road is

congested. And of course the noise. One of the most common causes of injuries at gas stations is vehicle movement. It is unavoidable. The increasing movement of vehicles in the parking lot mixed with pedestrian traffic heightens the risk of vehicles accidentally colliding with structure, people, and/or vehicles. And I've lived there **21** years and through my dining room window, I constantly saw accidents right where the gas station and what used to be called Popeye's was. Every week an accident and it's disturbing. They say that they will make signs that you can go in one way and out the other, but who really, really pays attention to those signs. Wendy's has a sign, no left turn. How many people have I seen drivers make that left hand turn there. You're going to get people who are going to do what they want to do no matter what you put up. And when you have a gas tank coming in to put gas in the gas station if the gas station has a lot of cars that gas truck has to wait somewhere and it can't wait on Route 6. So it would have to go onto Parkway Drive, then it blocks the way for people to come in and out of their homes. I don't see the benefit. I really don't. Like I said, there are five gas stations with less than a mile from my home. I don't see the value that it's going to bring to my neighborhood. Thank you.

Ms. Loretta Taylor stated you're welcome.

Mr. Chris Lapine stated good evening. Chris Lapine with the Chazen Companies. I just want to clarify a few items that were mentioned this evening by the public related to Gas-Land. One, they do not have a website. So some of the information that's gathered may have come from looking at some other stores. Some other stores do contain a Dunkin' Donuts with them. There is no Dunkin' Donuts proposed at this site. There's no Starbucks proposed at this site. They don't have a relationship with Starbucks. Dunkin' Donuts is going for standalone businesses only. They won't be a part of this. This will be purely a convenience store with a deli. A range of their sites that they typically do for convenience stores, minimum is **1,500** square feet and that's if they bought the site. Typically, as their engineer for the last **20** years, we do facilities between **2,000** square feet and **4,000** square feet are the typical range of convenience stores that they work with, that includes the convenience store and the deli portion of it. Secondly, with regards to the rear of the property that Mr. Sciarretta spoke to earlier, we actually met with his client. They asked for the six foot fence that we've shown on our plans. They also asked that we preserve that existing cedar tree in the rear of the property which we did. We've offered, if they desired when we met with them in early September in terms of the screening, we do have some **10** foot Junipers that would provide yearlong screening and we mixed it with some other hardwoods. We offered to make that entire stretch a coniferous screening in the rear for them as well. We also demonstrated to them and to the board, we have no proposed lighting in the rear of our facility. There's zero foot candles in the back of our building. There's no lights proposed in the rear of the building. The foot candles as they approach the property to Parkway Drive, we're about say **20** feet into our site, we're at zero foot candles. So we don't have spillage going onto Parkway Drive either. I think maybe at the last public hearing or the public hearing before, Mr. Steinmetz mentioned that the applicant would agree to have no TVs or audio/radio systems as part of the pumps. What he can't agree to is elimination of the speaker because in the event that someone who is handicapped needs assistance pumping gas, it's

the responsibility of the gentleman to come out and pump gas for somebody that needs assistance. That's why there's a speaker that's present at each one of the pumps. So I just want to clarify those items for the record for everybody.

Ms. Loretta Taylor stated thank you.

Mr. Sergio Fornelos stated good evening. My name is Sergio Fornelos of **12** Parkway Drive, residence that sits directly behind the new proposed location with the Gas-Land. For so many concerns as stated in the previous meeting and in agreement with Mr. Sloan's concerns as stated tonight, we do oppose **24**-hour gas station and believe the application should be denied. On the off chance that the town board decides to approve the special permit application, I would like to address some of the concerns regarding my residence. We beg not to have this gas station to operate **24** hours. What kind of convenience store will be if they operate? Will it contain a food chain like Dunkin' or is there a deli? Has anybody given any thought to deliveries and additional traffic for such a store? All traffic entering the gas station main entrance will shine headlights straight through our windows, our bedroom windows. We're not clear on the specs of the fence between my property and Gas-Land regardless of what they say. Their property sits about five to six feet lower than mine. So as I walk out my back door, the first thing I'm going to see is the top of a fence about four feet low, and the rest of the property in the back. As far as I can see the fence is not closed at each corner allowing one to enter my property from each sides of the property. The six foot fence will not buffer sound, light or sight of view. There's not enough screening blocking my view of the gas station. I did request to keep one tree there but they have not put anything in writing to show me how they're going to buffer my property from theirs. A **50** foot buffer from the gas station to my house is not enough. Can we reduce the amount of pumps and move the building further away? In Cortlandt Manor I don't see any homes directly behind any, or near any gas stations with a direct line of view. I would also like to know how air conditioning and noise will be muffled. What are the specs on the lighting on the canopy and around the building? What guarantee do I have that it will not impact our home? All this should be discussed and made part of a special permit use and approval process. Again, mentioned in previous meetings this will lower my property value. With so many unanswered questions, should the public meeting be closed? I ask the town to have these resolutions in writing. I thank you for your time.

Ms. Loretta Taylor stated is there anyone else who wants to speak? Now I will turn to the board. Are there any members who want to express a thought at this point?

Mr. Robert Foley stated I have a few questions if I could. As to the question of reducing the number of pumps, is that still open-ended? Second, on the partnerships, the gentleman explained no Dunkin'. What about the question from the Ferrandino memo about diesel fuel? Is that a likelihood? And then I have a question about, and maybe it was answered by Doctor, from Chazen. The traffic light; as you're leaving the gas station to go onto Route 6 and you're facing the Bear Mountain exit ramp, is that bar of lights going to be one single light? I'm asking for a reason, a double light where it would be clearer to the person emerging from the gas station and looking up? I was looking at the plans. It's not

clear. In other words, when you come out of the gas station, you're facing the Bear Mountain Extension ramp.

Dr. Philip Grealy responded yes, I'll answer them in reverse order. So relative to the traffic signal on the driveway approach, and again this is conceptual what you're looking at now. As part of our design in the highway work permit, there will be a minimum of two single heads facing the driveway. It's a requirement and it will be incorporated into the permit drawings with New York State DOT. In terms of the diesel fuel, as I indicated, there will be diesel on this site but it's a very small percentage of their business, **2%** to **3%** of their business. So it's really for the convenience of patrons that would like to use it. We're not here to service a big influx of truck traffic or anything like that.

Mr. Robert Foley asked so there's a likelihood that there would be from medium to larger sized trucks.

Dr. Philip Grealy responded yes, there could be but again it's a very small percentage of the business and in terms of the pumps that the proposal is for the **12** pumps at this location.

Mr. Robert Foley asked I had an additional question, and it was brought up and maybe you did answer it. I'm sorry if I missed it. The queuing within the site...

Dr. Philip Grealy responded with respect to the queuing on the site, what I had mentioned was when traffic is leaving, traffic will have to wait at the signal to get out onto Route 6 and along the eastern side of the property there's a two-way drive aisle. Part of that exiting drive aisle which would be away from the convenience store and away from the pumps is where vehicles would wait to get into the two lanes exiting the site. In those peak times where the queue would extend past that area, we have stacking area along the eastern property area for vehicles to stack in an orderly fashion and we will sign and stripe that as part of the final site plan.

Mr. Robert Foley asked so those that exit and want to make a right to go eastbound, that's a one-laner, the queue horizontal to the Route 6, basically within the site. Those that want to go westbound to the left, it's one lane or straight ahead.

Dr. Philip Grealy responded you're still going to queue in that area on the eastern side of the property. You have the two lanes right at the intersection and then as you look towards the right hand side of where that right turn lane is, all that area, including along the eastern boundary would be area where vehicles would stack. And then they would have to move into their appropriate lane as they're needed to exit.

Mr. Robert Foley asked they could get around the right turn queuing to the left side?

Dr. Philip Grealy responded at certain times they would have to stay in that line until it moves out. And also the right turn queue is less because that movement moves in multiple phases. There's an overlap phase when left turns are coming into the driveway.

Mr. Steven Kessler asked question for you, I understand it's your position. Are you adamant about the number of pumps and the hours of operations? Is that a show stopper for you?

Dr. Philip Grealy responded I can't answer that. That's what the proposal is.

Mr. Steven Kessler stated I understand it's the proposal. I'm asking you what leeway you have?

Mr. Chris Lapine responded the intent with the number of pumps is one it reduces the queuing that is on site that has been brought up today with the potential for it – it was brought up earlier by I think the traffic consultant from Mr. Sciarretta. It also limits the amount of horn honking for the people who are waiting. Because in some cases, people do park at the pump who then go into the store after they get gas. So that gives them the opportunity to – gives us the opportunity to have additional spaces freed up for use.

Mr. Steven Kessler asked on the hours of operations?

Mr. Chris Lapine responded right now the hours of operation are being proposed as **24** hours.

Mr. Steven Kessler asked that's your proposal and take it or leave it? Is that what you're saying?

Mr. Mitch Nesheiwat responded it's not take it or leave. The competition is **24** hours. We want to be with the competition.

Mr. Steven Kessler stated I just heard that there are two stores, two gas stations at **24** hours and the rest are not. Somebody mentioned that in this half a mile stretch.

Mr. Mitch Nesheiwat stated I want to answer about the propositions **12** positions on the gas pumps; **85%** of the business comes to the convenience stores, comes in from the pumps. Nobody will park at the islands. In experience we have over a hundred locations and that will stop noise, will stop people arguing with each other because an average person stays **5** to **7** minutes inside the store. They don't want to blow the horn – the **12** positions is for better stacking for the customers. Some of the residents speaking here on the term of competitions because the language they speak is not a neighborhood language. I know where they meet. Some of them ask me for money. Some of them took money from me and I have them recorded his voice and it's not about a fence, and he did some job for me and there are those people came in here by Samuel Jamal and they are our competitions is not the area residents is getting paid to come here and speaking against the project. And I know where they meet. And we have proof and we have evidence. And we got voice – we got them recorded and voices.

Mr. Chris Kehoe stated just for the record, could you just announce your name.

Mr. Mitch Nesheiwat stated my name is Mitch Nesheiwat. I'm the president of Gas-Land Petroleum. I've been in business since 1979 and average is 12 for convenience store for [indiscernible] and for Mobil 3,500 square feet. 7/11; 3,500 square feet. We are under a thousand square foot under the average these stores in the industry. The Mobil gas station got more than 8 positions and they are on the side of the parkway. And the other locations do have garages with it and more stacking; garages, repairs, body shops. Twelve positions goes to opposition who's paying the attorneys and consultant. It's not the residents, just for the board to know. Thank you.

Mr. George Kimmerling asked I had a question about parking spaces. Just in terms of how many parking spaces are required by code, it's not clear – there must be an answer how many parking spaces they really need.

Mr. Chris Lapine responded there's 13 that are required by code. We depict 11 on our site plan and we have 12 associated with the pump islands beneath the canopy.

Mr. Chris Kehoe stated and parking at the pumps is permitted to count towards the parking calculation.

Ms. Loretta Taylor asked are there any other concerns?

Mr. Michael Preziosi stated if anybody would like to make a comment this is a public hearing, just go up to the podium, state your name and address the board. Can you go to the podium?

Ms. Holly asked Holly I'm curious about this whole Gas-Land thing. I don't live in that area. I live in Montrose but is there a better site plan that shows the neighborhood? It's very confusing hearing everyone talk about where they live. It's all cut off.

Mr. Chris Kehoe stated the site plan is specific to the piece of property that's pending before the board.

Ms. Holly stated but you must have to look at a bigger area.

Mr. Chris Kehoe stated the board completed a site inspection and...

Ms. Holly asked so we don't have privy to that?

Mr. Chris Kehoe responded right, the board completed a site inspection. There's numerous reports and overall images of the neighborhood.

Mr. Robert Foley asked while we're on the question, if we're voting to close the hearing [indiscernible] what the other attorney said, as far as the completion of parts II and III of the EAF is that a requirement before closing the public hearing?

Mr. Michael Cunningham responded no. That's never been the town's position that it's a requirement, no.

Mr. George Kimmerling asked and I assume that people can write comments throughout this process even after the public hearing is closed?

Mr. Michael Cunningham responded well normally you wouldn't allow a written comment period if you do want to allow written comments.

Mr. Robert Foley stated we can then allow written comments. Okay.

Ms. Loretta Taylor stated make that part of your motion.

Mr. Chris Kehoe stated but on the question too, what happens is in your resolution, if you direct me to prepare a resolution, all of the analysis of the special permit sections, the general town wide special permit section is a special permit section specific to gas stations, all of that information and parts II and III are incorporated into the resolution. That's the way it's done in the town. So parts II and III will be completed. If you recall whenever you approve a resolution you get the complete FEAF with that and all of the analysis of the special permits section. I did look at the calendar. The next meeting obviously is January. The meeting after that in February would be beyond the 62 day calendar so if you want to have a resolution ready for the next meeting, which to analyze and then see if any issues can't be resolved then it could be held over to February but you need additional time but normally we would have a resolution addressing all of these issues for you at your next meeting. We'd have it to you prior to the meeting to prepare for it.

Mr. Steven Kessler stated I think the bigger issue is perhaps conditions that would go into that resolution.

Mr. Chris Kehoe stated that's true but you know, based on the question if you direct me, we'll put certain conditions in there. The other way to do it is staff will come up with the conditions for your review at the meeting. Now don't forget, the work session and the meeting is on the same night next time so that's why I'm thinking maybe it gets resolved, finally, at the February meeting.

Mr. Steven Kessler stated but then we need an extension from the applicant.

Mr. Chris Kehoe stated for one day, I believe.

Mr. Steven Kessler stated I think we need to bring it back and have a discussion on the agenda at the meeting about conditions if we're going to go in that direction.

Mr. Chris Kehoe stated I think we agree.

Mr. Lino Sciarretta stated the statement that I heard if I heard correctly that people were paid to be here tonight. I spoke to Mr. Sloan and other residents here. No one's paid by anyone to show up here tonight so I take exception to that statement on the record. And I thought I heard correctly that the applicant stated that people were paid to be here today. Again, just for the record, I want to make that note.

Mr. Chris Lapine stated the applicant doesn't have an issue with the one day extension, for the record.

Mr. Chris Kehoe stated so I think what we would do is we would have a draft resolution prepared for discussion at the January meeting and then most likely decide at the February meeting.

Mr. Steven Kessler stated refine it if necessary for the February meeting.

Ms. Loretta Taylor stated you certainly would be taking up all the issues that we've already brought up and that the residents have brought up probably right?

Mr. Chris Kehoe responded yes, so then what we'll do is after you get it at the January meeting there would be the discussion and then if we forgot some or if you wanted to add some more we would talk about it.

Mr. Jeff Rothfeder asked could we also get an updated landscape plan before the next meeting, because there's – first of all the CAC appears to be looking at an earlier plan Chris?

Mr. Chris Lapine responded I'm not sure. We received their comments on Thanksgiving Day. We resubmitted a new plan on November 20th that addressed Steven Coleman's comments.

Mr. Chris Kehoe stated I think they did review that plan. If I'm recalling did she say that maybe there was a species that she didn't like that hadn't been changed out?

Mr. Chris Lapine responded there seemed to be a conflict between what the CAC and Steven Coleman had requested.

Mr. Chris Kehoe stated just for the record, I believe the CAC has reviewed the latest landscape proposal because I sent it after I got it from you.

Mr. Chris Lapine stated what we can do with regards to their comments; we can get them both on the line and speak to them as to the preferred species.

Mr. Jeff Rothfeder stated that would be great.

Mr. Chris Lapine stated the other comment about Knotweed species, Mr. Coleman asked us if we can remove them for a period of a year. I think what may have not gone to the

CAC was the monitoring plan. There's a five-year monitoring plan that we proposed associated with this area. Part of that involved monitoring to see if the Knotweed species continue to come, our responsibility to remove it. I think that's addressed...

Mr. Chris Kehoe stated the five-year monitoring protocol would be required and then a wetland consultant would go out each year and if the Knotweed is coming back then his report would be generated and then they would have to do more to remove it.

Mr. Jeff Rothfeder asked could you align with Coleman and CAC?

Mr. Chris Lapine responded I will get them on the same page with the preferred species.

Mr. Jeff Rothfeder stated and then one other thing about the trees, you were talking about the neighbor agreeing with you about the one tree to remain, right, and then you were going to plant some other ones back there?

Mr. Chris Lapine responded yes, and that's been what we've shown on our plans.

Mr. Steven Kessler stated what I would like to see along these lines is some definitive agreement between you and the neighbors at exactly what is going to happen because you seem to be at odds here. For us, to be able to know that the neighbor is satisfied with whatever you're proposing so that we can include that in the landscape plan would be helpful.

Mr. Michael Preziosi stated so what's ultimately shown on the site plan and approved on the site plan is what's expected of the developer to install. So if there's **30** trees shown, **30** trees are going to be installed.

Mr. Steven Kessler stated but I'm not sure that they agree what needs to be done.

Mr. Michael Preziosi stated understood and I think that's a good idea to have them work out an agreement or any off-site planting to help buffer. I believe the resident was concerned that they're a higher elevation so they would see over the plants. So it may behoove the applicant to maybe plant some on the private property side.

Mr. Steven Kessler stated and it sounds like you also need to satisfy some people across the street as well. I understand what you said that's [indiscernible] in that direction but...

Mr. Chris Lapine stated we thought we did with some of the fencing but we're more than happy – right now we're proposing six foot fencing...

Mr. Steven Kessler stated I understand that but there was a woman across the street that was concerned about light.

Mr. Chris Lapine stated correct, and we can review that plan with her as well. I think I would need to get her name. I think I have spoken to her husband before. What I would

ask for the rear property if that is a meeting that we can have with the town present, member of the town present so that we can all work in harmony together.

Mr. Michael Preziosi stated we'll coordinate the species type and get back to you on that. Sometimes both our consultants on our CAC are overzealous on planting types so we'd like to plant native species. So we'll work that out with you.

Mr. Chris Lapine stated that would be great but in addition if for the neighbor in the rear property...

Mr. Steven Kessler stated you want a mediator is what you're saying.

Mr. Chris Lapine stated not necessarily a mediator but someone...

Mr. Jeff Rothfeder stated someone to hear.

Ms. Loretta Taylor stated you all get on the same page.

Mr. Chris Lapine stated not so it's he said, she said. I want all of us to come up with a resolution.

Mr. Steven Kessler stated you want a witness.

Mr. Michael Preziosi stated we can coordinate that, yes.

Mr. Chris Lapine stated I like mediator.

Mr. George Kimmerling asked I'm sorry, if I could beg the kind Chairwoman's indulgence, I had one other question. There was some confusion about what the commitment of participation might be by the applicant if the westbound traffic light were going to be built. Could you clarify for the public on what that commitment might be?

Dr. Philip Grealy Lapine responded we talked about participating because the Cortlandt Crossing apparently has already a commitment. But, at the end of the day, our commitment is if that doesn't happen with Cortlandt Crossing, that we will work with the town to get the signal installed if DOT approves it. We would like to keep the opportunity if some – there was talk about at the old Popeye's bar restaurant something coming in there. Well that's going to trigger traffic so our only point was that if that happened there would be some consideration but at the end of the day, if DOT approves it we'll agree to take care of that situation. It's going to be part of our monitoring. The post-implementation study will help guide that.

Mr. George Kimmerling stated you're good with that. Thank you.

Mr. Michael Preziosi stated and just so everybody is aware, the post-implementation study would occur after build-out and during the school year.

Mr. Robert Foley stated I'll make a motion here but real quick, the landscape plan that Jeff brought up, the date on that is what? I have an old date here.

Mr. Chris Kehoe responded that's the one that came in...

Mr. Michael Preziosi stated it should be landscape plan mid-November.

Mr. Chris Lapine stated landscape plan is dated November 20th.

Mr. Chris Kehoe stated it would have come in the packet.

Mr. Steven Kessler stated we have that.

Mr. Robert Foley stated I make a motion, Madame Chairwoman that we, even though I still have reservations, I make a motion that we close – it's kind of run its course, we close the public hearing but allowing, what is it? **10** day, **20** day comment period?

Mr. Michael Preziosi responded it's up to you.

Mr. Robert Foley stated and that we have a resolution...

Ms. Loretta Taylor stated because we're probably going to carry this into February as you said so it could be extended.

Mr. Robert Foley asked but do I have to say it in the resolution, I mean in the motion?

Mr. Chris Kehoe responded I think counsel will have to – at some point, since you're closing the public hearing, we won't be accepting any public comment. So whether that's **10** days or **20** days, whatever you say, after that it would be up to the board whether you wanted to accept any more comment. But since it's going to be held over to February maybe you can say **20** days, that's fine.

Mr. Robert Foley stated do I also include having an approving resolution or, as Steve said, what was the second part?

Mr. Chris Kehoe responded we'll prepare a resolution not for adoption at the next meeting but for review.

Mr. Robert Foley stated that would be my motion.

Mr. Lino Sciarretta stated before the motion is voted on, will that resolution be discussed and will the public be able to review that motion to discuss it at the meeting? Because I know you're looking to close it, which closing it triggers your time frame. By keeping it open while we address the additional site plan concerns obviously doesn't trigger your timeframe. You're kind of binding yourself by closing the public hearing to **62** days. So

my point is if you're going to propose a resolution, we would like the opportunity to review that resolution, particularly in light if this board's going to approve this proposal, we want to see the conditions that we talked about. We'd like to discuss it and again, if you're foreclosing on that opportunity tonight, we're not going to be able to talk about these conditions because you've in essence closed the public hearing.

Mr. Michael Cunningham stated well you can propose whatever conditions during the **20** day period after this.

Mr. John Sloan stated partially as a clarification question, Mr. Kessler I think was proposing a couple of minutes ago that the neighborhood or representatives of the neighborhood and the applicant work it out or come to some agreement. Is that what you said?

Mr. Steven Kessler responded the neighbor, the neighbor that abuts the property comes to an agreement in terms of the landscaping between the applicant and his property.

Mr. John Sloan stated which is fine, however that agreement would not hold any water if in fact the public comment period is closed before that's been done.

Mr. Lino Sciarretta stated it would need to be on the site plan. Any agreement...

Mr. John Sloan stated they're just talking without that being incorporated within the agreement.

Mr. Michael Cunningham stated it would be part of the site plan.

Mr. stated but if that doesn't happen prior to the **10** or **20** day expiration then it's meaningless.

Ms. Loretta Taylor asked if what doesn't happen?

Mr. John Sloan responded if their discussion or reaching an agreement doesn't happen within the public comment period, it doesn't get recorded by you folks.

Mr. Michael Cunningham stated the board hasn't had their vote yet though.

Mr. John Sloan stated but you're closing the comment period. Let's say for instance you have a **10**-day comment period. Let's say they meet two weeks from now. As far as you're concerned legally they're just talking.

Mr. Steven Kessler stated I think the difference, John, between how I'm thinking about it and you, is that you're considering that a public comment period, I'm considering that part of the site plan.

Mr. John Sloan asked how do they convey that what they agreed upon...

Mr. Steven Kessler responded on the site plan. You're saying that the gentleman will not have an opportunity to stand here and say I agree to that.

Mr. John Sloan stated right.

Mr. Lino Sciarretta stated you're going to put a site plan up there and hopefully it's modified. It's going to have, hopefully be some kind of accommodation reached between the parties but yet, here you've now shut down that process, that public comment.

Ms. Loretta Taylor stated I'm not sure where we're going with this.

Mr. Lino Sciarretta stated I think it's premature, what we've heard tonight, to close the public hearing.

Mr. Michael Cunningham stated it's been going on for a year. You make it like we're cutting it short. We haven't cut anything short.

Mr. Lino Sciarretta stated I never said you're cutting it short, excuse me, but what I'm saying is you've heard from members of the public tonight. You've heard about statements that have been made with respect to pumps, with respect to the hours of operation, with respect to a site plan agreement, with respect to the neighbor.

Mr. Jeff Rothfeder stated we know what you all want and we're trying to accommodate some of it by having these discussions between the applicant and the neighbor.

Mr. Chris Kehoe stated I think the Planning Board is determining it's their time to figure this out. They've heard the public for four months.

Mr. Jeff Rothfeder stated we've heard what you guys want so...

Mr. John Sloan stated I understand that. All I'm saying, maybe you correct me, I think you're boxing yourself in. that's the point. If you have let's say a **10**-day public discussion and then it's closed after that and the neighbor and these folks reach an agreement in **14** days...

Mr. Jeff Rothfeder stated we won't approve it unless we hear that there's been a discussion between the two.

Mr. Michael Cunningham stated you can always vote it down. Just because...

Mr. John Sloan stated we won't beat this any more than we've done but what you're saying...

Mr. Steven Kessler stated John I will hear the public comment period for the applicant and that neighbor until they reach an agreement. How's that?

Mr. John Sloan responded good.

Mr. Chris Lapine stated I just wanted to add, that's why we're asking this be held in the presence of someone in the town.

Ms. Loretta Taylor stated I know that you all will facilitate the meeting and make it happen as quickly as possible. We do that all the time. We don't need instruction on how to do this. It's ridiculous.

Mr. Michael Preziosi stated I just have to stress that the ultimate plans that are approved is essentially the contract between the developer and the town based upon the decision that has been made by the Planning Board and the resolution conditions. What's shown on the plan has to be constructed. That's the minimum that's required to be constructed. The applicant can go well above and beyond the plantings if they so choose but the minimum landscape plan will be revised to reflect the concerns of the neighbors and the surrounding community.

Mr. Chris Kehoe stated but you also do know based on your experience, that several times there are conditions of a Planning Board resolution that are to the satisfaction of the director of Technical Services. Not every single plan is perfect. You entrust staff and there are conditions that have to be met.

Ms. Loretta Taylor stated yes.

Mr. George Kimmerling stated I second the motion.

Mr. Michael Cunningham stated on the question, we have to clarify the comment period that we're going to have. Is it going to be **20** days?

Mr. George Kimmerling stated the motion is **20** days.

Mr. Robert Foley stated Steven said something, I'm not sure if you meant that...

Mr. Steven Kessler stated as they pointed out, the staff will be involved, the staff will cooperate. They're going to have to be satisfied as well and if they're satisfied with the discussion then it's incorporated in [indiscernible]

Mr. Michael Preziosi stated we will facilitate the discussion between the applicant and the neighbor.

Ms. Loretta Taylor asked are we all clear on what that motion is here?

Members responded yes.

With all in favor saying "aye".

Ms. Loretta Taylor stated thank you.

Mr. Michael Preziosi asked may I suggest a brief two minute recess just to clear off?

PB 2018-23 b. 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 drawing entitled “Preliminary Plat” latest revision dated November 15, 2019, a 2 page set of drawings entitled “Existing Tree Survey” latest revision dated April 8, 2019 and a drawing entitled “Access Study, Common Driveway/Preliminary Plat” latest revision dated November 15, 2019 all prepared by Ralph G. Mastromonaco, P.E.

Ms. Loretta Taylor stated good evening Mr. Mastromonaco.

Mr. Ralph Mastromonaco responded good evening. We’re still in a public hearing I believe; the nth public hearing. We did submit material November 18th, 2018. You were looking for a comparison between the two driveway plan and a single driveway plan. Before this Planning Board meeting, a couple of weeks ago, we met with staff. I think we went over in detail what the differences between those two plans, I wouldn’t call it an alternate, essentially comes down to that whether you have two separate driveways or one 18 foot driveway, it’s really about the same amount of disturbance, the same number of trees. Because you’re really dealing with the area of disturbance, the disturbance line, so it really doesn’t change anything. However, our plan would have two smaller driveways and between them would be landscaping. I think that’s a preferable to an 18-foot wide road that’s even wider than Teatown Road frankly. There were some comments from the neighbors that we received, I believe today, on stone walls, things like that. If you want to listen to the public at this point, or you have questions for me, you can do it either way.

Ms. Loretta Taylor stated this is a public hearing. I guess we need to listen to what the residents have to say.

Mr. Ralph Mastromonaco asked Mrs. Chairman, you had that map. This is what I sent in today. There was always a question about stone walls and I know that, I think it’s section, chapter **188** or section **188**. There’s a concern in the historic road for Teatown Road, historic road. There’s concern about stone walls. One of the things – this is the driveway area that we would be cutting through that stone wall. This is kind of broken down thing. Chris if you go to the other one. Then we have another driveway that we’ve actually moved and that’s the other stone wall. This is taken from Google Street View but it’s fairly representative. I believe it’s a year old picture. Also, in that section of code, there are seven criteria when you look at the stone walls. I don’t know if you’re aware of that

but section **188-2**, when we're doing site plan approval, subdivision approval on a historic road, the criteria that we use is spelled out: items **1, 2, 3, 4**. I won't go into each one of them, **5, 6, 7**, but mainly they talk about whether or not along that stretch of road there was some sort of historic event. Is there something that needs to be memorialized along that road? You can read those yourself: **188**, section **188** but I think you should keep that in mind when the neighbors are talking about stone walls or any of you are thinking that stone walls, that removal of stone walls is somehow prohibited. Well it's not. Section **188** also talks about, makes allowances for that people have property rights and that's built right into the code. But if you want to hear from the public now...

Ms. Loretta Taylor responded yes.

Mr. Michael Preziosi stated as a point of clarification Ralph is referring to Chapter **188** of the town code: Highways and Roads.

Ms. Loretta Taylor stated this is a public hearing. Please, if anyone wants to speak at this point, please come up. Identify yourself and your residence.

Mr. Larry Provost stated good evening Madame Chairman, members of the board, Larry Provost. I'm the abutting property owner on the west side. Just with regards to these pictures, somehow Mr. Mastromonaco thinks that because the property has been allowed to fall into disrepair there is some lesser value to the historic nature of the area and of the walls. The Mahlab's have been absentee land owners for the **45** years that I've been there and I would notice that once again they are not present at the hearings and we're trying to reach some sort of an accommodation with agreement as to what the property use of this site is. I would note their absence. You know, my understanding was that the board asked for consideration of using shared driveways on this site as is specified in the Master Plan. Quite frankly, the two proposals that have come up are not in keeping with the spirit of that request. You know, I'll note that there's already a driveway cut in there for what the applicant calls lot #**1**. There's really been no consideration to the concept of using that cut to extend to the other lots if the board thinks that three lots is what's appropriate for this site. You know, I understand from the comments that Mr. Mastromonaco has made that the applicant does not like the concept of shared driveways. They say that this is something that just isn't done and is contentious and is not the right thing to do. At one point asked for examples of shared driveways and within a thousand feet or so of this property, I know four shared driveways. There's the Cohen residences has four houses off of a shared driveway. The Harmat's have two residences: one built, one that is not yet been built out of a shared driveway. The Krumbs' have a shared driveway with at least one other family and back from the same driveway cut and Siracusa who was an abutting property owner sort of to the other side of the lake, in the back there, their driveway is shared with another property owner. I would point out that the Siracusa property and the other property there were purchased from the Mahlab family some number of years ago, maybe **20** years ago or so. How time does fly. The concept of shared driveways is not alien to the neighborhood and I don't think it's been properly explored. I keep, when I looked at these drawings, I kept thinking back to this Saturday Night Live, I think it was Gilda Radner's character that would come back with "Are you happy now? See I tried

and I just couldn't do it". Well, I don't think enough trying has been going on. Just to say, well we just can't do it isn't an adequate response to trying to figure out something that will be less intrusive to the neighborhood more in keeping with the town plan and also more in keeping with this article **188-1** and **2** which directs the board with respect to any subdivisions or site development plan approval before the Planning Board. "The Planning Board shall consider and determine that any construction of site alteration approved will be compatible with the objectives of the Master Plan with respect to historic/scenic roads." You have certainly within your power the right to determine that but you must determine that. You just can't take Mr. Mastromonaco's statement that there's seven things that are required and you just don't have them. That is something for you to decide. Whatever determination you make, if the area, impervious area on that hill on the roadway coming down has increased is going to increase the flooding and the icing conditions on the road. And I've shown you pictures of the public that exists now. This is an existing problem. I think the applicant recognizes that, and adding **5,000** square feet or so of road widening to do the driveway cuts and the line of sight adjustment, that's **5,000** more square feet of runoff that's going to be coming down to me. It's going to be coming down onto my property, onto my driveway and it's going to flood out even more than it is now. The sort of nod that there's a problem with runoff with the green sections there, the, what do you call them? Rain gardens or something, the runoff on the road is not going to be captured by those. The base of the stone walls is higher than the level of the road so unless we know some way to reverse the effects of gravity, anything that falls on those road widening is going to be coming down the hill. Even to the extent that they expect that the rain gardens will capture runoff from the additional driveways that are there, I haven't done the calculation, it could be **10,000** square feet of impervious roadway, that water's going to flow. And it doesn't just flow downhill. If anyone that's ever washed a car with a hose knows that just because the hood is curved, when you have water that has some velocity it's going to continue off and soak the kids on the other side of the car. And then there's the winter weather. When you have winter like today, you're going to get snow, you're going to get thaw. You're going to get runoff. It's going to freeze again. It's going to form ice berms and any sort of collection facility that you have has to take into account these ice berms that are going to direct the water downhill. Where's it going to go? It's going to come down onto my property. It's going to come down onto the hill of Teatown Road. It's going to come down and flood the roadway. Several times a year the road now is inundated with water. It is flooded. It is flooded over. When the snow comes, there's a glacier that comes down the hill now, that's what happens now. Whatever's going to be done can't make that situation worse. You really have to look at this. Perhaps it's some sort of an opportunity to cure a problem not to make it work. Now, the applicants offered a drainage easement along the western edge of the property which is an admission on their part that there is a drainage issue and that there is a drainage problem but having a drainage easement doesn't offer up a design for abetting this. It doesn't offer up a way of paying for it. Just saying well we'll give you an easement is a step in the right direction but it's not a solution. Who's going to pay for this? Is the town going to come and do it? Is the owners of the homes, are they going to pay for this? Who's going to pay? It's not clear and it's something that should be considered before any sort of an application gets to the point of approval. Enough for now with my concerns about the historic nature of the road, and the public safety as to flooding and the

esthetics of the historical preservation, the real issue here is that this property is a keystone to the environmental integrity of the local ecosystem. The board's aware of the many studies that have identified this as being an important property. It's the head water for the Indian Brook Reservoir. The New York State studies have stated it and the Westchester Land Trust has obtained a grant from New York State DEC to purchase this property and I believe the grant was phrased for the appraised value of the property. Lori Ensinger, I believe her name was from Westchester Land Trust was here and spoke to the board and she was asked what the dollar amount of this grant was and she declined to answer because she needs some room to negotiate this. This is a public information. You can go to the DEC website and if you dig around you'll find the number. It's a number very close to what the assessed value is for this property for tax purposes. I understand that the applicant has recently, and recently being in the past several years, asked for a decrease in the taxes and I am curious as to what the outcome of that is and also curious as to what the rationale, what their argument was that the property wasn't worth what the town assessor Mr. Waitkins says it's worth. He's been doing this for a long time. I would trust his judgment as to what a piece of property is worth for tax values. I'm just wondering what the applicant's argument was that he was wrong on this and also what their rationale is that the offer from Westchester Land Trust isn't enough. It's been alleged that this subdivision proposal is a ploy to increase that appraised value of it but the price of a property is a dollar amount. The value of a property is what you get out of it and the value of this property is priceless in the sense that if you live in the area, if you live in the greater Teatown area, if you live in Ossining, if you've got a well anywhere in the Croton area, your water starts here. The water starts right there. That's where it is. My house, this property here, the water starts there for the ground water, for the Indian Brook Reservoir. I really think there should be some way to keep that value, keep that value for the people that come after us. I'm not going to be around, by the time this gets built out I might not even be around to enjoy it but somebody's going to need that water. Somebody's going to need that ecosystem and you, the town board, you're the arbiters of this and I would implore you to see if you can figure out some way to protect this, to protect the water, to protect the watershed, to protect the animals, to save the stone walls. You know. It's a difficult situation and I just think that the applicant is intransigent and they're not here dealing in good faith with this issue. And they're not even here. They're not even here to talk to us about it. That's what I have to say. Thank you for your time and thank you for your efforts.

Mr. Bruce Kay Madame Chairperson, members of the boards, guests and interested parties. My name's Bruce Kay and I'm here again in opposition to the applicant's plan as proposed. This is the fourth time in the past six months that I've appeared before this body to give my thoughts as to the application, its issues of concern, not only to the parcels abutting neighbors but to our Teatown community taken as a whole. Seemingly, over these past months, and to the best of my knowledge prior thereto, principals of the applicant have not appeared before the board personally. Rather, they've elected to have its professional engineer submit and stand here in their stead. I've expressed previously, I find this fact disrespectful, not only to the parcel's abutting neighbors but to the board as well. It's been a long night and I'm sure what is going on here this evening gives an indication of what goes into the approval process, clearly for myself I've learned over

these past four months what this board does. In this interim period, the board has requested certain revisions and considerations of the applicant and in fact, the applicant has submitted certain revisions and comments to respond to the board, whether or not they specifically addressed the issues remains to be seen. What still remains to be determined irrespective of what has been presented are a multitude of issues and concerns that must be determined before any action really can be objectively approved. Rather than perseverating on these issues, I personally want to thank the board for its thoughtful process and understanding and its objectively attempts to objectively, forgive me, address the application. Your recent letters to state agencies requesting comprehensive environmental studies, requesting an analysis or factual information pertaining to the historic value and the impediments to its value that are created by the plan coupled with a proper traffic study, a study to determine if there are any archeological elements on the parcels, I personally appreciate. And it shows your diligence in trying to come to a reasonable and objective determination as to whether or not to approve this application. Fortunately, not until all these reports and analyses have been submitted and the board has had the opportunity to thoughtfully review them in the context of the application as proposed, I don't see how a realistic decision can be made. So what I'm asking for this evening is for the board to take its time. When I first came here, we were in a position, it seemed as if it was a fait accompli. The approval process was being rushed and for all intense and purposes it seemed as if there were no issues. Clearly there are issues. And again, I want to thank you for your diligence, for asking the appropriate state agencies, county agencies to provide the factual information that will reflect the true conditions of the parcel, their impact on the neighbors, the immediate environs. You do something here that's very important, okay. As I run through this these past months I've gone to respect what you do much more than I had in the past. And while I've appeared before boards in a number of different forums, I'm not sure how many of those parties that are involved are as dedicated as you are. And not to pat you on the back, but I want to tell you that I'm encouraged that you will do the right thing and be objective, once all of the information that is needed is properly evaluated. And again, I want to thank you for your efforts in reviewing this application.

Ms. Loretta Taylor asked thank you. Is there anybody else who wishes to speak?

Mr. Ralph Mastro Monaco asked are you entertaining closing this public hearing?

Mr. Steven Kessler responded we still have this open issue with...

Mr. Chris Kehoe stated with the State Historic Preservation office.

Mr. Ralph Mastro Monaco asked is that a requirement?

Mr. Chris Kehoe responded my understanding is that based on public comment, the board would like some clarity from the State Historic Preservation office whether they will require a phase I or any additional phase archeological investigation of the property. We sent information to the state. There's been some back-and-forth and they want more information from you prior to making that decision.

Mr. Ralph Mastromonaco responded I got you. I didn't know it was a requirement for a subdivision. Just to point out...

Mr. Steven Kessler stated it's not a requirement for every subdivision but it seems like just yours. You've got to pick your clients better I guess.

Mr. Ralph Mastromonaco responded every project of mine is also in the most sensitive part of Westchester too. Just to let the public know, my client lives in Long Island and they're not willing to drive up here for these meetings late at night, just to let you know. If you're not going to close the public hearing then there's really no reason for me to keep talking unless you have questions.

Mr. Steven Kessler asked so what's the next step with this thing?

Mr. Chris Kehoe responded I was looking back through the file and we've talking about the idea of analyzing impacts to the historic road. We're not saying that that's necessarily been closed yet but I don't believe we're going to ask Mr. Mastromonaco to do any more investigation of the access to the road. There's still the issue of encumbering a large portion of the lot with a conservation easement which you may want to have Ralph show on his plan at some point. I don't think he's actively opposed that but – and then there's...

Mr. Jeff Rothfeder stated but there's no agreement for a conservation easement.

Mr. Chris Kehoe asked pardon me?

Mr. Jeff Rothfeder responded nobody wants to take ownership of that conservation easement.

Mr. Chris Kehoe stated well it would be sort of one of the old fashion conservation easements. It would pretty much be a no build requirement unless we can find someone who can actually hold the easements. Years ago, they would be called conservation easement but that was sort of a name only because they didn't meet all of the requirements.

Mr. George Kimmerling stated sorry, I did have a question on that road access, maybe I've just lost the train here but we had two driveways, then we asked for one shared driveway and then we got sort of a road cul-de-sac thing and now we're back to two driveways but did we ever do the shared driveway revision? I think you said you didn't want to so we're not seeing that.

Mr. Ralph Mastromonaco responded what they're showing you there – that is the current plan.

Mr. Chris Kehoe stated this is the combined one.

Mr. Ralph Mastromonaco stated that's the combine one then you have another plan, looks just like it...

Ms. Loretta Taylor stated a little scoop in the front. That's not it.

Mr. Ralph Mastromonaco stated that's the shared **18**-foot wide driveway.

Mr. George Kimmerling asked wasn't there some discussion about having a driveway that's less than **18** feet?

Mr. Michael Preziosi responded the applicant had provided a cul-de-sac...

Mr. Ralph Mastromonaco stated that's one big driveway. Chris if you could show the other plan with the two separate driveways it would clear it up. Now you have two separate driveways. Those are two separate driveways and they're separated by a landscape strip.

Mr. Michael Preziosi stated for reference, the applicant had originally showed three separate driveways for the three lots as proposed. We had asked to show a shared driveway between lots **2** and **3**. The applicant had resubmitted a shared driveway plan which was more as a cul-de-sac design which is not what the board had requested and then the applicant submitted the third plan which Chris can put back up on the screen which is a shared driveway to service lots **2** and **3**. Under the State Building Code, the driveway width has to be widened to accommodate entrances into two driveways and then the roads are narrowed as they split.

Mr. George Kimmerling asked and that's **18** feet?

Mr. Michael Preziosi responded yes, and that's what you see here.

Mr. Ralph Mastromonaco stated that 18 feet is actually wider than Teatown Road so it's an impact. When you have two separate driveways, each one of them is **12** feet wide. Personally, I think that if I was living there I would rather see the two separate driveways rather than one big giant driveway.

Mr. Steven Kessler stated just for the record, as we said at the work session, you reviewed both plans and you...

Mr. Michael Preziosi responded so we had asked the applicant's design professional to provide us a comparison of the two shared driveways versus separate driveways for lots **2** and **3** which he has and we're in general concurrence that there's about similar type of disturbance between the two options.

Mr. Ralph Mastromonaco stated there's really no difference between the two in terms of disturbance.

Mr. Steven Kessler asked what's next with the Historic Society?

Mr. Chris Kehoe responded my expectation is Ralph will provide some historical maps which will be sent to the state's Historic Preservation office. I think they're looking for evidence of prior disturbance. They're looking for something that will guide them about whether he has to do an archeological investigation or not. So we are waiting to hear from them.

Mr. Steven Kessler asked do you know you have to give them more information?

Mr. Ralph Mastromonaco responded Chris told me today.

Mr. Chris Kehoe stated but before Chris telling you today, you're cc'ed on the emails from the State Historic Preservation office.

Mr. Ralph Mastromonaco responded yes, we got an email today I think it was.

Mr. Chris Kehoe stated you've been getting several emails. It always comes from the CRIS, the Cultural Resources Inventory System.

Mr. Ralph Mastromonaco stated first of all I'm not sure that that's a requirement for preliminary approval.

Mr. Chris Kehoe stated my understanding is based on public comment the board would like clarity from the State Historic Preservation office. If they don't want clarity from the State Historic Preservation office, they can end it now.

Mr. Ralph Mastromonaco stated might as well go to the Kremlin looking for a review on this application. It's not going to happen. We'll be here for the next six months for these people to respond. I don't think you need it for preliminary approval. It's certainly not built into your code that you need it for preliminary approval. We're going to do a preliminary, final. If you want to do it that way, it's fine with me, but I can't see that we're going to find, for the small amount of disturbance on **25** acres that we're going to find any significant archeological impacts here.

Mr. Chris Kehoe stated I don't agree.

Mr. Ralph Mastromonaco asked you think we're going to find archeological impacts?

Mr. Chris Kehoe responded I will wait to hear what the State Historic Preservation office said.

Mr. Ralph Mastromonaco stated I walked the site. It's a completed undisturbed site. That's what it is.

Mr. Chris Kehoe stated undisturbed sites are where the archeological stuff is on. The disturbed site is where it's been farmed, and moved, and has lost some of its characteristics.

Mr. Ralph Mastromonaco stated I'm going to watch you. Every site, every piece of disturbance in this town that comes through I want to see you go to the Historic Society...

Mr. Chris Kehoe stated I go to the Historic Preservation office if the Planning Board directs me to go to the State Historic Preservation office.

Mr. Ralph Mastromonaco stated it's only me.

Ms. Loretta Taylor stated we have gone to them in previous applications such as this. Let's wrap it up for tonight.

Mr. Ralph Mastromonaco stated so we're not going to close the hearing.

Mr. Michael Preziosi stated one suggestion that we do have for the board to consideration is typically we get a more in depth storm water pollution prevention plan as we move from preliminary to final. Since storm water has been an issue, has been made a major concern by the adjoining property owners, you may want to ask Ralph to update the storm water pollution prevention plan a little bit more detail now, provide more in depth sizing criteria and conveyance on a revised plan to show and clearly demonstrate to the residents that all water will be contained on site, infiltrated and recharged into the ground water supply. That's typically what is done as the process plays out. We normally, in past practices, have asked for that information as we proceed and get in a little more design. But the board could ask for a little bit more robust plan now to address the public's concern.

Mr. Ralph Mastromonaco stated excuse me Mike, but that sort of depends on me doing the plan that we've submitted which is two separate driveways. I can do that analysis on two separate driveways if the board agrees.

Mr. Michael Preziosi stated I would suggest that at this point.

Ms. Loretta Taylor stated yes, why not. If staff suggests you should you do, we think you should do it.

Mr. Michael Preziosi stated it's not full SWPPP but more detail. You and I can talk about it.

Mr. Bruce Kay asked just very briefly, is not a full environmental impact study a SEQRA essential to properly evaluate this application as proposed? Just for my information.

Ms. Loretta Taylor responded I don't think so.

Mr. Chris Kehoe stated it is the purview of the Planning Board to determine whether they want a full environmental impact statement which is based on the adoption of a scope, a table of contents, and the completion of several studies. What has happened on this application is there have been an arborist has gone out in detail about all of the trees on the site. A wetland consultant has gone out and delineated the wetland. A storm water report has been completed. A small traffic analysis, mainly due to the speed concerns on the road has been completed. I can't speak for the board, but I believe as of now, they believe those studies are sufficient because typically environmental impact statements take into account the impacts to the schools by the number of school children generated, or the effects of radon or a variety of things that are generally based on projects of a larger scale. But it's the board's determination of whether they want to require that or not.

Mr. Bruce Kay stated but as you're just describing, it's the applicant that has provided the detail here for all intense and purposes that you're relying upon...

Mr. Chris Kehoe responded well no, these were done by a town consultant. The wetlands were done by a town consultant, paid for by the applicant. We're not paying for it because it's not our project but there are consultants working for us.

Mr. Steven Kessler stated we hire the scopes.

Mr. Bruce Kay stated I appreciate that. And the letters that you requested, SEQRA, etc, is there any timeline that you can anticipate in response at this particular point? As a corollary when does the public hearing end? What is the process here? Right now it seems as if we're continuing, at least short term, to get more information. When does it get cut off and when is our interested parties unable to give further comment to the board? And this is for my information. I apologize for being so naïve.

Mr. Chris Kehoe responded once again, it's up to the board. They have to get a level of comfort that the three lot subdivision as proposed with the three driveway cuts to the road, with the storm water. Once they've reached the conclusion that they're content, they will close the public hearing.

Mr. Steven Kessler stated I would just add that staff, who are greater experts than we'll ever be, are the ones that also advise us as to whether they think they have sufficient information in terms of the technical aspects of the plan so that we're comfortable and then we can close the public hearing.

Mr. Bruce Kay asked I appreciate that. One last question to the members of the board and staff, have you all gone by the site, driven the site and are you familiar with the constraints of the site?

Mr. Steven Kessler responded we walked the site.

Mr. Chris Kehoe stated the Planning Board conducts site inspections and they were out there, it's been a while, because as you said this is either the fourth or fifth public hearing but I can't remember if it was the summer. I think it was the summer when you were out there.

Mr. Jeff Rothfeder stated it was late summer.

Mr. Bruce Kay stated I appreciate that. And once again, I'm encouraged by your diligence.

Mr. Steven Kessler stated June 2nd for the record we were there.

Mr. Bruce Kay stated June 2nd, okay.

Mr. Robert Foley stated I missed the site visit on June 2nd. I was away but I did go on my own, up and down the street. I saw different entrances of the existing houses. I'm familiar with Teatown Road from years ago: Cliffdale Farm and further down.

Mr. Bruce Kay stated I'm glad that you have clarity in the conditions and again, I appreciate your efforts towards determining the appropriateness of this application.

Mr. George Kimmerling stated Madame Chair I'd like to make a motion to adjourn the public hearing and to request the applicant prepare a more robust storm water pollution prevention plan.

Seconded with all in favor saying "aye".

Mr. Ralph Mastromonaco stated thank you.

PB 2019-7 c. Public Hearing: Application of Nabil Khoury for Amended Site Development Plan approval and Wetland and tree removal Permits for a proposed 2,200 sq. ft. 4 bay garage, a 465 sq. ft. building addition and additional parking and landscaping as shown on a 3 page set of drawings entitled "Westchester Auto Exchange" prepared by Architectural Visions, PLLC latest revision dated November 18, 2019 (see prior PB 10-07)

Ms. Loretta Taylor stated good evening Mr. Greenberg.

Mr. Joel Greenberg responded good evening everyone. I'll try to be brief since it's such a later hour. First, hopefully you all had a great Thanksgiving and hopefully all the leftovers have gone. A couple of things have happened since the last meeting. We had received a report from, dated November 10th from Steve Coleman, your consultant, and he had a whole list of comments and suggestions and that was reflected in the latest plan which the Chairperson just mentioned the date. As you can see one of the main things

that's happened is that the driveway that goes – originally went around the new four-bay garage has been eliminated completely and that whole area, if you could just show it Chris way up by the garage, up. All that has now been landscaped completely. The driveway that comes off Buttonwood Road has been reduced in half. As I said, there's no traveling around the four-bay garage now. That was one of the major things that happened. In addition to that suggestion that Mr. Coleman made, we've also reduced the size of the four-bay garage so that it's a little bit smaller, several square feet smaller than originally proposed. We've redesigned the parking, again, to get it further away from the wetlands which means that whole area to the right where you see all that landscaping which originally was not there has now been added onto to the site plan. With regard to, he mentioned something about the septic system. The number of employees will not change so that the septic system which is functionally properly right now will not be changed at all. There's no need for that. Mr. Coleman also suggested that we engage a landscape architect to design a wetland buffer mitigation planting plan which we've done. We've engaged that gentleman and that will be coming shortly. Also, Mr. Coleman recommended that a fence be put around the edge of the wetland area so that there's no encroachment upon the wetland, again, which is reflected on the plan that you see here now. Also, for some reason he misunderstood or did not understand how the wash bay was going to work. We have that Geomat system which again, recycles all the water so no water will be going out into the parking lot or eventually wind up in the wetlands. Also, for some reason he didn't quite fully understand the storm water pollution prevention plan which we submitted. Again, he was concerned about water, storm water getting into the wetland which in this particular case, because of the infiltrators, infiltrates will not happen at all. Also, he's requesting that a five year monitoring maintenance plan will be developed once the project is approved. We have no problem with that either. Then, today, we received a letter from the New York City DEP. Again, several things for some reason, either they didn't review it I think completely, but very quickly I'll just go through that. For some reason I think there was no access off Buttonwood Road now which there is. And as I mentioned before, Mr. Coleman recommended a change in that so we cut that in half from **24** feet down to about **14** feet. He's requesting where the water is going into the property and if you recall from the site inspection the water comes across – Chris if you could just lift it up to show where the – right down there at the edge, there's a culvert pipe which goes from the other side of Crompond Road to our side of Crompond Road and then the water eventually flows into the wetlands. For some reason he was unclear about that. Also, he was questioning the wetland flagging and maybe he was unaware that Mr. Coleman, your consultant, had reviewed the wetland flagging that was done by our consultant and has agreed that the wetland flagging was accurate. That was taken care of. For some reason he misunderstood and said to the fact that the newly paved entrance, which I'm not sure exactly what he's talking about but he indicated that the septic system was under that entrance which of course it's not but that's taken care of. Again, question about whether or not we have to increase the size of the septic system. The number of employees is remaining exactly the same as it has been since they've opened the business so that will not change. Again, for some reason, he had no idea that we were using the Geomat system because he was concerned about the wash water getting into the wetland which of course is being recycled and that will not happen either. Also, he brings up the question about monitoring wells and I will be getting Chris and the

consultants the letter from the DEC which indicated that the monitoring wells are no longer required and we'll get that information to you also. Then he questions also about the revised site – I don't think he's got the revised site plan but again, we eliminated the driveway on the garage. We added the additional landscaping. The thing that's most interesting is one of the last comments he made is that they seem to be opposed to this East of Hudson program, this phosphorous abatement project which I think the town, and I think the consultants – I know there was a site inspection to review it with East Hudson and it seems to be a project that the town seems to want but for some reason, and maybe Mike you can...

Mr. Michael Preziosi stated I think that's just a misunderstanding as to the intent of the easement which we'll clarify with the DEP.

Mr. Joel Greenberg stated so that's taken care of. I think we've responded to a lot of the comments from both Mr. Coleman and the DEP with some misunderstanding that's fully reviewing the content and the details of the drawings but we've made some major, major revisions since the last meeting and we feel that, at this particular point, that we are at a point where we can proceed and close the public hearing. One other thing I'd like to mention, there were two neighbors that...

Mr. Steven Kessler stated we don't have a public hearing yet.

Mr. Joel Greenberg stated this is the public hearing.

Mr. Steven Kessler stated well you said close it. We haven't heard from the public yet.

Mr. Joel Greenberg stated let me finish. This is the second meeting – we had the first meeting last month and at that meeting there were two of the neighbors who are behind us on the other side of the wetlands who had some concerns. Apparently they were unaware of the change that we had in the plan. After the meeting we sat down with them outside here and discussed it with them. Mr. Corey had spoken to both of them today as you probably see they're not here tonight but once they saw the plan and saw that the area was being tremendously landscaped and there would be no effect on the wetland, they seemed to indicate that they had no problem with the...

Mr. Jeff Rothfeder stated that's not true. There's going to be an effect on the wetland.

Mr. Joel Greenberg asked what's that?

Mr. Jeff Rothfeder stated that's not true. There's going to be an effect on the wetland. How could you say not? You're halfway in the buffer? You still are. You keep saying like the buffer is something that is put there so that you can encroach on it but the point of the buffer is that you don't encroach on it. I know that **20** years ago everybody encroached on it but that doesn't mean we can keep doing it.

Mr. Joel Greenberg responded I didn't say...

Mr. Jeff Rothfeder stated but you did say it's not hurting the wetlands.

Mr. Joel Greenberg stated I think from the original plan that we did back, I think it was either April or May, and this plan, you'll see that the buffer has been increased probably a hundred percent versus what we had in the beginning based on your comments from your site inspection and from the comments from Mr. Coleman and I think we've improved the situation tremendously.

Mr. Jeff Rothfeder stated I think, before we close the public hearing you're going to have to work out this stuff with the DEP for one thing.

Mr. Joel Greenberg stated no problem.

Mr. Jeff Rothfeder asked how much – looking at what Coleman said, basically Coleman's report is pretty devastating in the sense that he's really concerned about how far you're encroaching in the wetlands.

Mr. Joel Greenberg stated we're not encroaching on the wetlands.

Mr. Jeff Rothfeder stated on the buffer.

Mr. Joel Greenberg stated let's make sure we understand that.

Mr. Jeff Rothfeder stated no but he's very concerned about that...

Mr. Joel Greenberg stated and he also indicates what some of the remedies too.

Mr. Jeff Rothfeder asked I'm sorry?

Mr. Joel Greenberg responded he indicates some of the remedies which we've taken care of.

Mr. Jeff Rothfeder stated but not a lot. He's talking about the overall width of – he's asked you to eliminate the access to Buttonwood Road and you're getting it down to **14** feet and he has you down at **18** feet. So there's not a lot. You're saying you went from **24** feet to **14** but he already has you at **18**. I don't see that as a big change. You also point out that the footprint of the garage had been previously reduced so you're not reducing it any more.

Mr. Joel Greenberg responded no we reduced it once.

Mr. Jeff Rothfeder stated right, that's before his report. You presented it as you're reducing it more.

Mr. Joel Greenberg responded no, no, I never said that.

Ms. Loretta Taylor stated it did appear that's what you meant.

Mr. Joel Greenberg stated if I did, I apologize. Didn't mean to.

Mr. Jeff Rothfeder asked how many feet? I can't tell. This is the current site plan right?

Mr. Chris Kehoe responded yes.

Mr. Jeff Rothfeder asked how many feet in the buffer is it now, where the edge of that is?

Mr. Michael Preziosi responded I believe all the disturbance is within the wetland buffer.

Mr. Chris Kehoe stated the wetland buffer goes, I think, all the way to 202.

Mr. Michael Preziosi stated the entire site's in...

Mr. Jeff Rothfeder asked but I mean where – so where the edge of the property is to the wetland itself.

Mr. Chris Kehoe stated right here is the boundary of the actual wetland so those are the wetland flags delineating the boundary.

Mr. Jeff Rothfeder stated and there's landscaping there.

Mr. Chris Kehoe stated some additional landscaping has been added here but I guess what are you saying the closest point of any improvement to the actual wetland line?

Mr. Michael Preziosi stated it's on the wetland buffer, up right on the wetland itself.

Mr. Chris Kehoe stated to do those landscape improvements which may have a beneficial component to them you're working right on the wetland line.

Mr. Jeff Rothfeder stated that's what I'm trying to point out.

Mr. Michael Preziosi stated I think what the applicant's architect is trying to discuss is that their proposal is trying to enhance the wetland buffer. A previously disturbed area is by putting plantings but to the board's point there has to be more give and take as far as mitigation requirements being proposed as well as with the DEP and our consultant recommends as far as types of plants, native vegetation, etc.

Mr. Jeff Rothfeder stated I still think looking at the footprint of the property as well.

Mr. Chris Kehoe stated that's the biggest thing is that I think a couple of meetings ago, and I believe the applicant's answer is they can't do it but changing the shape of the four-bay garage, going from four bays to two bays, making it parallel to 202 rather than

perpendicular. And I think the applicant has analyzed those things and has made some modifications around the edges but is not prepared to make that significant a change.

Ms. Loretta Taylor stated we only got this report from the DEP tonight. I think it's probably very important to take this apart and to...

Mr. Chris Kehoe stated but to Joel's point, there's so much paper going back-and-forth. I got your plan on November 20th I believe. I think I referred this to the DEP prior to receiving your November 20th plan.

Mr. Joel Greenberg stated so they don't have the latest one.

Mr. Chris Kehoe stated so I think they crossed in the night. So I'll have to do the new plan to the DEP. So maybe to Joel's point is that the DEP was reviewing the older plan but I have to confirm some of those dates.

Ms. Loretta Taylor stated that's where I was going. It's time for all of us to get on the same page. So by taking this report, taking your newer plan, checking out where you hit the mark and where you didn't, if you didn't, and fixing it.

Mr. Jeff Rothfeder stated and run it by Coleman again because his report is November 10th.

Mr. Joel Greenberg stated actually you're right. He hasn't seen this either. You're absolutely right.

Mr. Michael Preziosi stated I would recommend that the town organize a meeting between Mr. Greenberg's office, DEP who has indicated in their response that they would like to discuss this in more detail, the applicant and the town staff to discuss the wetland requirements as well as the storm water mitigation. I will just caution the applicant, because this has gone back to our original review memorandum, technical memorandum pertaining to the storm water pollution prevention plan and the sanitary. We did suggest and recommend that DEP and DOH be notified early in the stages as far as the requirements for the sanitary because any sanitary expansion within the New York City DEP watershed has to be reviewed jointly by the DEP and DOH and I don't believe that has been done yet.

Mr. George Kimmerling asked it is a fact that the entire project is in the buffer? We all agree on that.

Mr. Michael Preziosi responded correct. Yes.

Mr. Joel Greenberg stated the existing, it goes actually up to into the Crompond Road actually.

Mr. George Kimmerling stated absolutely but if someone says they're going to come and

cut off two of your arms and then they say well okay we're going to cut off just one of your arms, they're still cutting one of your arms.

Mr. Joel Greenberg stated I don't agree with that because again, the building and most of the improvements are there right now. All we're trying to do is improve the business, improve the buffer. You were there at the site inspection. You saw what the buffer looked like. I think it's like a thousand percent improvement from what we had, what's there now and I think...

Mr. George Kimmerling stated improving the buffer by encroaching on the buffer but then improving the buffer. I mean it's a little...

Mr. Joel Greenberg stated again, I think we should be encouraging business expansion too. It is a difficult site and we have, if you look to the original plan from I think it was actually in March, and look at today's plan I think you can see quite a difference.

Mr. George Kimmerling stated that's the two arm, one arm thing.

Mr. Joel Greenberg stated some say potato some say potato.

Mr. Jeff Rothfeder asked is this a public hearing?

Ms. Loretta Taylor stated yes it is a public hearing. This is a public hearing. Is there anybody here who wishes to speak at this particular time? No one?

Mr. Robert Foley stated the neighbors spoke last time.

Mr. Joel Greenberg that's exactly right. I just want to clarify one thing that the, and I think you all saw it at the site inspection, I don't know if DEP was aware of that, but the entrance on Buttonwood Road which Jeff just mentioned before is existing. We're not creating a new one and that's also, for some reason, the report from the DEP I believe indicates that we're creating a new one but we're not.

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

Seconded with all in favor saying "aye".

Ms. Loretta Taylor stated we'll see you next month.

Mr. Joel Greenberg stated Happy Hanukkah, Merry Christmas and a Happy New Year! You'll set up a meeting?

Mr. Michael Preziosi responded we'll contact you tomorrow and set up a meeting for next week.

Mr. Joel Greenberg stated thank you very much. Take care.

Ms. Loretta Taylor stated good night.

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PUBLIC HEARING (NEW)

PB 2017-25 b. 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), as shown on a 4 page set of drawings entitled “Proposed Site Plan” prepared by John A. Lentini, R.A. latest revision dated October 23, 2019.

Mr. John Lentini stated good evening Madame Chairwoman and members of the board, and members of the town staff. I’m John Lentini architect for Kevin Toohey who’s the owner of Act Now and the property who’s here with me. His wife, Lisa’s here and brother-in-law Gus also. There’s another gentleman in the audience, Joe Picchianti, who lives across the street who is coming to support but we wore him out and he went home. He’ll have to come back.

Ms. Loretta Taylor stated and we’re still not done.

Mr. John Lentini stated in any event, this is a livery cab service for medical providing. Unlike a taxi cab or checkered cab, or a hail cab, these taxis have their routes sometimes a week in advance scheduled. The object of the business is first he’s consolidating from other places where he’s been renting and it’s for his drivers to bring their cars and park their cars and pull a cab out in the morning and then later on come back and exchange cars again. The structure is for the dispatching, it’s for accounting, billing, reconciling driver’s records, interviewing new drivers, payroll, all the things – accounting services that would normally be required. The improvements that we’d be proposing are putting a fence completely around the lower part of the site. The upper part already has a fence, a chain link fence will be closed off from the upper part but the upper part would be utilized for a septic system. There will be curbs, paving, a two-story structure with a residential appearance that will be used for offices on the second and first floor, a garage for two interior cars. I might have failed to mention **20** cars outside, total of **22** cars we’re planning for. There will be storm and sanitary drainage, landscaping, and a minimum to no signage. We don’t really require signage. The site is relatively level. There’s not as much disturbance as you may think except for the drainage which will require some continued engineering to determine the extent of it. The back part of the site has already been sampled and witnessed by the county, not approved yet but it’s okay for septic. One thing I’d like to point out is that the people coming in and out of this site for the most part

will become very familiar with the site. It's not like you have people coming off the street to a coffee shop or a restaurant, or a store. These people will be doing this regularly and will be commuting back-and-forth. There's not expected to be, at least I don't, a lot of other traffic. But, Kevin would like to speak further about this business so I'm going to turn it over to him.

Mr. Kevin Toohey stated thank you John. Good evening Madame Chairman, Planning Board staff and all opposing this plan. I just wanted to briefly, if I may, give a brief description of my feelings about this project. My wife Lisa's with me. She shares my feelings as well. We just want to let everybody know, we're not just a business coming into your town, Montrose. We're residents of the Town of Cortlandt which is a very big town and Montrose is within that town. It's been a dream of mine, and my wife since I've been with her, to have our business within the town in which we live. And I don't think that's a bad thing. I think that's a good thing. And because I'm a resident of this town, I'm even more determined to make sure that this project that we're trying to create, and if you bring up that colored picture Chris, if you would. I think we have bent over backwards, and I'm still willing, even after bending over backwards, to do other things but we're willing to make this blend into a neighborhood that you guys call your neighborhood but I choose to call my neighborhood as well. With that said, I just wanted to read probably **15** or **20** different streets within Verplanck and Montrose vicinity, Buchanan as well and I'm sure some of you may even live on these streets. Some of you may even know the people in which I'm talking about but out of respect for HIPAA laws, I cannot give the exact number of the street in which I pick up residents and I cannot give their names. So for instance: Meadow Road in Montrose, Tate Avenue, Buchanan, Westchester Avenue, Buchanan, Bonnie Hollow Road, Montrose; **2076-2078** Albany Post Road; tremendous development. We have quite a few customers there. Stewart Street in Montrose; Trolley Road, obviously the Cortlandt train station, Annie Drive in Montrose; Sunset Road, there's a beautiful church there we bring a few people to on Sundays; Montrose Point Road, Lancaster Avenue which is around the corner from my proposed project and obviously Kings Ferry Road. A huge part of my business is medical transportation. My parents, I lost them both last year, cancer and COPD, neither of which had the transportation available to them that I provide. So if any of you have parents that are sick and that are in that community that I'm proposing, I offer a very specific transportation for those people. Once again, these addresses are people that I do business for through the County of Westchester which is a Bee Line ParaTransit service in which I was awarded the contract in the Northern Westchester area; Peekskill, Croton, Cortlandt Manor, Yorktown, in which I do **1,200** trips a month, **60** of which per week go in and out of the Montrose VA. My father's a veteran and I would have been more than proud to take him in and out of the VA. In closing, I just don't want anybody to think that I'm sounding malicious, I'm not. I just want everyone to realize that your concerns are important to me not just because I'm a business coming into a community, but because I'm a resident of this town as well and it matters to me. Thank you.

Mr. John Lentini stated I can't add anything to that so if you have any questions.

Mr. Steven Kessler stated just to set the scene here. You have a contract with the Department of Health to drive...

Mr. Kevin Toohey stated New York State Medicaid, yes.

Mr. Steven Kessler stated New York State Medicaid...

Mr. Kevin Toohey stated as well as Westchester County Paratransit, yes.

Mr. Steven Kessler asked and that's **70%** of your business?

Mr. Kevin Toohey responded it's **95%**.

Mr. Steven Kessler stated **95%**, and we went through this last time, it's for the record, are you also providing a cab service where people call you up and go to the airport?

Mr. Kevin Toohey responded yes, we do local car service as well, yes.

Mr. Steven Kessler asked so **95%** is medical transport and **5%** is commercial transport for a lack of a better term?

Mr. Kevin Toohey responded correct.

Mr. Steven Kessler asked so people would call you up: I need a cab, take me to the airport.

Mr. Kevin Toohey responded correct, as well as local. Like I said, we take a young lady to Sunset Road to the church right there on the corner at Sunset Road. We take her every Sunday. And I say young lady, she's **87**-years-old God bless her but she's one of our best customers. She's a great woman. But like I said, we provide a service for the Town of Cortlandt. I listed a lot of streets and I won't give the numbers, like I said, or names, but we go to these streets on a regular basis. I would say upwards of, if you take these streets between medical and Paratransit, upwards of **150** trips a week to **200** trips a week we're providing the service to these areas, and I structured my business specifically that way because I want to do business in the town in which I live.

Mr. Steven Kessler asked and the hours of service is **24** hours?

Mr. Kevin Toohey responded no, that's another thing I wanted to address. I remember going back, if you look in the record, I remember someone showing an old website they presented that did say I was **24** hours and at one time I was but that's when I first started. Naturally I was hungry, aggressive and every ounce of business I could obtain was meaningful. I've since gotten more successful and I've been able to cut back and curtail things that I used to do that I no longer have to do. Naturally my business has transitioned into more medical and the Paratransit end of it which their hours are pretty much designed around medical appointments which obviously nobody goes to the doctor at **2**

o'clock in the morning. Because of these things, my business now is primarily **5:00 am**, you're going to see myself and maybe a dispatcher opening up the office. The drivers will start trickling in by **6:00**. It's pretty much done in phases: **6:00, 7:00, 8:00, 9:00** and then they're leaving by **6:00, 7:00, 8:00, 9:00** in the evening. We have part time drivers that come in at **11:00** or **12:00**, maybe two or three of them and they work until 8:00. The shifts, they're pretty much sporadic but...

Mr. Steven Kessler asked seven days a week?

Mr. Kevin Toohey responded seven days a week but on Sundays we're finished by 8:00 pm. Monday through Friday we're **5:00 am** pretty much to **9 – 10** o'clock at night. And then Saturdays, Sundays, **10** o'clock again and Sundays **8:00 pm**.

Mr. Steven Kessler stated okay, thank you.

Mr. George Kimmerling asked for the medical transport work that you do, the fleet would then comprise mostly wheelchair vans with a lift?

Mr. Kevin Toohey responded no, they're sedans. Similar to a Toyota Camry.

Mr. George Kimmerling asked it's not wheelchair transport?

Mr. Kevin Toohey responded no, correct, and they're unmarked vehicles primarily. I have very few taxis now. I have mostly unmarked WC plates which are TLC which are Westchester County plates.

Mr. George Kimmerling asked and then **1,200** trips a month I think you said?

Mr. Kevin Toohey responded yes.

Mr. George Kimmerling asked is that – so how does that work? So like **1,200** in and out from the office or people go – you go out and then you do a lot of different...

Mr. Kevin Toohey responded typically just to give you the pattern in which the vehicles are going to operate, what's going to happen is the drivers are going to come into, obviously into this property, one time in the morning. They're going to come. They're going to either drop their vehicle and pick up my vehicle or they may have taken my vehicle to go home and they may come in just to get their roster for the day or whatever it might be. They will then leave. When they leave, I don't see the drivers. They may be in the area and stop in to get some paperwork. They ran out of paperwork. They ran out of whatever. They might want to use the men's room, whatever it might be. They may come in but as far as in and out traffic it's not going to happen.

Mr. George Kimmerling asked they're not running back and forth between every drop...

Mr. Kevin Toohey responded no, because if they're not on the road making me money and moving, I'm not making money. They have to be moving for me to be making money. If they come back to my yard I'm not making money and I can't have that.

Mr. George Kimmerling stated it seemed like a lot so I just wanted to clarify that.

Mr. Kevin Toohey stated I appreciate that. I know it does sound – and I can appreciate the issues that obviously the audience is going to have here but they've got to understand that these vehicles are going to come once in the morning, like I said, in stages four or five at a time. They're going to leave by **9:00 – 9:30 am**. Those vehicles are gone. The only vehicles that are going to be in the yard will be their vehicles that they drove there. Come afternoon, **4 o'clock, 6 o'clock 7:00 pm**, they start trickling back in again. I'll close the fence up and it'll start again the following day.

Mr. George Kimmerling stated thanks.

Mr. Robert Foley asked there's no chance of off-site parking on the streets right? The drivers will be within the...

Mr. Kevin Toohey responded as far as my vehicles they'll all be in there for sure. As far as the drivers, I would definitely tell them to bring their vehicles inside, yes. A very large part of what I'm addressing here is esthetics because I do have neighbors that I know, specifically, behind me, that I have to be concerned with. Those neighbors I've spoken to each and every one of them and I've told them that I'm going to work with them and their concerns. If there's anything I can do that I'm not doing or that you haven't seen, by all means let me know and I'll work with you. I know you did have a site walk through. I'm not sure what point you were there but I did do shrubs to the cost of **\$10,000** out of my pocket to accommodate noise reduction and things like that and I haven't even done anything there as far as construction, but just out of courtesy because of the old lot the way it looked with all the mess that was there, even though it was messy looking, it was a noise reduction. I recognize that and I went and put these plantings in on my property, I think it's **10 or 15** feet back so that I can accommodate my neighbor and make it less of an eyesore or less noise that they're hearing from the cars going through Albany Post Road and so on. Like I said, I'm open to anything. If there's something they want me to do and it's reasonable then I'm willing to do it. Thank you. I'm going to leave this here so anyone can see it up close when they approach. Thank you.

Ms. Loretta Taylor stated this is a public hearing. Please come up. State your name and your residence.

Ms. Gennelle MacNeil stated hi, good evening, my name is Gennelle MacNeil I live at 5 Tommy Thurber Lane in Montrose. I just want to start off that this is not personal. This is basically a zoning issue. My parents, I've lived in the Town of Cortlandt my whole entire life for **49** years. My parents were small business owners in Montrose. My husband was a small business owner in Montrose. I own an accounting service out of my house in Montrose. We are pro business but this is a zoning issue so that's why a lot of people

here are passionate about that and that's why we're here to let you know our concerns. I'm here tonight to voice my concern over a proposed application for medical transportation service in the heart of Montrose. Let me start by defining exactly from the town code the difference between a community commercial zone and a highway commercial zone. The definition in the town code for a community commercial business is as follows: CC districts are designed to provide shopping facilities and services for persons residing in the immediately adjacent areas. The sizes of businesses are restricted in order to limit traffic volumes to a level appropriate to the character of the districts. Our town code defines a highway commercial district as follows: HC districts are designed to accommodate automobile-oriented commercial facilities serving a wide area. How can the town allow a medical transportation company with **26** registered vehicles in a CC zone? Do the residents of Montrose need **26** medical transportation vehicles? Why do residents have to bear the burden on the Route 9A corridor for services provided outside our community? This business serves New York State Department of Health and Westchester County Paratransit. It does not serve persons residing in the immediately adjacent areas as defined in the CC zoning definition. As it was first stated that the busy times in other hearings that we've been at, at first it was stated that the busy times were **6:00 am** to **8:00 am** then again **12** hours later, **6:00 pm** to **8:00 pm**. Then after multiple meetings the facts changed. Now it's stated the work starts at **5:00 am**, sometimes going past **11:30 pm**, plus cars start returning to the property at **3:00 pm**, not the first explanation of **6:00** to **8:00**. These are prime times for commuter traffic and at the same exact corner of Travis Avenue and Route 9A where the kids get on the buses. The timing of the cars coming in and leaving is at the height of the kids waiting at the bus stops. On the applicant's website it is advertised they are a **24** hour, **7** days a week, which it still says on your current website. However, that was never made clear at the meetings. The applicant keeps stating that there are a taxi livery service. We are not fooled and neither should the Planning Board be. As you well know from all the statements made by the applicant and his architect at multiple Planning Board meetings, it has been clearly stated numerous times per the owner, I quote: "We do primarily medical transportation. That is our primary business." Asked: "What if someone walks off the street for a taxi?" at a meeting. The answer, I quote, "No, if someone walks in off the street, we do not provide that service." After a site visit, it was suggested to mimic what Brookfield, the junkyard down the street did at their site with a solid nice looking fence. So this proposed community commercial business should mimic an industrial business. If this is a CC business, why can't a local resident walk in and what other CC businesses are gated fortresses in the center of your town? You are requiring a six foot fence eyesore to stop us from seeing another eyesore? It doesn't make any sense. CC businesses are not hidden, they are there. They're the attraction of what is the heart of our community. Zoning laws are in place to protect the residents, and as stated in the CC definition from the town code, businesses are restricted in order to limit traffic volumes to a level appropriate to the character of the district. Please, we are begging you to keep the center of our hamlet as it should be: small shops and services which are for us local residents.

Mr. Adam MacNeil stated my name is Adam MacNeil. I live at 5 Tommy Thurber Lane, Montrose. The residents of Montrose are entrusting the Planning Board and our elected officials to take into consideration a wide ranging view of how this property will impact

the community. With the closing of Indian Point, residents are extremely sensitive that actions by our representatives will protect our residents, move us forward and create an inviting viable community. So far, what we are seeing is that this business does not fit what residents see as a viable step forward. Statements made by Mr. Toohey and his architect lay out a business model that does not fit into a commercial community zone. Proposed parking of **20** plus contract medical transport vehicles, not taxis, does not serve our immediate community. Also, Mr. Toohey's actions should raise serious concern. Since buying the property, Mr. Toohey has made unauthorized improvements to the property all done after hours and on weekends. Specifically, he has recklessly cut down healthy trees without authorization. He has brought in heavy equipment and run a rock hammer operating during hours in violation with the noise ordinance. He has brought in truck loads of fill and changed the elevation of the property. All of this unauthorized work was done after hours and on weekends. Mr. Toohey was told on several occasions that he was not permitted to perform this type of work on the property, yet he continued. He continued to the point where he was issued a stop work order. Furthermore, I am alarmed by Mr. Kehoe's suggestion that a privacy fence be put around the property. What could be more clear proof that a business does not fit a CC zone than to suggest the property be fenced in to keep the community from seeing it? So what do we have? We have a business that by the owner's own statements does not serve the immediate community. We have a business owner who has already shown the town officials and the community that he cannot be trusted and we have town officials suggesting that the property is such a bad fit for the area that we should fence it in to obscure it from the public rather than invite them in. Indian Point is closing next year. Our property taxes stand to increase substantially. Montrose's future is in your hands. We need you to protect our community from development like this. Thank you very much.

Ms. Jody Hirsch stated hi, my name is [Jodi Hirsch]. I live on Montrose Point Road in Montrose. I own the business in Montrose. I own the dance studio right across from Cole's Market. My concerns have already been stated by the two people before me, most of them, but I also want to say, you just put in sidewalks. We're trying to become a pedestrian walking community. We're looking for small business. We're looking to have a hamlet, to have a town. It just doesn't make sense. Why would we add – and again, it's nothing personal, but why would we add traffic and vehicles to this small community that we are trying to finally have some sort of walking town, township, community, people out and about together. Between the high school, the dance studio and Premier Athletic Club, kids are finally walking. They're actually leaving the high school, coming to dance and then going to the club to work out. It's like I've been up here **31** years and I've never seen that before. It's finally happening. So why would we want to bring in a business with just doesn't – it's not conducive to what we've been trying to do. I'm also a member of the Montrose Business Association and we have been meeting and working really hard for just small improvements: dressing up the streets. During the fall we did the stalks and we're doing some holiday stuff and trying to bring people together with our little gatherings that we've organized. Again, this type of business just doesn't work into this structure that we are trying to build in our community. Thank you.

Mr. George Kimmerling asked sorry just a clarification. Are you speaking for the Montrose Business Association tonight?

Ms. Jody Hirsch responded no, I'm just a member.

Mr. George Kimmerling stated just for you, okay.

Ms. Jody Hirsch stated they wanted someone to be here and I'm here but I speak for myself.

Mr. George Kimmerling stated I just wanted to clear that. Thanks.

Ms. Debra Santucci stated hello, I'm Debra Santucci. I live at 15 Travis Lane in Montrose. I'm there for the last **37** years. I am a small business owner who owns a business in where I live. We're builders and developers, excavators. My biggest question, because I deal with all of these people all the time. This is what I do, always going back-and-forth with those two gentlemen over there, about what's right, what I can do, what I can't do before I purchase a piece of property. I don't put my money down until I make sure I can do what I intend to do. I'm not saying that that's what you did but this is what we do. So, my question is to everyone up here, is this out or in zoning? This business, this use. Is this use, after what I've heard that woman say there, is this use of this business permitted in the zoning? Is it or isn't it?

Mr. Michael Preziosi responded it is a permitted use otherwise the application would not have not been accepted to be heard in front of the Planning Board. It is their purview to review the application to determine the appropriate level of density and development.

Ms. Debra Santucci asked so what is the discrepancy of the two issues of that woman had presented, the amount of traffic and automotive? So that has been determined already that this is definitely a business that is permitted here?

Mr. Michael Preziosi responded the development is an as-of-right use. It doesn't mean that it can be approved. It has to go through the environmental process, evaluated for...

Ms. Debra Santucci stated that part I understand. I'm just questioning the zoning. In other words if there's a question of zoning, why are they here and not at the Zoning Board to start with?

Mr. Michael Preziosi responded it's not a question of zoning. It's a permitted use within the zoning district.

Ms. Debra Santucci stated okay, so that I understand. Like I said, I've been here for **37** years. That particular place is probably the worst place you could have picked to put your business. There is clearly no worst place in Montrose than that intersection there. Why I say that is because it is a, as I sat down and I was waiting to come up here, within a two-block, and I'm going to use blocks as a form of measurement here, within a two-block

area from Travis Avenue to the pizza place you have six things that are – or intersections, or streets, or very, very, very important things that are coming onto Albany Post Road. Let's start at Trolley Road. You've got all the traffic coming out of Frank G. Lindsay school: buses, parents. I was president of that PTA. I probably went to that building about three times a day. Parents running in, out, who forgot a schoolbag, who forgot this, coming from all over and with the re-districting that we had years ago, Frank G. Lindsay parents don't just live right there. They're all over the place, including Scenic Drive, so they're coming right in and out constantly. This is a very, very, very true thing that happens. Now that's Avellino's pizza place is right there: in, out, make a left, make a right, right onto Albany Post Road. The next block is where Cole's is. Right there, that is Cole's Market one of the probably most thriving businesses in Montrose. I'm sure most of you go in and out of there all the time. Who's buying the marinated steak and who's buying cold cuts? We're in there all the time. You couldn't get in there Thanksgiving. Ridiculous, but fabulous, one of the centers of our town, of Montrose. Our next intersection is the Cortlandt Engine Company. Let's not forget fire department. Let's not forget emergencies. Let's not forget all of these things, ins, outs of fire trucks that are coming all the time to keep us safe. It's right there. Right across from that is Kings Ferry Road. Montrose Deli has blossomed over the last **10** or **15** years. It was a hell hole. People who lived here – am I correct Steve? Come on. They made it beautiful and people are in and out of there all day long. The post office is there and my grandchildren are in and out of Jody Hirsh's dance studio three or four times a week. That's all the same parking lot coming in and out of there. The next intersection is Montrose Station Road. That's where I come in. I lived there for **37** years on Travis Lane. I'm in. I'm out. I'm in. I'm out. Kids going to school, going to Cole's, going to the supermarket, going to wherever. That's the only way in and out of my house. I don't know how many times a day and then the next intersection is Travis Avenue. Six ways to get in and out of Albany Post Road in two blocks. The tremendous amount of traffic, it's unbelievable, at rush hour. The cars are backed up past the club at **5** o'clock, way past the club that a lot of times I have to go, to get to Montrose Station Road, Victoria Avenue in the back there otherwise I'm sitting there for **10** or **15** minutes. The other thing, which we're not really talking about, the high school. The high school has inexperienced teen drivers going in and out, and in and out, and in and out all day long. My cut-through, Montrose Station Road is the cut-through to lower Washington Street for high school students. I have almost been driven off the road I can't tell you how many times in the last **37** years. Kids speeding in and out and then they come right to the intersection, right across from your place. I'm not questioning the fact that you want to have a business. I started my business **42** years ago with my husband in a three-room apartment. I get it, and you work hard and I understand that. The location is so bad. It's dangerous. It's reckless and it's irresponsible to put right there, it really, really is not a good place and I have to say, it's nothing personal but I also, being who we are and what we do, if I ever cleared land the way you cleared land on the weekends they probably would have arrested me. Okay? I would never be able to build in this town again. Every weekend, the trees were coming down and we knew because – in our business we know people who do that. Do it on the weekend. The town won't see you. You raked the property. That's what you did and we knew it. We said nothing but it was wrong. Now, you put **\$10,000** worth of trees back. It wasn't a mess. It was wooded. It was wooded. We never saw Robin's house. She had all

the privacy because it was wooded. It wasn't a mess. For 37 years it was wooded, but I saw it. So, you have to call a spade a spade. It is what it is. I understand what you want to do. It's very, very wonderful that you have a business. It's a family business. I get it but it's just not a good spot. It's just the worst spot you could have picked. Everything comes together. It's a big bottleneck. It's just a very, very bad place to do it and it really has to do with the positioning. Do I like the fact that it's down what it looks like? It's not great. That's not the point. The point to me is not the drawing is beautiful, great job, but that's not the point. The point is, it is just in a bad, bad place and I feel that I know someone who has a very, very big ambulance company, probably the biggest one in the county. They had a Paratransit with the city. They had their contract and then all of a sudden they lost it. When that happens, are you going to be a taxi company? Who are these guys that are coming in and out? Who are these strangers that you're hiring that are there, transient people in the area? I have grandchildren that are walking that street. I'm not happy with that. That part I will say. And to survive in business you'll do what you have to do to survive. That's what you do. It's not wrong but it's going to happen. If you lose the contract, you're not going to be doing that. You're going to be doing whatever it takes to put food on the table and I understand that. But this is just what it is and no personal offense but it's just a bad spot. I am totally against it, which I guess you understand by now. But I wish you well I just don't wish you well here.

Mr. Kevin Toohey asked I don't take it personally, but just a quick question? What do you think would be good there so I know?

Ms. Debra Santucci responded not that. Honestly, back-and-forth is not a bad thing. I appreciate it, just not that because I think it's the traffic. What we would love in Montrose – green space isn't bad, I wouldn't mind to have a park there, why not? But that's not what business is and I understand that because I'm a business person.

Mr. Kevin Toohey asked that's what I meant. What business would you want?

Ms. Debra Santucci responded honestly, and I'm going to be honest with you, I don't know what would work. It's not what I would want. I don't know what would work. Thank you everyone for listening. I appreciate it. And again, I don't think I said hello to all of you fine people tonight but thank you for listening to me.

Ms. Gennelle MacNeil stated I understand that you're saying that based on the permitted use. If you look on your permitted uses, a taxi cab operation is permitted in this area and I have to disagree. I think everybody disagrees that this is not a taxi cab operation. This is not a little store front where you can walk up and there's two cabs sitting there and there's a need in Montrose for a cab service. His service is a contracted service just like an HVAC, a landscaper which is not permitted in a CC zone. So I think you really need to look at your definitions and clarify what type of business is coming into this area.

Ms. Holly Ferris stated I'm Holly Ferris. I live in Montrose and I'm the newbie. We've only been there for two and a half years. What we've realized, it's a problem at that intersection. We had no idea. Montrose Deli is a zoo. It's a zoo. There's the fire

department. There's the ambulance corps. There's the post office. Just like she said, there's gobs of businesses there, they're in and out, in and out. It's a nightmare when it's busy. It doesn't make absolutely any sense to bring in more cars with **1,200** whatever they are, in and out. It's a nice thing that he does it for the handicapped or whatever they are, medical work but it was a pretty lot and he did take all the stuff out and I would rather have trees than those gross little shrubs and a big fence. It's wrong. It's just the wrong use for that property. It's just too much going on there right now. It's a problematic intersection and there's two lights right there. I hope you've been there. You can just see how much is going on there all the time. I say no. I would like you to buy it for green space. It would be a really nice little place for the little hamlet of Montrose to have a little special place. That's supposed to be just a little, what do you call it, the gazebo and stuff for the veterans there. It's a nice little area. It would be nice to keep it that way. Thank you.

Mr. John Barbelet stated past my bedtime. John Barbalet, 33 Roundtree Lane. I think you're from Tarrytown. I have some intimate knowledge of taxis. I'm a police chief in Westchester County. I used to regulate them when I was a lieutenant. My interpretation, and I did some asking around, that Act Now is considered the busiest taxi companies in Peekskill today. I agree with what the other people say, I'm not going to beat up and go on about the commercial zoning and stuff but my concern is really, like we said, where does this go? I believe that there's **20**, and tell me if I'm wrong, **24** TLC registered, **7** cars that have Peekskill logos on them and then **7** under LNL. So that's **38** cars.

[inaudible]

Mr. John Barbelet asked isn't that your wife's company?

Mr. Kevin Toohey stated that is my wife's partner.

Mr. John Barbelet stated what I'm saying is that there's **38** cars that you're going to associate to the applicant.

Mr. Kevin Toohey stated I have nothing to do with that.

Mr. John Barbelet stated you can talk after me.

Mr. Michael Preziosi stated just direct your comments to the Planning Board.

Mr. John Barbelet stated so there's **38** cars that I believe are associated with this...

Ms. Loretta Taylor stated we can't have talking in the audience. The only person who can talk now is the person at the podium. Thank you very much.

Mr. John Barbelet stated my understanding is that there's **38** cars associated with the applicant. They might say with a relative. So then my question is, they're getting approval for **20** spaces or **22** spaces. Who's going to come by every day to count when

these cars are just thrown all over the place or they might have to go on the street? We're going to be calling Code Enforcement. We've got too many cars. It's going to become an issue. There are a lot of cars associated with the businesses here and I will tell you that they are considered a very, very active cab company in Peekskill, **24** hours a day. My kids, when they want to walk to the little Montrose business area, they walk down that sidewalk and I feel very comfortable with them walking now. I don't want to add to the problem of them crossing over Travis Avenue in that area. I don't see the benefit to it. I know I'm not going to argue with you about how I feel about the commercial zoning but also on the site for the, and I'll try and say this correctly, for the water issue. So it appears that the architect put down a storm incident of **2.89** inches per storm. Now if you go to Westchester County's wastewater management, that's not even a two-year storm. Some of these people they do it they base it upon a **50** or **100** year. So they're going to take all this beautiful grass area and pave it. Where's that water going to go? Is that water now going to go into Albany Post Road so when I'm driving to the high school to get my daughter it's going to be frozen? I don't know if that's going to be addressed, if that's addressed here or maybe the architect can answer that after. But I find it very interesting that they base it upon a two-year storm. With that being said, I just think that the board should consider what we're trying to do in Montrose. Yes, I'm in law-enforcement. I have my own business for **25** years as a landscaper and I had to lots in town and I had to go before the board and so forth. So I'd really just like you to consider what this could turn into. There's also over a thousand square feet office space. Is any of that going to be sublet or is it going to all be under one business?

Mr. Kevin Toohey responded just the one business.

Mr. John Barbelet stated you guys have a very tough job to do. I hope to take everything we said into consideration and thank you for your time.

Ms. Sabrina Pereira stated good evening everyone. My name is Sabrina Pereira. I live at **17** Travis Lane in Montrose. I also am a teacher at Frank G. Lindsay. I grew up in Montrose. I left and I came back. I built my house there. I have two children. They are both are in the Hendrick Hudson school district. I'm here to talk about some of the topics that we've heard already but I agree. I have to say, first of all, I grew up in the helm with my parents having their own business. I get what it's like. I know. I appreciate it. I appreciate the business that you do. I think it's wonderful. People need transportation to medical, whether it's doctor's appointments or hospital, I get that. I just wish it was a mile down the road, a mile out of the center of town, for multiple reasons. First of all, yes, our little hamlet I feel like it's the forgotten stepchild of the Town of Cortlandt. I feel like the town has always put money in other areas and never really put money into our town and really never monitored the abuse of how properties have not been taken care of in our town. The property adjacent to this was a house that was falling down and the man ran out of money. Somebody had bought it. He tried to do it over. He ran out of money in the middle of it. The house was literally falling down for about two years and we drove by it every single day. My question is, once we get an approval, are you going to monitor only **20** cars? No. As you get off of the highway near Luposello's gas station and you make your approach into Montrose, there is one disgraceful frontage after another. And

now is the time to see it because it is winter. There are no more leaves. There's nothing to be hidden anymore. The fences that have been put up are falling down. So you're going to put up this beautiful fence up. It's very nice but if you don't maintain it so what? Now, the promises, I get the promises. We all have heard them. The problem is I do agree. I did drive by every single weekend when you cleared the land illegally. When you took down all of the healthy trees that gave all of the foliage and it was not a mess. It was just a forested corner lot that is wet. The town usually likes to preserve because that's usually, I think that's one of your missions on your mission statement right? That's make me uncomfortable. That whole trust factor goes out the window. Looking at the picture of the drawing, the rendering, the opening is on Travis Avenue which is a complete residential street. About **10** feet from where the opening is, is the corner bus stop for your high school students. At about **7** o'clock your middle school students, about **7:25** your elementary school students, about **8:00**, because I pass it when I go, about **8:22** if I'm running late I see the bus stop there. He said and stated that his busy times were **6:00** to **9:00**, right? His busiest times were **6:00** to **9:00** in the morning when they were coming in and out. They're going to be coming in and out of children standing there on the corner. Now I don't know if you remember, but about a month or so ago, one of our students at Frank G. Lindsay was hit by a car on Kings Ferry Road because somebody was racing to work. I was there that day when we got the phone call into the main office. I had to help the situation in our building. It was devastating. It was very upsetting to think one of our children is now hit by a car, bleeding on the side of the road and now being put into an ambulance. And I believe Linda Puglisi was very upset about this and then she started to make changes, and she wants to put in all speed bumps and different things. So around the corner, on more of a main road, you're going to put in a taxi service whether it's medical or not, you're increasing this time at a bus stop. I have two children in the town that when they get bigger, I have one in middle school now, one's still in elementary and yes, they walk back-and-forth in town, hopefully that's the goal. Right now one walks from the dancing school to the Montrose Deli because it's in the same parking lot but one day she's going to want to walk to the Premier Athletic Club and with the hundreds of thousands of dollars that you spent on sidewalks, sidewalks are actually going to go right in the front of this opening. Now you're putting the potential for children to get hit. I'm uncomfortable with that. I'm uncomfortable with it because I saw it firsthand. I think that speaks volumes because that is what we're here to do, right? You're here to plan the safety in the society of our community. And that is why I'm mostly here. Is it esthetically pleasing? Probably not. Is it a walkable business for anybody to go to? No. Is this going to help revitalize the forgotten Montrose? No, it's not going to help us. You had asked: what would you like to see there? I have an answer. I would love to see a coffee shop, a thriving coffee shop. A place for high school students to be able to go and meet up, to plug in their laptop and to work together and do study groups. I'd love to see even maybe a tutoring center. So while one kid is at dancing school and another kid is at Go No Sen down the street, their other child could be getting tutored. There are many things that you can put there. If you build the building and you want to keep your office space there, I think that's great. Put in something else on the bottom. Put in an accounting firm on the bottom. I don't know. Across the street they just redid the house and they put that beautiful hair studio there. That was wonderful. What a great addition to our little town. I don't see how this is going to service or help us and I'm

more concerned than anything, I'm more concerned about the dangers for our children and for our community that's walking. I don't know if you've noticed but we have a lot of people who are moving from the city lately and they are walking everywhere. I live off of Montrose Station Road. You have no idea how many times I have almost hit somebody because they are walking everywhere. They think this is still Brooklyn. Listen, you're welcome. Please come. I'm not saying anything but I am nervous because they're walking everywhere. Their crosswalk was put up across from the Hudson Dance and Tumble to Cole's. It was a joke because motorists had hit it so many times and do not stop for anybody. There's a crosswalk with a sign there. It doesn't work. What makes you think that the kids are not going to see the livery cabs coming in and out? And now this is going to be going until late at night? That doesn't sound like something that is a fit for the center of Montrose. I really do wish you well. I wish that this property was a mile up the street on your way into town or on the other way where there's more vacant area. I wish there was more space across that little lot across the Buchanan Hardware or on the other side of Buchanan Hardware. It's a big, empty lot there. Nobody's walking around there. I think it would just be safer. Thank you.

Mr. Kirk Muldoff stated hi my name is Kirk Muldoff. I live on Kings Ferry Road in Montrose. My wife and I moved in about two and half years ago and I've got this great porch that I've been working on. It's an old house but I can see everything, and unfortunately, in the past year, I've seen the response from our excellent ambulance corps to a young man losing his life no more than few hundred yards up from the ambulance corps. And I was also there watching the kids get on the bus in the morning waiting for it when I saw young Nathaniel, a fifth grader get hit. He just came within milliseconds of losing his life in front of his own house. So I'd like to ask, when the last traffic study was done because a lot of this – I see these site plans, the previous ones, tonight and this and they just zone in it's so focused, you don't see where these properties fit in into their neighborhoods and that's the big issue in Montrose. We are this little hamlet. I didn't even know what a hamlet was. I had to look it up, but we realize that we are fortunate enough that we can walk everywhere. As the previous speaker said, I double dare you to try to walk across from Avellino's to Cole's. It's a dangerous road 9A. I mean it's historic. It was the first major road in the area. That's why a lot of the businesses that are there are the types that they are, are there today. But I love watching the kids in the neighborhood get out more. They ride bicycles here. Some even without helmets which is kind of reminds me when we were kids, but I see them everywhere. I see them at the dance studio. I don't want to say it's the beginnings because I know there was more there that's not there but it seems to be on the way to making a comeback. Although I think it's a noble undertaking that the applicant has proposed, seeing what's gone one looking at the bigger site plan to me, where it fits in, already with the traffic the way it is. And when was the last traffic study done? Because somebody had told us that there was a previous one done for an applicant last year.

Mr. Michael Preziosi responded the Town of Cortlandt commissioned a traffic study in response to the speeding and safety issues on Kings Ferry Road. That was completed last year. I can provide anybody a copy of that if they would like.

Mr. Kirk Muldoff asked is that just Kings Ferry or is that the Post Road too?

Mr. Michael Preziosi responded that was not specific to an application in front of the Planning or Zoning Boards it was an application just traffic to be undertaken by the Town Board in response to resident's concerns pertaining to safety and speeding along the Kings Ferry corridor.

Mr. Kirk Muldoff asked and do those studies reflect the number of accidents? Do they reflect the traffic changes as people use Travis all the time to kind of avoid the light at Kings Ferry, and changes that way? Having them come out off of Hunt onto Kings Ferry and make an illegal turn?

Mr. Michael Preziosi responded there was a number of recommendations made. The study doesn't necessarily pertain to this application but it is available for public consumption if you'd like, just contact my office tomorrow.

Mr. Kirk Muldoff stated because this is one of my concerns looking at the application. You're exiting out onto Travis and if you're going to go onto the Post Road what if you have to go north? Are you going to make an illegal turn? What's somebody that's working his shift, transporting people, going to do to make time or not? Is that legal or is that illegal? How does that affect what is going on right now? There may be **150** trips a week but if I count the guy going in to pick up his car, leaving with the car, coming back and returning it and leaving it again, that's four times **150**, that's **900** going in and out during the week. Besides the accidents, I guess one of the things that is a concern as to living very close to it is what's been going on in prepping this and the property next to it to look like ready-made parking lots, because I wonder where all the extra cars are going to go. Although it's not part of this application, the property owner, if he really is the owner, between the applicant's property and the back of the ambulance corps has been doing the same thing for the past year and a half; leveling his property, excavating it to look like a parking lot. Right now it's for lease and nobody knows what that's even approved to be leased for which is another concern of ours, wondering if it might be connected to this or not. So, what I wanted to say was, the people I've met, we've been very welcomed by this town. And although there are things that could be improved, I kind of wonder if the Planning Board couldn't be a little more proactive than reactive just reviewing applications and deciding whether they fit in or don't. Where there's any kind of a vision for the little hamlet of Montrose itself, because people seem to think it's going in a positive direction and have objections to this application because they don't think that really is appropriate for it, especially with the safety and esthetic issues. I'm just kind of wondering if there is, if you could re-look at that so it's not just going by old codes, things that were written for businesses when the Post Road was the only way to get up to Albany, New York. The times have changed. Habits of the kids – and that's probably one of the biggest concern are the children and the local schools because our traffic pattern, since they've gotten more strictly enforced in the new signage, limiting Trolley Road to 15 miles an hour, that's half a mile there and then all the way in front of the high school which there's a backlog of a year and a half of traffic tickets waiting for the court to be seen. It's pushed people onto other roads and travelling those roads much faster, which

I'm not sure it would even be reflected in your latest traffic study. I wish you'd kind of look at that as you take a look at this application. Thank you.

Ms. Susan Pandolfino stated hi, I'm Susan Pandolfino. I live at 59 College Hill. It's off of Montrose Station Road in Montrose. I'm reading a letter from my neighbor because I said I would. Anyway, she addresses: Dear Town of Cortlandt, I moved to Montrose in May of 2018 from New York City for a quaint place to raise my family. I have been so grateful for our choice to live here as the town and our neighbors are truly fantastic. However, the one downside in the industry is the industry along Route 9A; the main gateway to our neighborhood. It takes away from the charm of Montrose and it does not seem like an inviting place to visit. I've lived in a crowded, dirty traffic riddled city. I do not want to live amongst that here. The addition of a large parking lot of medical transportation vehicles that is proposed along Route 9A will not only add to the negative view. While I appreciate the need for the business and the tax revenue that they provide, these things do not belong in the middle of our town. We are not a dumping ground. In addition to the eyesore that would be along Route 9A, I am also concerned about the additional traffic from large vehicles and pollution that they will add to our already truck-heavy main course. Let's bring back the natural beauty of Montrose, not keep drowning it in other town's unwanted industries. Regards, Jackie Johnson, 34 College Hill Road. As I was sitting, and this is my own whatever, concerns, as I was sitting there I was listening and thinking and looking at the site plan, and I agree with everything that everyone else has said so I won't reiterate a lot of that. I think the location is crazy. I also have a lot of concerns about the noise because it's cumulative. We have the two train stations. We have the car crushing recycling plant. We have all the construction vehicle parking lots going in and out. We have the asphalt plant. This is all in less than a mile. How much more do you think is going to add to our community by putting in yet another parking lot with more cars? We have the gravel yard and no one seems to be keeping track of things, like Brookfield for instance, which I walked that site when they put their application in. You look at it now, it's a disgrace. We have the big fence there. We have some live trees still. Most of them are dead or dying. It's ugly. We have a ton of traffic. The big trucks coming in and out stopping traffic in both directions just to take turns. I don't see what this is going to offer our town. Another location would be way better. Let's see what else I have to say here. The other thing is the expansion, the possible expansion of businesses. As we have seen in all of these other businesses that I have just named, they come in, in a small very clean gentle way as possible and then, as time goes on, they grow. They get bigger. There's more vehicles. There's more dust. There's more dirt. There's more traffic. There's more safety issues. Over the years we've seen that happen over and over again on Route 9A. The last thing we need to see, I think, in our town is another parking lot surrounded by chain link fence. Thank you.

Ms. Maria Blessing stated good evening Madame Chair and board. My name is Maria Blessing. I live at 11 Tommy Thurber Lane. I've been a resident of Montrose for just about 20 years and grew up in a bustling little village down on the other side of the county. When I moved up here, I thought it was a little bit of a wasteland. My ex-husband was from here. His family was from here so there's a long history, and I have a 16-year-old son who's in the high school. In the last almost 10 years I've seen a big change. I

know that the Montrose Business Association has done a very good job trying to give us some sort of walkability in our hamlet which Montrose is a historic hamlet that is on the river and people who live here don't always have sidewalks. Lighting is bad. Speeding is bad. The roads are bad and we've dealt with that. And I would like to thank you for what you do. I know the woman you take to church and she's a lovely woman and I love her very much. I understand the need but this is not what Montrose needs. I will echo every sentiment and thank my fellow residents for the background and information that they did to bring this up. We have plenty of open space and more industrial. This isn't industrial. It's an eyesore. It's going to bring us back years from what we've been trying to accomplish here. It's unsafe. It's not going to be very at all appealing. It's not going to help our residents and I'm very concerned, not only with the safety which is paramount but what it's doing to the environment. Parking lot upon parking lot, upon parking lot. there's other places for this. There's more industrial areas. A mile outside, we've heard this. It doesn't belong. I'm sorry. It's really, really getting fired up about it because, again, our children – yes, people need transport. This is not the place for this. It's not safe and it's not going to help. We are getting one after the other. We were talking about getting dumped on. The Power Plant alone, and the increase in our taxes. People are going to start moving up here and you're not going to attract anyone here with this as our town center. I'm sorry. Thank you.

Ms. Debra Santucci asked is it possible to, and I know the site plan has to be specific to the site, the actual site, but is it possible to show the circle around it? In other words, the site and then to show the intersections, to show the fire department, to show exactly what this entails, this very busy circle. If you took a pen and just drew around that. And as far as the traffic study is concerned, the traffic study needs to be done on Albany Post Road right at the site where the firehouse is, Trolley Road intersecting into Albany Post Road, Travis Avenue, Montrose Station Road. You know what it is too, it's very tight. That was my comment. I think it's important to look at it as a whole and I don't think we really could see it as a whole. I know that you guys do site visits but I think it's important to see it on paper. I think that also helps. Just a comment, thank you.

Ms. Loretta Taylor asked is there anyone else at this point who needs to speak?

Mr. John Lentini stated I asked Chris with some hand – thank you for translating my hand gestures, to bring up the site plan, the last question, up on the right hand corner is an area plan that shows the relationship to the other roads.

Mr. Steven Kessler stated I think we're talking about a little bit wider view of that.

Mr. John Lentini stated a little wider, okay.

Mr. Robert Foley stated it doesn't really show the locations. You see the area but not the firehouse, the deli, whatever.

Mr. John Lentini stated I have so many maps of this area that I don't have them all with me but I certainly can provide that.

Mr. Chris Kehoe stated yes, John, prepare an aerial view for the next meeting.

Mr. John Lentini stated **500,000** feet.

Mr. Chris Kehoe stated you can talk to us about it but based on the comments, up towards the high school, down...

Mr. Michael Preziosi stated I'd say from Dutch Street to the Village of Buchanan border.

Mr. John Lentini stated I've actually done a study of all the businesses up and down. I have a little of information that I was waiting for the issues to arise to answer the questions. I like to represent zoning first. As a designer, I love looking at the tables and seeing the letter "P" meaning permitted more than the "SP" which means a special permit and especially you don't want to see the "N" which is not permitted. It doesn't mean it's permit as-of-right. Even though P is permitted as-of-right, as far as zoning goes this is a listed use that's permitted as long as we satisfy a number of other things specific to the use: the buffers, the parking for the use, and all these other things. And once all that's done, then the board – that's just the minimum, and then the board gets to answer all these questions and make sure all of this stuff is addressed. But, as a zoning use, we are permitted as-of-right and transportation uses are permitted as-of-right, and parking lots are permit as-of-right, by zoning. It doesn't mean that we can just throw a parking lot in and you'll approve it, of course not. If anybody's listened to the board they pay a lot of attention to all these little details. It's interesting that a coffee shop was brought up because I was looking for alternate uses that would be better than this and the only one I could find is like a shoe repairman or a small appliance repairman, because small appliance repair is permitted, but otherwise a coffee shop can expect in a business plan to receive **20** customers an hour. On a road of this magnitude, which I found an interactive map on the New York State website, it's an orange road. It's **10,000** to **25,000**, specifically **12,000** cars a day which means it averages out to **500** about cars an hour. But I used **8,000** cars a day for prime time and found that any business there: a delicatessen, any retail business where people are coming in to buy small items will produce up to a **160** trips a day. We're presenting that we have **20**, say even **25** in and out in the morning. That's one trip and **25** in the afternoon, that's **50** as opposed to a restaurant – if we were balancing the site with the parking lot I can get a little **63** table, **63** person restaurant with some employees, we would need **18** cars but we would need a loading zone but I could put a little restaurant in there but we would have to get at least **160** people there every day to earn any money.

Mr. Chris Kehoe stated John, given the hour, what I would suggest, because you heard all of the comments so I would think you're trying to address some of the comments now...

Mr. John Lentini responded the zoning first...

Mr. Chris Kehoe stated I think the Planning Board is going to adjourn the hearing so between this and the next hearing, you should maybe put together some of that

information that you're verbally presenting to the board now in a written form that will get to the board and it will be available to the public to discuss next time. I did cut you off. I didn't mean to cut you off.

Mr. John Lentini stated no, I appreciate it. I'm ready to go too.

Mr. Steven Kessler stated before we adjourn, can you also send us just the definition of CC?

Mr. Chris Kehoe responded I have it right here with me, but yes I will.

Mr. John Lentini asked can I make one more comment about CC? It's a funny zone because there are only about an acre or two and they're all over Cortlandt. It doesn't belong to Montrose. They're on Oregon Road, Kings Ferry. They're all over the place.

Mr. Steven Kessler asked what's allowed in the CC zone is all I want to see, what the code says. Given that, Madame Chair I move that we...

Mr. Kevin Toohey stated just in response to John Barbelet, L&L Taxi was an opportunity that was brought to my attention when the company L&L was failing. I could not purchase another taxi company and have a Medicaid vendor ID and have two different companies. This company, it was brought to my attention by a guy that my wife was going to become partners with him and that is a taxi that services primarily Peekskill. Now, with that said, you also made mention to: oh well what happens if you lose this contract? Listen, people reinvent themselves. You said yourself John, you're landscaper, now you're a cop. I reinvented myself from a taxi guy to a car service guy. And if you want to look it up, the registrations, right now my vehicles, currently TLC plates which are specific for car service not taxis. Taxi medallions within the City of Peekskill, I have five, five. One, two, three, four, five, that's it. Five medallion taxis that say "Act Now Taxi" on it. The rest, the other **17** or **18** cars because there's a total of **22** or **23** cars that I have right now, the other **18** cars are WC plates. So the five taxis that I have from the City of Peekskill it used to be completely reversed. It used to be **18** taxis because that's how I started and it used to be five TLC cars, but once my business changed I changed and reinvented myself into a car service and I got away from that taxi, five bucks here, six dollars there. I still do that and I'm going to be doing it in Montrose as well, obviously, but Montrose doesn't require the Peekskill taxi. The Town of Cortlandt doesn't have a licensing division like the City of Peekskill does for medallions. You're required to have those. I am primarily doing work within the Town of Cortlandt now: Croton, Yorktown and I still do work in Peekskill naturally. And as far as the total amount of vehicles that I have, I'm going to maintain the presence in Peekskill and my Peekskill medallion taxis will be in Peekskill. My current office is at **829** Washington Street. I will be maintaining a portion of that office and a portion of that lot with my five taxis. If that just completely goes out as far as taxis are concerned, I'm willing to walk away from the taxis altogether. And then just one more thing, it's going on **11:00 pm**. I have three phone numbers: **914-505-3340**. That's my primary taxi phone. I challenge anyone of you to call. **914-930-7888, 914-930-7889**. Please, everyone of you call from

now until whenever you want. No one will answer the phone. My business hours, I am closed at **10:00 pm**. I just want you guys to understand, you're more than welcome to call anyone of those three numbers. If the website that was made in the beginning still says that, well maybe I can go after Go Daddy and have them pull it down because it shouldn't be there. Thank you. Thank you board.

Mr. Michael Preziosi stated based upon the comments that we heard tonight from the residents of Montrose, I would suggest that the board authorize staff to prepare a scoping document for a limited traffic study to focus on Travis Avenue, and Kings Ferry, and Montrose Station Road intersection.

Mr. Steven Kessler stated sounds like a great idea. I make a motion we adjourn this public hearing until our next meeting and ask staff to prepare a limited traffic study for the two roads mentioned.

Seconded with all in favor saying "aye".

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NEW BUSINESS

PB 2019-20 a. Application of Peter & Marian O'Connor for the renewal of a previously approved Special Permit for an Accessory Apartment located at 29 Wayne Avenue, Verplanck.

Ms. Marian O'Connor stated I'm a new resident. God help me. My husband and I just acquired a property at **29** Wayne Avenue in Verplanck. The house was sold with the legal accessory apartment with the stipulation that once the title was sent over to us, my husband and I, that we had to reapply for the permit. That's why I'm here.

Mr. Robert Foley stated I make a motion that we...

Mr. Chris Kehoe stated you're going to schedule a public hearing.

Mr. Robert Foley stated a public hearing for January.

Mr. Chris Kehoe stated and I'll have an approving resolution prepared and also we need to coordinate with you for site inspection, as we discussed, to make sure it's still as-built.

Ms. Marian O'Connor stated that's fine.

Mr. Chris Kehoe stated I'll be in touch.

Ms. Marian O'Connor stated no problem. Thank you so much.

Seconded with all in favor saying "aye".

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ADJOURNMENT

Mr. George Kimmerling stated Madame Chair it's **10:57**. We're adjourned.

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Next Meeting: TUESDAY, JANUARY 7, 2020

I, SYLVIE MADDALENA, a Transcriptionist for the Town of Cortlandt as a subcontractor, do hereby certify that the information provided in this document is an accurate representation of the Planning Board meeting minutes to the best of my ability.

x *S. Maddalena*

SYLVIE MADDALENA

Dated: January 8, 2020