

**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, March 3<sup>rd</sup>, 2020***. The meeting was called to order, and began with the Pledge of Allegiance.

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

- Thomas A. Bianchi, Board Member
- Steven Kessler, Board Member
- Robert Foley, Board Member
- Jeff Rothfeder, Board Member
- George Kimmerling, Board Member

ALSO PRESENT:

- Valerie Myers, alternate member (absent)
- Michael Cunningham, Assistant Town Attorney
- Michael Preziosi, P.E., Director, DOTS
- Chris Kehoe, AICP, Deputy Director, DOTS

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**CHANGES TO THE AGENDA**

Ms. Loretta Taylor stated we will have a couple of changes to the agenda tonight. We will be adding **PB 9-97**; an application of Mines Press and it will become item **B** under new business. We will also be adjourning, per the applicant’s request, **PB 2017-25**; that’s the application on Lu Lu properties. If you’re here, certainly you’re welcome to remain until we get to it, if you want to say a few things or make some comments but we will not be discussing that with the application tonight.

Mr. Robert Foley asked which one was that again. I’m sorry?

Ms. Loretta Taylor responded **PB 2017-25**, Lu Lu.

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**ADOPTION OF THE MINUTES OF THE MEETINGS OF JANUARY 7, 2020 AND FEBRUARY 4, 2020**

Ms. Loretta Taylor asked can I have a motion to adopt the minutes of January 7<sup>th</sup> and February 4<sup>th</sup>?

So moved, seconded.

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

With all in favor saying "aye".

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**CORRESPONDENCE:**

**PB 12-94 a. Letter dated February 10, 2020 from Ralph G. Mastromonaco, P.E. requesting the release of the remaining \$210,000 stormwater/drainage bond for the Hudson National Driving Range & Golf Teaching Facility.**

Mr. Steven Kessler stated Madame Chair I move we adopt **Resolution 7-20** approving the release of the bond.

Seconded with all in favor saying "aye".

**PB 9-99 b. Letter dated February 19, 2020 from Linda Whitehead, Esq. requesting the 34<sup>th</sup>, 90-day time extension of Final Plat approval for the Furnace Dock Inc. Subdivision located on Furnace Dock Road.**

Ms. Loretta Taylor stated we have a resolution for that; **Resolution 8-20**. I just want to say in advance, I will be voting no. I think I told you that.

Mr. Thomas Bianchi stated Madame Chair I'll move that we adopt **Resolution #8-20** to approve the **90**-day time extension.

Seconded.

Ms. Loretta Taylor stated I have an objection.

Mr. Chris Kehoe asked is there anyone here representing the applicant?

Ms. Amanda Brosy stated good evening Madame Chairwoman and members of the board. My name is Amanda Brosy. I am with McCullough, Goldberger & Staudt here tonight for AJ Cortlandt LLC actually is the new applicant. As Ms. Whitehead's letter indicated, we're here again for another **90**-day extension, hopefully the last. Due to circumstances outside of the applicant's control and despite their best efforts, they've been unable to obtain a will-serve letter that's required to meet the DOH's condition of approving the plat. We're still working with – I believe Ed Stone is Bastys Inc. to obtain that letter but because Jonas Bastys is, I understand, in discussion still with the town concerning this matter and still in the process of working with the town on a rate increase

request. No progress has been made on completing the upgrades that were required to the sewage treatment plant. So, a will-serve letter hasn't been obtained yet, but we're still working diligently to obtain that, it's just kind of out of the applicant's control at this point.

Mr. Steven Kessler asked I'm sorry, did you say it's a new applicant?

Ms. Amanda Brosy responded so there's a new owner. I'm sorry, it's AJ Cortlandt LLC.

Mr. Steven Kessler asked so Beaver Brook is not the owner anymore?

Ms. Amanda Brosy responded right. That should have been included on the letter. It was just a mistake. I believe it's AJ Cortlandt, spelled as the town spells it, LLC.

Ms. Loretta Taylor asked is it EJ or AJ?

Ms. Amanda Brosy responded A as in apple, J as in James.

Mr. Steven Kessler asked when did that happen?

Ms. Amanda Brosy responded I'm not sure but we could obviously get that information to you.

Mr. Robert Foley asked is this going to further delay this?

Ms. Amanda Brosy responded no, I don't think that has anything to do with the delays. It's really a matter of the sewage treatment plant having to get their rate increase from the town and I think that's the delay on their part. They need that rate increase in order to make the changes to the plant and then the will-serve letter can be obtained in order to satisfy the DOH's condition.

Mr. Michael Cunningham stated just to clarify on that, Jonas Bastys Inc. they pulled their rate petition increase, their petition for their rate increase and also they need the Department of Health approval rather than the town approval to increase their capacity. So it's outside of the town's control at this point. That's what I'm saying.

Mr. Steven Kessler asked does the change in ownership have any meaning here?

Mr. Michael Preziosi responded I don't believe the change in ownership does. Just to piggyback on the comments pertaining to the sanitary, they're under consent, by the Health Department and Department of Environmental Conservation to make upgrades to the plant which is why the will serve letter has not been provided.

Ms. Loretta Taylor stated that was the original problem to begin with wasn't it?

Mr. Michael Preziosi responded correct, and the owner of the plant has not met those conditions yet.

Mr. Robert Foley asked to refresh my memory, this is final plat? We gave final already.

Mr. Chris Kehoe responded that's why they have to come back every three months.

Ms. Amanda Brosy stated I guess it was the DEC that had issued violations to the operator of the plant and they're not allowed to give a will-serve letter until those issues have been resolved. We're kind of – our hands are tied until those issues are resolved on their part.

Ms. Loretta Taylor stated thank you very much. I'm glad you are here. I'm sorry that I'm going to have to vote no, personally. I don't know about the rest of the board. This is an application, if you look at the date, it's been out since **1999** and this person has had – this is the **34<sup>th</sup>**. That's a lot. I'm very fearful of setting precedence. This could go on and on and on and on and on, and it's ridiculous. We know what the original problem was and it's still not satisfied. So I'm going to vote no on this. I regret it. This is your first time I believe...

Ms. Amanda Brosy stated I was filled in today on the background and I wish I could say that the owner can kind of do more than they are but from what I understand, they're doing as much as they can and it's kind – it's the sewer owner and it's a lot of outside factors that are unfortunately delaying this.

Ms. Loretta Taylor asked is Linda Whitehead still involved?

Ms. Amanda Brosy responded oh yes. She just had a conflict tonight.

Ms. Loretta Taylor stated the board has indicated to her both orally and in writing that we really need to move this along and she shows up with the same kind of thing that she can't move it because, first of all it was Mr. Bastys and then it was something else, and then the original owner was still and we had to wait for many, many months because we wanted to give them a break. It moves from one thing to another, to another, to another and at one point there were three or four different reasons for why this couldn't move. We're back down to the number one reason; this approval from the Department of Health. As I said, I'm going to vote no. The rest of the board can vote as usual, as they wish to do. Did you want to add anything?

Mr. Michael Preziosi responded yes, staff just wants to make the applicant aware that there are some environmental changes forthcoming with storm water pollution prevention plans and also the New York State building code is going to be changed as of May of **2020** so that may necessitate changes to the fire apparatus access road to the site which would necessitate changes to the site plan, etcetera. We just want to make you aware of that. There could be some substantial changes that could be forthcoming. One of the

issues when these applications extend so long, codes change, requirements change and the plans have to meet the current codes.

Ms. Amanda Brosy stated I don't think the applicant is happy that it's extended this long. I'm sure that they would have been happy for this to be completed a long time ago. The fact that this is the last remaining issue I think speaks to the fact that it's very complicated and there are multiple moving parts here and they'll do their best to get it closed out and not have to come back to get more extensions.

Mr. George Kimmerling asked a question for staff: in terms of our process, if the extension is not granted, what happens to the application?

Mr. Chris Kehoe responded they would have to start over.

Ms. Loretta Taylor stated essentially, they may start over again anyway because of the new changes that you just talked about. They'd end up having to add so much more or do things differently based on the new changes.

Mr. Michael Preziosi stated it depends upon the final outcome of the code, what's adopted, but there will be some changes that may necessitate some changes to earth work grading, to accommodate a wider road, etcetera. So, those are all items we just want to make the applicant aware of as they pursue this time extension.

Ms. Loretta Taylor asked are they significant changes to the application as it stands?

Mr. Michael Preziosi responded as I understand the code, they will have to meet the current fire apparatus, or fire safety code, the uniform fire code. That may necessitate changes to the driveway, to the roadway servicing this site.

Mr. Robert Foley asked so this could further delay it in the next **90**-day period?

Mr. Michael Preziosi responded that's for their design engineer to evaluate as far as some of the other environmental controls. We're about three transitions or three policy changes from the past storm water design manual. So that has to be looked at as well. We mentioned it, I think, at the last time extension. So those are all aspects that have to be analyzed and evaluated in whether or not those changes significantly impact the feasibility of the project.

Ms. Amanda Brosy stated we will communicate that to our engineer to make sure that they're aware.

Ms. Loretta Taylor stated I think they should have a conversation with Mike because I think the board, generally speaking, is a little leery of this. Frankly I'm voting no on principle. This has gotten a bit too much. So let us go ahead and do that and then during the week or whenever you can contact our staff and get a listing of all the things, the changes that need to be looked into.

Ms. Amanda Brosy asked can I just clarify? Are those changes, you said, three policy changes away? Can you give me a time frame?

Mr. Michael Preziosi responded the storm -- New York State DEC provides a storm water design manual and they also provide coverage under SPDES general permit for construction activities. That has since been renewed, I believe, three or four times since the application was initially made. So there's been changes in design criteria for run off control, so more intense rain events. There's also been proposed modifications to the fire requirements to service sites, and there's going to be energy code changes. Those are all aspects that have to be looked into whether or not this site, this proposal is still feasible.

Mr. Robert Foley asked would the town work in concert with them starting right away if this is approved? I will vote in favor. I don't blame Loretta for -- because next time I doubt I'm going to vote for this. I hope whatever you're talking about...

Mr. Michael Preziosi stated we'll address any comments or concerns. We'll be willing to meet with their engineer, applicant, etcetera.

Mr. Chris Kehoe stated but I think the importance of that would be, in addition to just talking about the sewage treatment plant issue, based on the engineer's meeting there'd be maybe a whole other litany of issues that may further delay the project which we need to get better clarity on. We'll meet with the applicant in between now and then. But as we discussed at the work session, I think we've said that they would get no more time extensions, four or five, six times by now. So I would think that this would be another example. I think staff would recommend granting a time extension but with the explicit warning that the next one probably isn't going to happen. We have to wait and see if they made an application and then see what type of resolution we wanted to draft in preparation for that resolution.

Mr. George Kimmerling asked in terms of the history, Loretta, were you saying the application was first filed in **1999**? And it was never approved? There was no resolution approving it?

Mr. Chris Kehoe responded I think it got final approval in **2011** but conditional final approval.

Mr. Thomas Bianchi stated I will state that I will also vote for this time but I will not vote for any further extensions. Now, this is what happens when an application is delayed this long and progress is not made on it. Things change. It may be better that they resubmit the application as it were a new one and start all over again. That's my position on it.

Mr. Robert Foley stated and even the original, all the review we went through years ago was a very tenuous and problematic proposal with hearings and everything. I will vote in favor this time but not next time.

Ms. Loretta Taylor stated I'm going to vote no so we're going to have to do the...

With all in favor saying "aye". Opposed? Member stated "no".

Mr. Chris Kehoe stated Mr. Kimmerling; no, Mr. Rothfeder; yes, Mr. Kessler; yes, Ms. Taylor; no, Mr. Bianchi; yes, Mr. Foley; yes. Resolution carries **4** to **2**.

Ms. Amanda Brosy stated thank you very much.

Ms. Loretta Taylor stated thank you.

**c. Discussion of the DGEIS/DEIS for the proposed MOD Local Law and for the two development proposals for the proposed Medical Oriented District (MOD) located on Route 202 in the vicinity of the New York-Presbyterian Hudson Valley Hospital.**

Ms. Loretta Taylor stated we had prepared a number of comments which I don't know that the Town Board has received this at all.

Mr. Chris Kehoe stated the Town Board hasn't received them yet. Based on comments at the prior two meetings and written comments received from the board members, we have drafted a two-page memo which divides the comments into a traffic section, a density layout section, site plan section, affordability and marketing section, and an alternative section. Based on comments at the work session and then some other written comments, I've modified this memo trying to take into account specific member's comments. I can further modify it if you want but the Town Board is eager to hear your comments.

Ms. Loretta Taylor asked is there anyone who wants to add anything at all?

Mr. George Kimmerling asked I just had a question on this, under affordability, we have a recommendation that a minimum of **10%** of the units meet the county definition of affordability. Did we come up with **10%** from someplace?

Mr. Chris Kehoe responded **10%** is sort of the industry standard on number.

Mr. George Kimmerling stated ok, great. Thanks. I'm fine with it.

Ms. Loretta Taylor asked anybody else on a comment, question?

Mr. Robert Foley stated one more thing on the historical that I submitted early this morning, in reference to me referencing the town's new Historic Preservation Committee. That would be chapter **15** in the book, pages whatever, **15: 2, 3, 4**. Apparently the new committee hasn't – I know Chris had just explained something to me, hasn't really seen this and my concern was about the two sites, the Evergreen – I'll just call it the Evergreen Hotel on the Santucci side and on the Gyrodyne side, the revivalist old colonial mansion

on the corner and whether they have historical value. It's up to this committee to look into it I guess and the developer and the town.

Mr. Chris Kehoe stated I guess I could add that as a comment that the Planning Board would recommend that the historic resources Advisory Council, the HRAC be given an opportunity to look at these two sites.

Mr. Robert Foley stated yes. And also I just found out this afternoon from one of the members of that committee, who hadn't seen this, that when I explained the scope of the distance of the site going within a certain perimeter where it cites different historical things, there's a place called a Lent Family Burial Ground on Lafayette halfway down or three quarters of the way down Lafayette before you get to Maple. Should that be in here? I don't see it in here. That's the question. The Lent Family Burial Ground that's an historic cemetery: Lafayette, before you get to Maple. About half a mile down.

Mr. Chris Kehoe stated I will modify the memo to include a comment regarding the HRAC review.

Mr. Robert Foley stated yes.

Mr. Jeff Rothfeder stated Madame Chair I move that we direct staff to deliver the memo to Supervisor and the Town Counsel.

Seconded with all in favor saying "aye".

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## **RESOLUTIONS**

**PB 2019-7 a. Application of Nabil Khoury for Amended Site Development Plan Approval and Wetland and Tree Removal Permits for the proposed 1,146 sq. ft. 3 bay garage, a 464 sq. ft. building addition and for additional parking and landscaping for property located at 2311 Crompond Road. Drawings latest revised February 14, 2020**

Mr. Steven Kessler stated Madame Chair I move that we adopt **Resolution 9-20** approving the application.

Seconded with all in favor saying "aye".

Mr. Joel Greenberg stated thank you.

**PB 2020-1 b. Application of Meenan Oil Company, LP for Amended Site Plan approval for a proposed 1,200 sq. ft. electrical shed for property located at 26 Bayview Road. Drawings latest revised January 15, 2020.**

Mr. Ralph Mastromonaco stated good evening.

Ms. Loretta Taylor stated good evening. We have a resolution here don't we?

Mr. Chris Kehoe responded no, we had a site visit this afternoon and there are, I believe, some issues related to the prior approval which we touched upon briefly at the work session with respect to the reconstruction I guess of the garage building and a fence in the back, and items or equipment being off of the property. So based on that site inspection and then some other issues with respect to how the electrical shed would be built, how it's needed, staff recommendation to hold this over for a month.

Ms. Loretta Taylor asked so we're going to refer it back then right? Okay.

Mr. Thomas Bianchi stated Madame Chair, I'll move that we refer this back to staff for further evaluation.

Seconded, with all in favor saying "aye".

**PB 2018-23 c. Application of Mahlab Family Realty, LLC for Preliminary Plat approval and for Steep Slope and Tree Removal permits for a proposed 4 lot major subdivision (with one lot being a no-build lot) of an approximately 25 acre parcel of property located on the south side of Teatown Road, approximately 5,000 feet east of Quaker Ridge Road. Drawings latest revised February 13, 2020.**

Mr. Ralph Mastromonaco stated good evening. I have a copy of the draft and I did have some questions, maybe we can answer them today.

Ms. Loretta Taylor stated I guess you could. This is the draft. Did you need anything more from...

Mr. Chris Kehoe responded no.

Ms. Loretta Taylor asked you have questions though?

Mr. Ralph Mastromonaco responded yes. In terms of recreation fee, given that that parcel is a **15** acre...

Mr. Chris Kehoe stated don't worry about the rec. fee. All we're advising in preliminary is that a recreation fee will be required at the time of final. The Planning Board can't waive that recreation fee but if the applicant has determined that they believe that there is

benefit to a privately owned, non-accessible lot then they could make that pitch to the Town Board to see if they would modify that fee. But right now it's just a notice that one would be required at the time of final. It would matter if that was publicly accessible or not, that piece of property. I mean if it's not publicly accessible I don't know how that contributes to the town's recreational facilities.

Mr. Ralph Mastromonaco stated also, secondarily, what would the fee be based on? Would there be a recreation fee on that lot?

Mr. Chris Kehoe responded probably not.

Mr. Michael Preziosi stated Chris has outlined, if you have a logical point to make, you can bring it up to the Town Board. I think we understand where you're coming from. The lot's not being developed, ergo you're not going to have any recreation uses on the town facility. I think our letter to the Town Board...

Mr. Ralph Mastromonaco stated okay, we'll investigate that further. The second thing is, I just want to share that from Mike's memo there's a request for a bond and I just want to make sure that we're only going to bond the public improvements and not improvements within the lots.

Mr. Michael Preziosi responded correct.

Mr. Ralph Mastromonaco stated the only public improvement I believe is the widening of the little piece of widening...

Mr. Michael Preziosi stated it's only public improvements.

Mr. Ralph Mastromonaco stated that's beautiful, then we're good.

Mr. Jeff Rothfeder stated Madame Chair, I move that we adopt – so this is 10-20 now right?

Mr. Chris Kehoe responded yes, they have to be re-numbered.

Mr. Jeff Rothfeder stated **Resolution 10-20**.

Seconded.

Mr. Chris Kehoe stated just for the record because I know that there are people who have followed this application, it's about a **14** page resolution with **15** separate conditions that would have to be met. The resolution will be available in my office tomorrow if anyone just e-mail me so that I can get it to you so you can take a look at it.

Mr. Robert Foley stated and also Mike's four-page memo, which is attached to tonight's...

Mr. Michael Preziosi stated a lot of the items are advisory but as Chris had mentioned before would have to be addressed prior to the final plat but we want to make sure we get the information out to the applicant and the engineer so the revisions can start to be made as they progress, the plat and the construction improvement terms.

Mr. George Kimmerling asked while we're still on the question, is it typical for staff to have a four-page addendum to the resolution and have the resolution be adopted? It seems to me that there are a lot of outstanding questions and things that have to be resolved.

Mr. Michael Preziosi responded what we're trying to do is avoid a situation we just had with the Beaver Brook subdivision, trying to get our comments out in advance so that the plat and the final drawings, the final plat, and the construction improvement drawings are prepared simultaneously. Once it's made to the board it's approved, the applicant, the developer can theoretically pull a building permit the following day and start work. We're trying to get our comments out as early as possible in the process.

Mr. Chris Kehoe stated but I guess what Mike is saying is in years past those comments would have still been floating around. They wouldn't have been tasked as part of the resolution and would have been talked about at a later time between engineers.

Mr. George Kimmerling stated it just seems to speak to the highly problematic nature of this entire project.

Mr. Chris Kehoe stated the previous case got a three-page memo I believe; the quarry so I believe it is...

Mr. George Kimmerling stated that is true but it is a far less complicated project than this.

Mr. Robert Foley stated I could see George's point because I wondered about the memo too. I'm just looking at it now.

Mr. Michael Preziosi stated as I said, a lot of the comments are as you're going to progress: finalization of the storm water pollution prevention plan, details that are associated with construction improvements, etcetera. That would be signed prior, all approved and reviewed prior to the signing of the final plat.

Mr. George Kimmerling stated in one of these, sorry to belabor the point, but in one of these there's something here for the – is it the architect to certify something about storm water run-off that it wouldn't affect the...

Mr. Michael Preziosi responded those are notes that we're asking to be placed on the final plat.

Mr. Ralph Mastromonaco stated this is preliminary approval.

Mr. George Kimmerling stated yes, I understand.

Mr. Ralph Mastromonaco stated but a lot of things in here are just to point out to you Mr. Kimmerling, or things that are already done or things that we can't do until later on.

With all in favor saying "aye".

Opposed? Member stated "no".

Mr. Chris Kehoe stated Mr. Kimmerling; no, Mr. Rothfeder; yes, Mr. Kessler; yes, Ms. Taylor; yes, Mr. Bianchi; yes, Mr. Foley; yes. Motion passes **5 to 1**.

Mr. Ralph Mastromonaco stated thank you very much. Good night.

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### **PUBLIC HEARING (NEW)**

#### **PB 2020-2 a. Public Hearing: Application of Lourdes Turner for Planning Board approval of an accessory apartment within an existing single-family residence at 60 Old Oregon Road. Drawings latest revised January 14, 2020.**

Mr. Joel Greenberg stated good evening everyone. This is an application that has, before it came to this board, was scrutinized by the building inspector. We're at a point now where we've answered all of his comments and questions, and we're ready for a building permit except of course we need the resolution of approval of this board for the accessory apartment and then we can obtain our building permit. If you have any questions, I'll try to answer them.

Mr. Chris Kehoe stated and as the board knows from previous cases, there's a section of the zoning code that regulates accessory apartments. There are different rules for an accessory apartment in a building versus an accessory apartment in an accessory building. Generally those rules have to do with dimensional requirements, how big the unit can be inside, how many bedrooms it can have. Your role is typically to ensure that the single family character of the building is not changed by the addition of an accessory apartment.

Mr. Joel Greenberg stated along those lines of what Chris just mentioned, that's exactly what we're doing in the front of the house will not change a bit. The entrance to this apartment will be in the rear of the house so that visually, as one drives by, the house it'll look exactly as it has looked for the last **25** years. The other thing that Chris mentioned, the dimensional requirements: again, Martin Rogers is the building inspector scrutinized to make sure that we have the proper square footage which is the maximum square

footage that is allowed. Again, he's reviewed the drawings, both structurally and environmentally so that we're at a point now where he usually doesn't even send it to this board until he's satisfied that it's ready for a building permit and we're at that point now.

Mr. Robert Foley asked Joel, did you say that house has been there **25** years?

Mr. Joel Greenberg responded I apologize, **20** years.

Mr. Robert Foley asked that's on Old Oregon Road?

Mr. Joel Greenberg responded correct, as you're going down, you make the turn off onto Old Oregon Road. It's on the left hand side.

Mr. Robert Foley stated I live up the street. So that house is the newest looking and the largest house on Old Oregon which is the one way narrow road. Correct? It's about four houses in from Oregon Corners?

Ms. Lourdes Turner responded it's not the newest one. It's the third house.

Mr. Michael Preziosi stated just come to the podium. State your name.

Ms. Lourdes Turner stated I live at **60** Old Oregon Road.

Mr. Robert Foley asked and the parking the way it shows here would be all on site not on Old Oregon Road?

Mr. Joel Greenberg responded no, absolutely not. There's a three-car garage and if you look at the site plan there is adequate driveway area to accommodate actually more than what's required by the code.

Mr. Robert Foley asked and the access to this accessory apartment would be from the rear which shows on **A201**.

Ms. Lourdes Turner responded it's existing. It's how the house was built with the door in the back.

Mr. Joel Greenberg stated there was a door in the back so we're going to use that door for the accessory apartment.

Mr. Robert Foley asked and in the **20** years that the house has been there, there's been no work, it hadn't been expanded?

Ms. Lourdes Turner responded yes.

Mr. Robert Foley asked it had or not?

Ms. Lourdes Turner responded yes.

Mr. Joel Greenberg responded there was one addition to the rear of the house – how long ago was the addition?

Ms. Lourdes Turner responded **2005**.

Mr. Joel Greenberg stated about **15** years ago.

Ms. Lourdes Turner stated **15** years ago there was an addition. Joel did the plans then.

Mr. Robert Foley stated as long as the parking is off the road.

Ms. Lourdes Turner responded yes.

Mr. Joel Greenberg stated oh yes, absolutely.

Mr. Robert Foley asked and you're not affected by the pond in the back? That's further up.

Ms. Lourdes Turner responded no that's way up.

Ms. Loretta Taylor stated this is a public hearing. If there's anyone here who wants to make a comment on this either favorable or not, please come up to the podium, identify yourself and your residence please.

Ms. Lauralea Lama Kennedy stated good evening Madame Chairperson and members of the board. My name is Lauralea Lama Kennedy. We live at **86** Trolley Road which is in the back side of **60** Old Oregon Road and right now we are currently – we feel in a bit of a dispute regarding a fence issue. We feel that if the actions respect to the fence are not right then we would be concerned about the actions requesting an accessory apartment. We are just requesting that the board hold off on a decision right now.

Mr. Steven Kessler asked what's the fence issue?

Ms. Lauralea Lama Kennedy responded when we purchased our home our fence in our backyard was already there and then there was a fence in the back from **60** Old Oregon Road and the one right next door to her, the Turner home. There were stakes in the ground and there's approximately seven feet between the two fences. When we purchased our home we were told that our home property did not go all the way back to the fence but it was about halfway in between the two fences. Recently, it was around Christmas time when Ms. Turner came to us and stated that she had a survey done and she is going -- that our fence is on her property in the backyard. She did not give us ample time to be able to get our own survey at that point. So we had asked what would be a good amount of time. She originally said two weeks. We said okay. We agreed upon it and shortly after she left our home that evening, she called us and said: no, it's going to

be holding up her work and she wants to get this done. We had asked if we can have the two weeks and she wasn't willing to give that.

Mr. George Kimmerling asked so what happened?

Ms. Lauralea Lama Kennedy responded so we did some investigation and some research and went back to our attorney from our closing and asked to find out what's on and look up some of, excuse me a little bit flustered.

Mr. George Kimmerling stated it's okay, take your time.

Ms. Lauralea Lama Kennedy responded what had happened was our attorney dug up – we provided our survey and the attorney looked for the survey, went back to the title company to do some investigating and from there we sent a letter to Mr. and Mrs. Turner stating that we feel that this was – you didn't give us any time as a good neighbor and when they first moved in, I believe it was approximately **15** years ago, they had their fence put up which was about between seven and eight feet less. So with that, when we first moved in a little over **10** years ago between the two fences, I didn't realize the stakes were in the ground, and I picked them up and I moved them but it was pretty much between the two fences which led me to believe that, that's pretty much where our property line was. I do have pictures that show that currently there's about seven feet between the property directly behind me, I don't know the exact address, right next to **60** to Old Oregon Road, the other nice large home. There's seven feet one inch between our fences now and that's pretty much what it was with Old Oregon Road.

Mr. Steven Kessler asked on that picture, where's your house in comparison?

Mr. Chris Kehoe responded that would be the backyard of the house. So I think you're back here?

Ms. Lauralea Lama Kennedy responded yes. That's **60** Old Oregon Road. That's there then we would be back there on the upper – I'm not sure. I don't know how to read these drawings. I apologize.

Mr. Robert Foley asked what's your number on Trolley Road?

Ms. Lauralea Lama Kennedy responded **86**.

Mr. Steven Kessler asked Joel, can you put the fences on your plan?

Ms. Lauralea Lama Kennedy responded no, the fence was already there.

Mr. Steven Kessler stated no, Joel, on his plan. Can you put the fence on that plan?

Mr. Joel Greenberg responded of course I can. I just want to say this is a civil matter between two neighbors. This has absolutely nothing to do with an accessory apartment

number one. We have met all the requirements for the accessory apartment and I understand she has her issues and I have no problem with it but I think it's got to be decided between them. It has nothing to do with this board.

Mr. Steven Kessler stated but it's almost a site plan approval.

Mr. Joel Greenberg stated I understand that and our surveyor – I will get you the survey to show you where the fence is. There's no problem.

Mr. Jeff Rothfeder stated what I don't understand is this conflict that you have over this distance of where the fence belongs. How is that affecting you at this point?

Ms. Lauralea Lama Kennedy responded so our fence, when the Turner's had their survey done they said that our fence was impeding on their property line and what had to happen was two of our posts had to be removed. And so those posts have now since been removed and placed on the side. I haven't touched anything. I have two young children at home and it's just it's very difficult.

Mr. Chris Kehoe asked are you saying that the end result of this it appears that you have a smaller backyard than you thought you had?

Ms. Lauralea Lama Kennedy responded yes.

Mr. Chris Kehoe stated the fences...

Mr. Jeff Rothfeder stated that's what I thought. Otherwise it's not affecting you – there's nothing there where this argument is being held over right?

Ms. Lauralea Lama Kennedy stated I understand that this is a civil matter.

Mr. Jeff Rothfeder stated I think we have to work this out somehow but I don't think it really affects – it has nothing really to do with the accessory apartment. I think you need...

Ms. Lauralea Lama Kennedy stated I understand that and that's why I was just saying that because of the dispute that I feel that we have in regards to the fence issue, we feel that we were concerned about that and so now being concerned about okaying an accessory apartment and just asking to wait until this is resolved.

Mr. Robert Foley asked you said you had two young kids, so do you want to eventually put up a fence in your backyard?

Ms. Lauralea Lama Kennedy responded I just really want my fence back up the way that it was. I wanted to be able to – we tried to say give us the time to get a survey and compare the two surveys. I can't imagine that there's a discrepancy of eight feet. Ironically, the person who we purchased the home from was the person who built the

house that we purchased plus the house behind us and **60** Old Oregon. I find it really hard to believe that how the contractor, Richard Brown, would put up a fence that wasn't on his property.

Mr. Robert Foley asked Richard Brown is the one who built the red brick house?

Ms. Lauralea Lama Kennedy responded **86** Trolley Road as well as my understanding **60** Old Oregon and the one right next to it.

Mr. Jeff Rothfeder asked have you found a surveyor to do a survey for you?

Ms. Lauralea Lama Kennedy responded we didn't do that yet because we wanted to do that in December but she then called us back and I was holding off because we went to our closing attorney who said: "just hold off and wait and we will get the title company to get the information."

Mr. Jeff Rothfeder asked and then what about the title company?

Ms. Lauralea Lama Kennedy responded we just sent the letter to Ms. Turner and she replied to our letter stating that we spent all this time doing the research and her survey was right and that was it, instead of giving us the time then to get a survey back in December. Our attorney told us to wait and that's what we did.

Mr. Robert Foley asked is your survey that you currently have a signed, sealed survey by an engineer and a surveyor or both?

Ms. Lauralea Lama Kennedy responded the survey that we have is the survey that we were given at closing when we purchased the house.

Mr. Robert Foley asked so the date of that survey – it probably goes back to the **1960s**.

Ms. Lauralea Lama Kennedy stated I believe it was in close for government work in the **'70s** maybe. I don't know off hand.

Mr. Michael Cunningham stated and I do think the board and staff are all sympathetic that there's some sort of property dispute or issue but I don't know if that's necessarily related to this application which is just instead of putting the accessory apartment within the structure.

Mr. Chris Kehoe stated we were not planning on approving the project tonight anyway. The resolution was going to be held over until the April meeting so maybe between now and April Joel can get the fence added to the plan and maybe there can be some discussion amongst the two parties to see if people would be happier in April.

Mr. Jeff Rothfeder stated the problem is where Joel is going to put the fence is where his client wants the fence.

Ms. Lauralea Lama Kennedy stated the fence is already up.

Mr. Michael Preziosi stated the town does not permit fences. When an applicant comes in, we get a call: “can I put up a fence on my property?” There’s requirements as to height, the type of material, nice side facing out. It’s the property owner’s responsibility to hire a surveyor to field stake and provide survey information so that the fence contractor installs the fence on or slightly inside the property line. So if there’s a dispute between Ms. Turner’s survey and the neighbor’s property, then it’s the neighbor’s responsibility to verify whether or not there’s a mistake with the survey by hiring their own surveyor and comparing. It’s not just – you can put the fence inside your property....

Mr. Jeff Rothfeder stated what I meant is Joel is going to put up the fence where his client wants the fence and I think you need...

Mr. Joel Greenberg stated hold on, hold on. Back in November 22<sup>nd</sup>, 2019 because of this situation, Mrs. Turner did have a survey made out, made copies and emailed them or bring them over to Chris and that basically shows that our fence is approximately five inches into our property. As Chris said, if this young lady feels that our survey is incorrect, let her get her surveyor and let the two surveyors duke it out because our survey is done by a certified survey; Lakeland Surveys from Mahopac and if her surveyor shows something different than it becomes a civil matter. But as far as we’re concerned, the fence is within our property and the survey shows us that. But if she feels that our survey is wrong and the fence is on her property, let her show. We have no problem. They have spoken about it. We waited four months and still haven’t gotten a survey.

Mr. Jeff Rothfeder stated I just meant that you need a survey also because where you’re looking at the survey is where your client believes it belongs based on that survey.

Mr. Joel Greenberg stated well that’s where she believes – where it actually is.

Mr. Jeff Rothfeder stated you guys have to sort this out. You need a survey.

Mr. Joel Greenberg stated I couldn’t agree more. If you get a survey done, we’ll be happy to compare them. Again, if there’s still a dispute, we’ll have to get a third surveyor who knows neither one of them to verify one way or the other.

Mr. George Kimmerling stated it is worth noting that the lot line dispute is irrelevant to this application.

Mr. Joel Greenberg stated correct. That’s the other reason. I don’t see why we can’t proceed with this application when this has nothing to do with this application?

Mr. George Kimmerling asked just a question for staff. Did Code Enforcement write up a letter of their findings?

Mr. Michael Preziosi responded yes, there was a memo prepared by Martin Rogers, I think via email, that was submitted.

Mr. Chris Kehoe stated but I don't know if he touched upon any fence issue.

Mr. Michael Preziosi stated they would not have.

Mr. Chris Kehoe stated that was what Joel was saying is this was carefully vetted in the building department.

Mr. Joel Greenberg stated we're at a point where we're waiting for a building permit as soon as you...

Mr. Robert Foley asked do we have the memo from Martin Rogers?

Mr. Chris Kehoe responded that would have been a month or so ago. Yes.

Mr. Michael Preziosi stated you'll be getting said memos on accessory apartments moving forward to make sure everything is code compliant before it gets to the Planning Board.

Ms. Lourdes Turner stated if I may just add, we had this discussion a while back and the issue now is she wants me to pay for half her survey. I've asked her back in November, back in December, December until now "please get your survey and if there's a difference between my survey and your survey, we'll figure it out." I want to resolve this amicably. We want to fix it. She has not done a survey on it. I did my due diligence.

Mr. Thomas Bianchi stated we don't want to go back-and-forth on this. I think you guys have to – we've got a month, so you should work it out and put it on the survey and wherever it sits right now and then we'll consider it next month.

Mr. Joel Greenberg asked question, since we discussed and resolve this issue one way or the other, we're waiting for a building permit and we'd like to get started. I know you'll have a resolution a month from now but is there any way that we can at least file for a building permit?

Mr. Michael Preziosi responded you can file for building permit, yes.

Mr. Joel Greenberg asked can we get it before next meeting?

Mr. Michael Preziosi responded it's prior to Planning Board providing an approving resolution so technically no.

Mr. Joel Greenberg stated thank you. Happy St.-Patrick's Day!

Mr. Chris Kehoe stated the question would be though, in addition, is the public comments really weren't relevant to the accessory apartment so the question is: did you want to keep the public hearing open or do you want to close the public hearing but hold off on the resolution next month? You have to hold the resolution until next month.

Ms. Loretta Taylor stated we do have to because we already said we would. How are you feeling about that? You want to go ahead and close? It really does not have anything to do with...

Ms. Loretta Taylor asked does anybody else wants to make a comment, they can come up?

Mr. Steven Kessler stated Madame Chair I'll move that we close the public hearing and have staff prepare a resolution.

Seconded with all in favor saying "aye".

Mr. Joel Greenberg stated thank you very much. Good night.

Mr. Michael Preziosi stated in the interim you can file for the building permit. Make sure all the paperwork and form work is in so if it is approved in April the paperwork can be issued the following morning.

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

**PB 2017-25 a. Public Hearing: Application of Lu Lu Properties, NY for Site Development Plan approval for an office and parking lot for a livery cab service on an approximately 41,376 sq. ft. parcel of property located on the north side of Travis Avenue, west of Albany Post Road (Route 9A).**

*(Removed per applicant's request)*

Ms. Loretta Taylor stated we've already announced that we will adjourn it again to April 7<sup>th</sup>; that's **PB 2017-25**, that's Lu Lu properties. Is there anybody here who wanted to make a comment on that? We'll just move along.

Mr. Thomas Bianchi stated Madame Chair I'll move that we adjourn the public hearing for this application to April.

Seconded.

Ms. Loretta Taylor stated April 7<sup>th</sup>.

Mr. Thomas Bianchi stated April 7<sup>th</sup>.

With all in favor saying "aye".

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### **NEW BUSINESS**

**PB 2020-3 a. Application of Heike Schneider, R.A., on behalf of 3451 Lexington Avenue, LLC, for Site Development Plan approval and for Steep Slope and Tree Removal permits for a proposed 56,000 sq. ft., 2-story classic car storage facility, a 4,900 sq. ft. showroom and a 3,528 sq. ft. storage building on a 16.3 acre parcel of property located at 3451 Lexington Avenue. Drawings dated December 30, 2019.**

Ms. Heike Schneider stated good evening. I'm Heike Schneider. I'm here for the classic car storage facility and I'm here with Ben Truitt from Sherwood & Truitt Landscaping and Thomas Kerrigan from Site Design. They worked – Thomas worked on the site plan for the classic car storage facility. Would you like me to give you an overview, a more detailed overview of what it is we are doing? I know I submitted a narrative but...

Ms. Loretta Taylor responded you might want to spend a couple of minutes please.

Ms. Heike Schneider stated we are proposing a two-story classic car storage facility on the Lakeland Lot off Route 6 in Mohegan Lake adjacent to the intersection of Route 6 and Lexington Avenue zoned as HC which means Highway Commercial. The **16.3** acre lot starts fairly level. We are not showing contour lines here but just to describe the lot. It starts fairly level but slopes down significantly away from Lexington Avenue after the first **150** feet. At the lowest part of the property facing west is designated wetlands which has been flagged by biologist Josh Fisher and Michael [Nowiki]. On the north facing side is a **30** foot wide access and utility easement that also serves as parking area for the home owners residing alongside 3451 Lexington Avenue. The access easement serves as driveway to their houses. This made it impossible to use it as one of the access driveways for the storage facility and to provide adequate fire truck access. That is something we had to deal with. We had to create a parallel driveway as the second entrance to the storage facility to allow full access to the building on the upper and the lower level. To the building, we are proposing a **56,000** square foot car storage facility, two stories, running along the north south access with a two-story showroom and member's lounge facing Lexington Avenue. The storage facility is built into the steep terrain showing only one story in the front facing Lexington Avenue and two stories in the back. The roof also follows the terrain. Two shed roofs sloping in opposite direction with PV solar panel on the southwest facing roof slope. The solar panel system will take care of the power demand for the entire facility. No fossil fuels will be needed. The storage facility is laid out such that it can store **200** cars on the double auto-stackers on the lower level and the

same number on the upper level which brings the entire storage capacity to **400** car storage. The facility will be offering car wash and detailing only. On the north facing side with access from the upper level, four private garages with keypad entry allow for after-hour car pickup. In the front along Lexington Avenue, we are proposing a **4,900** square foot showroom with a member's lounge on the second floor. As part of the member's lounge we are proposing a bar area, small kitchen prep area, a conference room, race car simulator room, and a private lounge area. This second story flat roofed building connects to the storage facility through a feature wall and an open gallery space reaches into the upper level of the storage facility which means from the gallery you can actually look into the second floor of the car storage facility. Furthermore, in the back, we are proposing a storage building **42** foot by **84** feet and we are proposing **95** parking spaces: **65** in the front and **30** in the rear. We are delineating the parking in the back facing the wetlands with a retaining wall following the outline of the wetlands and attractive landscaping.

Mr. Steven Kessler asked you said it's a one-story building looking from Lexington Avenue?

Ms. Heike Schneider responded yes, not the showroom because the showroom and lounge is two stories.

Mr. Thomas Bianchi asked there will be no sales of cars from this building?

Ms. Heike Schneider responded showroom yes. There will be sales of cars too in the showroom.

Mr. Robert Foley asked would this be considered a club since you mentioned a lounge and all this?

Ms. Heike Schneider responded it's both. It's basically, the idea is it's for car lovers, especially classic car lovers and you can then also join a membership and you can store your car for a reduced price if you are a member. You can also then take part in events. They're planning on having probably monthly events that they bring either special cars in or they feature, I don't know, Lemans race or whatever but certain attractions and they would like to do that, probably monthly.

Mr. Robert Foley asked like an event meaning inside the premises or outdoor tents?

Ms. Heike Schneider responded inside the premises and parking would be on site as well.

Mr. Robert Foley asked so you would be bringing a lot more other cars, outside people coming in to see this classic car event?

Ms. Heike Schneider responded yes. One other idea is – the train station is not far away so they would also offer shuttle services. So this way we're trying to reduce the number of parking spaces that we need because we don't need – for daily use, we don't need that

many parking spaces. We don't even need a hundred. Right now we have **95**. It would only be for special events that we do need more.

Mr. Robert Foley asked I know you're familiar with the area because I think you did the Ace Hardware?

Ms. Heike Schneider responded yes.

Mr. Robert Foley stated so you know that corridor. You're further down Ace Hardware but Lexington is very narrow. I don't know if there's any plans to widen it up to this site. People walk on it. There are no sidewalks. People live in the affordable and section 8 housing just down north of where you want this and then you have the rehab and nursing facility almost across from this but a little further north. It's just a bad road. It's been this way for years. When we just approved the assisted living on the corner, we had some issues there. I didn't know anything about this proposal then. It sounds like it's a large, intense proposal. I realize it would clean up what's there now. I just wonder how much activity in and out would occur every day or every weekend. If it is a club, does that change the zoning?

Mr. Chris Kehoe responded this is the first introduction to the board. So we'll ask some of these types of questions to get a better idea because it is – we have had several staff meetings. As Heike mentioned, there are **95** parking spaces which we thought was way too many but then it was pointed out that they will be doing these events. Plus, the landscape plan hasn't really been flushed out. We had some questions with that. We can get more information about – I guess, maybe there's a possibility cars could be parked in the parking lot with their hoods open like they do at other places and people will come and look at the cars and things. We've got to get that flushed out.

Mr. Robert Foley stated there can't be any parking on Lexington which happens sometimes.

Ms. Heike Schneider responded no, that is out of the question. I understand that.

Mr. Robert Foley stated further down by the George Washington school is when they have, whatever it's called, teacher's night / family night. When my kids went, we had to park along Lexington which was very – worse now.

Ms. Heike Schneider stated as you know, we have a building that has **29,000** square feet on both levels. I do think there would be ways to do valet parking and worse scenario just bring cars into the building. You know, for special events...

Mr. Robert Foley stated a valet parking on the site.

Ms. Heike Schneider responded yes, on the site.

Mr. Steven Kessler asked I hate to go back to this but your showroom is two stories and appears to be flush with the other building. So doesn't it make the building two stories facing Lexington Avenue? Look at your picture.

Ms. Heike Schneider responded the storage building is...

Mr. Steven Kessler asked what's the height of the building as you see it from Lexington Avenue?

Ms. Heike Schneider responded **27** feet to the roof.

Mr. Steven Kessler stated that sounds like two stories then.

Ms. Heike Schneider stated it is only one story for the storage building. We have two stories; one story in the back and that one is **15** feet high and then you have a second story which is only accessible from Lexington Avenue, the front...

Mr. Steven Kessler asked but you have something on top of that.

Ms. Heike Schneider responded yes, and that part is...

Mr. Steven Kessler stated again, as you said, this is preliminary and we'll get to it later on.

Mr. Chris Kehoe stated I'm not projecting them but there's a pretty good set of elevation drawings in your packets as well which you can take a look at.

Mr. Steven Kessler asked is **27** feet considered two stories or one story?

Mr. Michael Preziosi responded it's two stories. I think the upper level of the storage is tall, has a height clearance which is why it's with the two story storage and the showroom.

Mr. Steven Kessler stated just for the record.

Mr. Robert Foley asked this is directly across from...

Ms. Heike Schneider stated just to clarify, we also have two shed roofs, right, which are shifted and we need to do that, first of all, because we need a lot of roof surface for the southwest part but that also kind of limits the height that we have in the storage building. So that's why, yes it does look like it's two stories but it basically changes in between. So **50** feet in, the roof comes down.

Mr. Steven Kessler stated my concern is just from Lexington Avenue, what do you see? That's all.

Mr. Robert Foley stated it would appear that architecturally and esthetically it would be an improvement from what's there now. It's just I'm concerned about the impact. Also, is this directly across from the ConEd substation, that little building before the nursing home and rehab going north? There's a road that comes out by the theater and the Tom Thumb; the building to the right, the white building in your sketch.

Ms. Heike Schneider stated I think I gave this to you.

Mr. Chris Kehoe stated you should have that in your packet.

Ms. Heike Schneider stated you'll see it, what's opposite.

Mr. Robert Foley stated it's not marked on here but okay I assume, knowing the area, that's – there are only two individual homes there where people are living, then you have the larger facility which was the Tom Thumb dancing and theater and then the drive-through and there's a ConEd substation and you guys are right across.

Ms. Heike Schneider responded you know, I think it's opposite the Tom Thumb dance theater because I remember seeing that.

Mr. Thomas Bianchi stated my concern is only that, as I mentioned, if there are sales going to be taking place out of this facility, it's really a dealership, in my mind, for classic cars. It's a specialized dealership and as such you have a showroom. You're going to have some kind of a lounge or a bar or some food service, some alcohol service. You're going to have cars taken out and test drove that will be, I assume, along Lexington Avenue so there'll be traffic created with that. I'm just looking at it from that viewpoint. That's what I wanted to let you know.

Mr. George Kimmerling stated just in terms of the car detailing and car washing, does that take place somewhere in the auto storage building as opposed to the accessory building?

Ms. Heike Schneider responded yes, it's going to take place inside the storage building on the lower level. It's marked on the plans.

Mr. George Kimmerling asked and so in terms of the proximity to the wetlands, obviously all of the issues around where that car wash water will go...

Ms. Heike Schneider responded it's going to stay in the building. It will be cleaned and reused.

Mr. Michael Preziosi stated similar system to the Curry Westchester Auto Exchange.

Mr. Robert Foley asked so there wouldn't be any oil changes or anything? You said detailing and washing.

Ms. Heike Schneider responded not that I know of.

Ms. Loretta Taylor stated I would just ask that somehow we get some more specifics on exactly what these events are and what kinds of...

Mr. Steven Kessler stated ask for that in the review memo.

Mr. Chris Kehoe stated right, but that's a good point. We touched upon a little bit but even Mike and I don't have a clear idea of the type of event that would be held.

Mr. Michael Preziosi stated what I think I'm hearing, the board can correct me, is that we're going to do a very limited trip generation estimate as to what the daily traffic flow to the site would be and then typical day operations and what a trip generation rate would be on the site on event days to determine if there's an impact to Lexington and the intersections.

Mr. George Kimmerling stated I would imagine these events would require sort of like outdoor display of the cars, as you mentioned. So this issue of whether or not there would be outdoor display of merchandise should be included. Just one other question, in terms of the noise regulation, classic cars are not always the quietest. In terms of the noise regulation, who is responsible for, this is really for staff, who is responsible for compliance with the noise regulation for a car that's on the property that may not be owned by the property owner but by a member...

Mr. Michael Preziosi stated so violations are issued to the property owner. If it's Code Enforcement – if we get a noise complaint – it is a good concern is something we're going to cover in our memo is acoustics within the building and definitely during events outside because there's a school across the street, there's also assisted living next door, and there's residential units adjacent too. So there's no waiver of the noise ordinance. So on an event day, the maximum noise permitted on this site is **55** decibels as it is elsewhere in the town.

Mr. George Kimmerling stated with cars going in and out or idling in the parking lot.

Ms. Heike Schneider stated the way I understand it and there is one facility close by already in Bedford, those cars are expensive cars so I don't think those people will rev the engine in front of the building. That would not be what the owner had in mind. That is definitely something that he would not approve of so I think what they probably would do is give members kind of a guideline of what to do and what not to do.

Mr. George Kimmerling stated certainly if you're going take sort of classic muscle cars from the **'60s**, those are a lot noisier than a Rolls from **1934**.

Ms. Heike Scheider responded sure but I guess the car probably lives longer if you don't rev it too long. I don't know.

Mr. George Kimmerling stated they're noisy by nature.

Mr. Robert Foley asked none of these cars would be race cars?

Ms. Heike Schneider responded probably not.

Mr. Chris Kehoe stated that's the question. I could see them maybe bringing a race car in for an event to let people wander around and look at it or something.

Mr. Robert Foley stated as long as they don't try to use it around Lexington or Red Mill, or Strawberry. The area of Route 6 which is always congested, those are really circuitous roads.

Ms. Loretta Taylor stated we have noise codes. As long as the applicant is made aware of the fact, of what the noise codes then...

Mr. Robert Foley asked also, I have a question – did you say the retaining wall is already built or would be built?

Ms. Heike Schneider responded no it would be built in the back.

Mr. Jeff Rothfeder stated Madame Chair I move that we refer this back to staff for a memo. We also want to set aside a site inspection, right?

Mr. Michael Preziosi responded yes, I think you can set a site inspection.

Mr. Chris Kehoe stated we haven't done one of those in a while.

Mr. Jeff Rothfeder stated we also want to declare lead agent.

Mr. Chris Kehoe stated declare your intent to be lead agent.

Mr. Jeff Rothfeder stated all three of these and intent to be lead agency. All three in this resolution.

Mr. Chris Kehoe stated the normal day for your site inspection would be Sunday, April 5<sup>th</sup>. I am not available Sunday, April 5<sup>th</sup>. We could do March 29<sup>th</sup> which is the previous Sunday. I don't have any conflict there that I can tell.

Mr. Jeff Rothfeder stated March 29<sup>th</sup> for a site inspection.

Seconded with all in favor saying "aye".

Ms. Loretta Taylor stated we'll see you on the 29<sup>th</sup>.

Mr. Chris Kehoe stated you're all familiar with it? We'll be there at nine in the morning on the Sunday like we did at the hardware store.

Ms. Heike Schneider responded yes.

**PB 9-97 b. Application of Mines Press on Furnace Dock Road for an amended site plan for battery storage associated with a roof-mounted solar project.**

Mr. George Ford stated good evening Madame Chairwoman, members of the board. My name is George Ford. I am with Centric Business Solutions. I am here joined by Colleen DiBenedetto who is one of our project managers and also Chuck Utschig who is from Langan Engineering. We are here tonight – first and foremost, thank you so much for allowing us to be on the agenda this evening. This is a fairly simple application. Some of the rules have recently changed with solar PV installations in New York. The Mines Press is a printing business on 231 Croton Avenue and we are looking to install a rooftop solar system with a battery storage unit and one of the requirements from NYSERTA, in order to receive any type of rebate money and incentive money from the state is you have to go through a planning process. We would need to have a planning approval for the application and that's why we're here tonight.

Mr. Chris Kehoe stated and I think as we discussed at the work session, Michael correct me, but that's an aerial photograph with a solar array shown on the roof and then the general location of the battery storage, it's in bollards, that needs to be turned into a signed and sealed site plan in order for the Planning Board to be able to approve it. So that was relayed to the applicant. I believe your goal is to have that site plan done by March 25<sup>th</sup> ish to get on the April 7<sup>th</sup> meeting.

Mr. George Ford stated correct.

Mr. Chris Kehoe stated and we'll do a review. It will be the normal comments: noise, things like that but I think the expectation is that it could be approved on April 7<sup>th</sup>.

Mr. Michael Preziosi stated we have a few items that we would need further clarification from you and your engineering design team would be whether or not the battery storage is compliant with the town's noise ordinance. I know the inverters from the DEC, the AC they do make noise. The board does have some background and familiarity with said devices but whether or not the battery storage also generates noise. The site is recessed into the grade. We want to make sure there's no associated or necessary tree clearing on the uphill side in order to make sure you have the right amount of daylight hours. And then the third would be on the comprehensive site plan doesn't show any utility improvements, upgrades, because it's our understanding this is going to be a community solar project so they'll have to be utilities brought back to either Croton or Furnace Dock Road. So any sort of underground utilities that would lead back to the Con Edison utility pole would need to be shown on the plans, any sub sorters, transformers or sub stations.

Mr. George Ford responded sure. Would you like me to answer some of those questions this evening?

Mr. Chris Kehoe responded only if they want to hear it.

Mr. Steven Kessler stated quick answers.

Mr. George Ford stated solar is a great product obviously. We're seeing more and more solar today, has great aspects in many different ways, reasons, but as far as the noise, there is no noise. Solar panels don't make any noise. The storage unit that was alluded to, this is a **20** foot container. It's basically, if you had a storage container on your site, it's a **20** foot steel container long. It's **10** feet wide and it's **9** feet high. To your point, yes, the site is very recessed in the ground. I was told by the Mines family who owns the Mines Press, and some of you may know this, I guess back in the day this building used to be the Chase Manhattan Records building and that building was built specifically down low, and again this may be a myth and maybe one of these stories that gets passed on, that they purposely built this building down low in case there was ever an explosion from Indian Point that it would go over the top of the building. Again, maybe one of these old fairy tales, I'm not sure. There would be no tree clearing required whatsoever. The trees, they're not high enough to shade the system on the roof. The storage unit will sit right in front. The utility interconnections as you see in this drawing where there are some little dark boxes with some arrows pointing to where the existing transformer is and where the new transformer would be, that is the only electrical interconnection that would be done. The existing wires that run up underground to Croton Avenue to the telephone pole are going to stay the same.

Mr. Michael Preziosi stated the reason I bring it up is there was an approved solar farm across the street. They also filed to interconnect with Con Edison. We just wanted to make sure that everyone's aware of the potential for conflict for utility upgrades.

Mr. George Ford stated we've already received all of ConEd's approvals, the interconnection is done. At this point, the last step is being in front of you.

Mr. Robert Foley asked from a technical standpoint with the Hanover approval, or whatever the name up by Croton, both of these within close proximity, technically won't interfere in any way, electronically?

Mr. Michael Preziosi responded that's what was stated yes.

Mr. Robert Foley asked ConEd would be in charge of that?

Mr. Michael Preziosi responded that's an interconnection application.

Mr. Thomas Bianchi stated I pass by this building quite often and my only concern is I can see the top of the building now. I assume that this is going to raise the visibility of these panels. I know you want them to be exposed to the sun so you don't want them to

be hid but there may be some screening or some tree planting requirement or something that may be required to further screen it from the road.

Mr. George Ford stated if you've probably driven by the site recently, being that it's winter time...

Mr. Thomas Bianchi stated the leaves are off.

Mr. George Ford stated but in the summer time you can – it's almost impossible to see this site. I think I provided a picture initially of the site from the street and once the trees are blooming it's impossible to see that. But to further your comment, if you look in today and you said you can see through the bare trees, you could see the roof, I just want to make sure you're aware, these panels will sit flat on the roof at a very slight pitch, five degrees. It's almost going to be like you're looking at the roof anyway. There's going to be no difference except the panels will be black versus the roof today is white.

Mr. Thomas Bianchi asked and there's no reflection issues?

Mr. George Ford responded there is none, no. We have to go through a glare study which we've already done with the FAA.

Mr. Steven Kessler asked how much do you expect to generate from this?

Mr. George Ford responded this system will generate – it's going to be an **875** kilowatt AC system which is equal to about a **1.2** megawatts DC. It will produce approximately **1,400,000** kilowatt hours give or take. It will be a community solar project as was mentioned. By law, **40%** of that power needs to be consumed by a commercial entity and Mines Press will be using that power.

Mr. George Kimmerling asked in terms of the kilowatt hours produced is that over what time period?

Mr. George Ford responded that's over one year.

Mr. Thomas Bianchi asked so you're sending the other **60%** out to the grid?

Mr. George Ford responded correct.

Mr. Thomas Bianchi stated for sale to local customers.

Mr. George Ford responded the power will be dispensed out to the utility grid and there will be community members that can sign up and purchase that green power if you will.

Mr. Robert Foley asked by community members you mean possibly nearby home owners or the fire department?

Mr. George Ford responded yes.

Mr. Chris Kehoe asked don't you start nearby? Don't you hire a company that helps you with that and notify the nearby people and then you go out?

Mr. George Ford responded yes, and we discussed this in length with the Mines family. They would be happy if all the members that signed up for this were all local residents. Another change that will happen in New York State starting in January of **2021**, all the billing will be done directly on your Con Edison bill so you'll see your regular ConEd charges and then you'll have, basically a third party supply charge saying here's how much solar you purchased for whatever you need for your home.

Mr. Steven Kessler asked you set those charges?

Mr. George Ford responded no, it's actually set by the state. The state says that the people that sign up for this automatically get a **10%** discount from the Con Edison rate.

Ms. Loretta Taylor asked that third party charge is for those people who joined the program?

Mr. George Ford responded yes, they're buying the power, correct. Instead, in essence, buying the power directly from Con Edison, they're buying the supply of the green power from the...

Mr. Michael Preziosi stated it's another energy supply company or corporation.

Ms. Loretta Taylor stated it's just the way you were phrasing it, that time, it seemed like they all went together. But I'm thinking, what if people don't join how are they going to – see another charge on their bill. It's already too high.

Mr. George Ford stated, no this will actually be a discount. Like I said, it would be a **10%** discount if they sign up from Con Edison's rates.

Mr. Robert Foley asked would you be competitive with the other solar company that's up Croton Egg Farm, price-wise?

Mr. Steven Kessler responded they also said **10%** I believe.

Mr. George Ford responded it's a New York State Law. We can't change the pricing.

Mr. Robert Foley stated because you do have some homes there that may be impacted visually as Tom said, above the road, across, that look down. Then you have the school, major high school, fire department, and so forth.

Mr. George Ford stated I encourage you, the site, during the spring months and the summer that – I've been going there for seven years working with the Mines family on this project and again, the trees are very abundant.

Mr. Robert Foley stated I'm familiar with it for many years.

Mr. George Ford stated through the summer months.

Mr. George Kimmerling stated sorry I'm belaboring this but would other folks want to maybe go see it on that same Sunday?

Ms. Loretta Taylor responded I don't mind, if we're going to be that close.

Mr. George Kimmerling stated it's sort of nearby.

Mr. Steven Kessler stated Madame Chair I move that we refer this back to staff and schedule a site inspection for that **9:45** am give or take, on that Sunday morning the 28<sup>th</sup> was it?

Mr. Chris Kehoe responded 29<sup>th</sup>.

Mr. Steven Kessler stated 29<sup>th</sup>.

Mr. Chris Kehoe stated just some bureaucracy, you will need to make an application to the Planning Board. So you have to fill out the application form. I need to give you an orange sign. There's a minimal application fee. Colleen will work on that stuff in the next couple of days. Thank you.

Seconded with all in favor saying "aye".

Mr. George Ford stated thank you. We'll see you on the 29<sup>th</sup>.

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### **ADJOURNMENT**

Mr. George Kimmerling stated we're adjourned. It's **8:23**.

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**Next Meeting: TUESDAY, APRIL 7, 2020**

