

Meeting Minutes

THE REGULAR MEETING of the PLANNING BOARD of the Town of Cortlandt was conducted via Zoom webinar on *Tuesday, September 1st, 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 (absent)
Valerie Myers, Board member

ALSO PRESENT:

Michael Cunningham, Esq., 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 there are a couple of changes to the agenda tonight. The application of VS Construction Corp. **PB 2017-3** has been adjourned per the applicant to our October 6th meeting.

Mr. Chris Kehoe stated Loretta I do see Dan Ciarcia is still here. I don't know if he wants to say anything on that. When we get to that, just adjourn it but see if he wants to say something.

Ms. Loretta Taylor stated another change to the agenda is the application **2017-25** for Lu Lu Properties for an office and parking lot for a livery cab service. He's asked us to adjourn this until November. We will be dealing with that in a couple of months. We'll not be taking it up tonight. We have one more change, didn't we?

Mr. Robert Foley responded Santucci?

Ms. Loretta Taylor asked excuse me?

Mr. Steven Kessler responded no that's it.

Ms. Loretta Taylor stated that's it? Okay.

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ADOPTION OF THE MINUTES OF THE MEETINGS OF JULY 7, 2020

Ms. Loretta Taylor asked can I have a motion to adopt the minutes for July 7th?

So moved.

Mr. Robert Foley stated on the question, I'll submit a few corrections.

Ms. Loretta Taylor stated I didn't get a second.

Seconded.

Ms. Loretta Taylor stated Bob you will be submitting something.

Mr. Robert Foley stated I'll drop them at Chris's drop box at Town Hall. Thanks.

With all in favor saying "aye".

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CORRESPONDENCE

- a. Referral from the Town Board regarding modification of Special Permit Section 307-65.7 to permit additional residential use of existing buildings on Cortlandt Blvd.**

Ms. Loretta Taylor asked Mr. Kessler?

Mr. Steven Kessler asked do we want to talk about it?

Ms. Loretta Taylor asked do you want to?

Mr. Chris Kehoe stated there's a little bit of background information. There's a section of code that permits accessory apartments in existing residential buildings. There's another section of code; **307-65.7** I believe, which is about **10** years old and would permit some residential uses of existing commercial buildings on Route 6 that used to be residences. That's a mouthful but if you recall, there was an auto parts shop on Route 6, sort of near the Sinclair gas station on the first floor, the auto parts shop went out, there's some residential units in there now. The owner of that building: Dominic and Debbie Santucci approached the board to see if that special permit section could be modified to permit the entire building to go residential and this is somewhat coming out of the pandemic and the

fact that finding commercial tenants may be difficult. There are other buildings on Cortlandt Blvd/Route 6 that meet these criteria of houses that have been converted to commercial establishment. So, the idea behind the modification for this special permit is if you meet the conditions of the special permit, the entire building could be converted to a number of residential units. Right now it's capped at two. The proposal is not to cap it. It would be capped based on size of the building, size of the apartments, how many parking spaces you can get. We drafted some language. The Santucci's have some questions that they submitted. It really has to do with the section of the code that says that it's H: All other requirements of **307-45** would still apply; **307-45** refers you back to the accessory apartment section of the code and there's some language in the accessory apartment section that the Santucci's have some concerns with such as, you remember with accessory apartments you have to file a declaration of covenant. Also, if the ownership changes or if there's a death, the special permit is eliminated. So, they would like some of those things modified. So, we have no problem with those suggestions to modify to make sure that this **307-65.7** isn't in any more conflict with the accessory apartment section which is **307-45** and that's their main concern. But the issue here is that the Town Board is holding the public hearing in this on September 23rd so the Santucci's can appear, anybody else can appear at that public hearing and raise concerns about the proposed language. The Town Board just wanted to know if you had any concerns about the general idea of buildings along Cortlandt Blvd that are houses that are used for commercial being reverted back to multi-family dwellings.

Mr. Steven Kessler responded I have no concerns.

Mr. Robert Foley stated it may affect a few others down on Route 6 east of Locust. There's a building where the Enterprise Car...

Mr. Chris Kehoe responded yes, there's three or four of them along that stretch that this would apply to.

Mr. Robert Foley asked and down towards Westbrook?

Mr. Chris Kehoe responded yes.

Mr. Robert Foley stated site-specific on this one, I don't really have a problem. My only concern, because we were there at a site visit a few years ago when they were thinking of a daycare thing and the main concern that I would still have would simply be a safe entrance and exit from Route 6 but with six apartment units, I believe it's six max, if it would happen.

Mr. Chris Kehoe stated that facility actually has a commercial type parking lot associated with it back when it was the car auto parts. That's in pretty good shape.

Mr. Robert Foley stated the parking, but it's coming in and out of Route 6. There's no room for a turn lane and if you have six different residents, they'll be aware of how careful they have to be about the cars on Route 6 behind them. There'd have to be some

type of signage. I don't know.

Mr. Steven Kessler stated Bob, I was more concerned when ShopRite used to be there than I am with this place.

Mr. Robert Foley stated well ShopRite it's a different street.

Mr. Steven Kessler stated I'm just saying, but in terms of danger in coming in and out of a store where you had much more traffic with ShopRite was a much bigger issue than this would be.

Mr. Robert Foley stated they'd only be what, maximum six residences. I'm not objecting. I think it's a good idea. It's better than commercial and I think Mr. Santucci's letter was very compelling. I guess it was to the Town Board, and also the work that Mike, and Chris, and Michelle did with their memos. I just remember that site visit and getting in and out. And that was our concern when they wanted to have a daycare there and we were worried about kids being left off and all that.

Mr. Chris Kehoe stated we'll take our draft language and based on some of the comments that we've received from the Santucci's which were discussed briefly with Michael Cunningham, we don't have issues with what they're suggesting, some further modifications. I'll make those modifications. I'll send them back to you but I'll also send them to the Town Board saying that the Planning Board reviewed the proposed language and I guess doesn't have any issue with it.

Mr. Steven Kessler stated that sounds like a motion. I make a motion that we go back to the Town Board and it's the sense of the board that we have no objection to this modification to the code.

Seconded.

Mr. Robert Foley stated on the question, Chris's memo to the Town, just cite, at least my concern about somehow facilitating the safe entrance/exit. Simple signage or what? That's my only concern. I have no objection to the overall project.

Mr. Chris Kehoe responded okay.

Mr. Michael Preziosi stated Chris, we can accomplish that with just requiring line striping at the entrance to allow cars to enter and exit without hitting each other.

Mr. Robert Foley stated thank you.

Ms. Loretta Taylor stated before we actually take the vote, I wanted to just ask if each of these units is separate independent. Will each of the units have all of the things that it needs to be a separate independent unit; the kitchen, kitchenette, bathroom, etc?

Mr. Michael Cunningham responded yes it will be otherwise they can't get the certificate of occupancy.

Ms. Loretta Taylor stated there will be no commonality in terms of the use of bathrooms.

Mr. Michael Preziosi responded no, that was discussed with the Santucci's about requirements of the state building code, fire reading, entrances, exits, egress, etcetera. They're aware of that. It will be captured when they file for a building permit to do renovations.

Mr. Robert Foley stated it will only be studio and only one bedroom. No two bedrooms from what I read.

Mr. Chris Kehoe responded as its written, correct.

Mr. Michael Preziosi stated **400** square feet plus, etcetera.

With all in favor saying "aye".

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RESOLUTION

PB 2017-3 a. Application of VS Construction Corp., for the property of Roa Hook Road Associates, Inc. for Site Development Plan approval and a Special Permit rock crushing for an approximately 3.5 acre parcel of property located on the north side of Roa Hook Road. Drawings latest revised May 19, 2020.

Ms. Loretta Taylor stated the application of VS Construction is not going to be dealt with tonight. This is for property of Roa Hook Road Associates. I understand Mr. Ciarcia is here. Is he still here?

Mr. Chris Kehoe responded yes. So Dan if you want to say something, do you want to hit the "raise your hand" button? If you don't need to say anything, based on your email, the Planning Board is going to hold this over until October so staff can meet.

Mr. Robert Foley stated he has to un-mute.

Mr. Dan Ciarcia stated that's fine. We're just requesting the adjournment and we'll see you guys in October.

Ms. Loretta Taylor stated okay, very good.

Mr. Thomas Bianchi stated Madame Chair I'll move that we adjourn this case to our

October meeting.

Seconded with all in favor saying "aye".

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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). Drawings latest revised October 23, 2019 (to be adjourned to the November 2020 meeting)

Ms. Loretta Taylor stated the applicant has asked that we adjourn this until November.

Mr. Robert Foley stated I'll make a motion, at the request of the applicant, to adjourn this to November.

Seconded with all in favor saying "aye".

PB 2020-3 b. Application of Heike Schneider, R.A., on behalf of 3451 Lexington Avenue, LLC, for Site Development Plan approval and for Steep Slope, Wetland and Tree Removal permits for a proposed 56,000 sq. ft., 2-story classic car storage facility, a 4,900 sq. ft. showroom and a 3,528 sq. ft. storage building on a 16.3-acre parcel of property located at 3451 Lexington Avenue. Drawings latest revised August 18, 2020.

Ms. Loretta Taylor stated this is a public hearing. Are there any persons there who have come to discuss this, pro or con?

Mr. Michael Preziosi stated the applicant is on as an attendee, Heike Schneider, Benjamin Truitt and a few others. So, if you'd like to speak, just "raise your hand". Anybody who's in the public that wishes to comment on this, also use your "raise your hand" function on the Zoom panel and we will promote you to a speaker.

Ms. Heike Schneider stated I would like to just give a very short introduction and then pass on the baton to our site engineer and to our landscape architect, Thomas Kerrigan and Ben Truitt. I'm the project architect for 3151 Lexington Avenue. As previously stated, we are proposing a **56,000** square foot two-store storage facility with a connected **4,900** square foot two-story showroom. As a result of our site development, disturbance of the wetlands and the wetland buffers as defined by the Town of Cortlandt will be required. We are here tonight because we would like to introduce our wetlands findings

statement and also propose a wetlands mitigation plan. I would like to call either Thomas or Ben to take it from here.

Mr. Benjamin Truitt introduced himself and stated the project landscape architect. We have put forth the wetlands mitigation and planting plan that is showing the impact to the wetlands buffer area and the wetlands themselves and the subsequent replacement or mitigation of those areas. You may note on the plan the buffer area is impacted in roughly **1.1** acres of wetland buffer that will be impacted here. We are proposing to mitigate that by the improvement of **1.54** acres roughly of wetland and wetland buffer as shown. On this drawing that you're seeing now below the proposed large retaining wall and our limit of disturbance. That is the wetlands improvement area. There are also – yes exactly. What's shown at the very bottom that's now circled is a proposed wetlands channel. That is in replacement of the town wetlands channel that is the drainage discharge for Lexington Avenue at the northern or the upper portion of the drawing. There are two hatched areas that are showing wetlands areas that will be replaced by that lower area that's circled and another portion on the upper part of the drawing just below the retaining wall. In addition, there are plantings shown throughout the drawing including a landscape buffer area buffering Lexington Avenue from the proposed structure, the proposed building, and the parking areas. Exactly, that is the landscape buffer that is proposed. In addition, there are plantings throughout the remainder of the site: parking lot plantings, screening against the edge of the building, perimeter plantings and so on. Thomas would you like to take it from here for the site plan?

Mr. Michael Preziosi stated I'm sorry. I do not see Thomas on the attendees list.

Mr. Benjamin Truitt asked are there any questions in reference to what we're proposing for the wetlands buffer and wetlands mitigation?

Mr. Jeff Rothfeder asked I have one question, not about that, but about the landscape plan. Where are the three large trees being planted that we were talking about before to replace the dead tree up front?

Mr. Benjamin Truitt responded replacement of the London Plain tree, the large one that's in the north, closest to Lexington Avenue?

Mr. Jeff Rothfeder responded correct.

Mr. Benjamin Truitt responded what we're proposing are to replace that with the: one, two, three, four, the four large trees that are within the planting island between the interior access and the parking lot, closest to Lexington Avenue. There are four trees shown. If we can zoom in a little bit we could see the notation on the plan but that one tree – no, next row over. But those four trees are planned as replacement for that one tree, same species, large caliper, I believe we proposed four inch and larger.

Mr. Jeff Rothfeder stated okay that's fine. Same species you said?

Mr. Benjamin Truitt responded yes.

Mr. Jeff Rothfeder stated that's fine. Thank you.

Mr. Robert Foley asked and you said the London Plain tree goes, correct? That's what Jeff just alluded to?

Mr. Jeff Rothfeder responded that's correct, yes.

Mr. Benjamin Truitt stated yes, we do not feel that that is of a health that it's worth salvaging. It's also right into the power lines where I think we are all better suited by replacing it with the proposed plantings that we've shown.

Mr. Robert Foley stated I understand. There was a concern by one of the CAC members in a letter a month ago, but I think he understands. He made a reference to classic cars and the classic trees.

Mr. Benjamin Truitt stated I have to appreciate that.

Mr. Robert Foley asked on the wetlands, I think I was answered at the work session by Mike. There's no real impact down below to the adjoining neighborhood of Cardoza or Baker Street?

Mr. Benjamin Truitt responded correct.

Mr. Chris Kehoe asked Ben, one thing I wanted to ask and I want to make sure that I'm right is the – you still have not shown the actual planting plans for your two actual wetland mitigation areas, correct?

Mr. Benjamin Truitt responded correct. As of the time of this submission we had defined the areas and the rough square footage or acreage that we will be replacing with. We had not fully detailed out what plant material will go in that. We're working on that and we'll be submitting that to staff.

Mr. Chris Kehoe asked okay. And then the other that I wasn't clear, although it's pretty clear now, I just want to make sure for the record, the entire area with these hatchings is where the **1.54** acres are for the wetland buffer. All of this area here that we're seeing now is the wetland buffer enhancement?

Mr. Benjamin Truitt responded yes. The larger, coarser hatching area is the wetlands improvement, and buffer improvement zone. That will include removal of invasive species, hand removal of any debris, garbage, deleterious material, except for and in addition of wetlands appropriate plantings throughout.

Mr. Chris Kehoe stated when this first came in I was getting ready to send it right away to Paul Janing and I think I actually sent him the landscape plans but then he would have

figured it out obviously on his own but then I alerted him that he doesn't actually have what he needs to review yet. So as soon as you get it to me I have to send it to Paul.

Mr. Benjamin Truitt stated correct.

Ms. Loretta Taylor asked are there people who have joined us who wish to speak to the application pro or con?

Mr. Michael Cunningham stated Loretta before the public speaks I suggest that we have Marisa be promoted so that she can answer Bob's questions, because the public may have the same questions.

Ms. Loretta Taylor responded okay.

Mr. Robert Foley asked you want me to speak to it? This is Bob.

Ms. Loretta Taylor responded no, Marisa is.

Mr. Robert Foley asked is Marisa there?

Mr. Michael Preziosi responded I just promoted her to speak. Before she speaks, I just want to make the board clear. We usually require mitigation of a wetland impact to the ratio of **2:1**. The applicant is slightly less than that. They are proposing to remove about **0.06** acres and proposing to replace that at a ratio of about **1** and **1.2** to **1.3** to **1**. The board would just have to comment on that as well with their official comments or response back.

Mr. Benjamin Truitt stated if I may, I would be more than happy to adjust that so it meets the **2:1** ratio.

Mr. Jeff Rothfeder stated thank you.

Mr. Michael Preziosi stated thank you Ben. Marisa is on if you have questions for her.

Mr. Robert Foley asked I'll go first then. Hi Marisa, I appreciate all the work you do. I started to ask this at the last meeting but we ran short on time and I should have done a memo, but you had visited the location I believe, right?

Ms. Marisa Tarallo responded yes.

Mr. Robert Foley stated and because it was referenced to by one of the residents who spoke at the hearing to come and sit and observe. As you know I live in the area so I go through that corridor a lot, it's going north on Lexington is the area I'm concerned about. In reading first your June 4th memo, the earlier one which I was going to allude to at the last meeting, I think I understand most of it. The different studies that were done, then you go from the **50** vehicles and the peak hours. I think your newer report, you're talking

about **75** and then it's spaced also on **350** vehicles being stored at the location that's being proposed. I just didn't understand the rationale that you made, not you but I think the ITE manual that you referred to, which I think was the newer manual, not the one that we used way back in – I'm looking at a memo from **2010** when there was another project in there. That was volume **8**. You did edition **10**. But, the rationale, a self-storage unit, which I guess most of us have at some point in our lives, you kind of go there once a week or once a month maybe or longer. You go and you leave. For car storage and showroom facility would have much more of a volume of activity, especially on a weekend. I couldn't get your rationale between measuring it that way and I do know you said that there wasn't any real trip – there wasn't really any numbers available in the ITE trip generation manual to go by, but I would think that the comparison between a regular self-storage versus what's being proposed there is a big difference.

Ms. Marisa Tarallo responded so you're right that there isn't a classic car storage facility, or a car storage specifically using ITE, but as far as the self-storage you can look at it in two ways, and we kind of showed both in that June 4th memo. You can look at it on number of storage units because there are a specific number of cars they can store here so there is an advantage of knowing that or you can look at it in total square footage. We looked at it both ways and it was originally done, I think by the applicant in storage units, which is reasonable but there are not a lot of surveys of not just car facilities but storage facilities for that particular trip generation rate. So that's generally an indication that it should be used with caution so-to-speak, and especially in COVID when we can't do surveys, it's not my preference. So, we ran it also with the square footage. That does give the trips a pretty sizable jump. It nearly doubles them for the total trips on a Saturday. This is total, not peak hour. That would be about a **109**-trips in a Saturday throughout the day which does seem reasonable to me. Again, I haven't done a ton of car storage facilities but for a high-use storage, which we do kind of look at high use versus low use storage, that seemed reasonable which is why we suggested that rate. What's notable with the car storage and storage in general, is that there isn't really a peak hour. When you think about an office or a school you have to get there at a certain time and that's really why storage isn't very impactful whether it be cars, or self-storage, or something else, to peak hour or peak **15** minute traffic, just because you don't have – if there **50** or a **100** cars being stored here you don't have a reason for all of those people to need to come within the same hour. So they're generally pretty spread out throughout the day. On a typical day, what we had estimated was up to **20** cars in one peak hour. So, when there's a **100** cars in an entire Saturday, and we think it's about a **100** to a **110**, **20** cars in one hour of the Saturday does definitely represent a peak and it's **20** vehicles. You'll see that, especially just north of Lexington but I wouldn't expect to see something like **50** trips going in and out of this site given how many cars they can store here in one peak hour, not necessarily in a day. That's also why our memo noted that the event condition has more potential to cause discomfort or traffic congestion than a typical day. because again, if it's a typical event and it has a time that people want to arrive, then there is way more cars coming within the same **15** minutes to an hour than there would be if it was just an average Saturday. Even with that, that was why we questioned: is it limiting it to **75** tickets? Is there a reason that the arrivals should be – is it expected when they have a lounge and everything else that everybody will be coming within **10** minutes of the start

of the event? Or are people kind of meandering -- when you think about a car show or something like that. The overall thought with that the event condition had a higher potential for traffic but it was short term, short lived on a Saturday not during commuter peak and it was most likely to be spread out not within one peak, **15**-minute period at the start of the event.

Mr. Robert Foley stated you explained that well, as I read the minutes from the last meeting, pages **19** and **20**. It's just that when you said there's no real comparison of another similar facility, at least in the manual, do you know whether the facility, the car showroom and storage over in Katonah on Railroad Avenue, the one I visited? I think, I don't know if I mentioned it at the last meeting, whether you had looked at that. Did they do any kind of a survey there before they were approved? I know it's not our town but...

Ms. Marisa Tarallo responded not that I could find recently because that's been there for a while. I did do a search, I don't work for that town either, but I did do a search generally and I didn't find it. Normally, we would say that if the town had concerns they could survey that site. I just don't know what you would get in a period of COVID. I will note, it's not uncommon ITE really tries to make general uses. They don't usually do a lot of specialty uses so it's not uncommon for a project that's specialty to not have a specific generation rate. It's why we kind of read the surveys. We read where they are. We try to figure out if that data is valid. In this case when I reviewed it, I do think that by using the square footage which nearly doubles the amount of trips over the units, that this is comparable. You're talking about, just in the context, you're talking about a third of people that are storing cars there coming on the same Saturday at some point during the day to look at their cars. On that context that's something we look at, we consider that to be reasonable that they wouldn't necessarily have -- if they have **350** cars stored there they wouldn't necessarily have **350** owners of the cars visit on the same day.

Mr. Robert Foley stated and also this place would be open on weekdays too. I just wondered because that other facility, which was done, as you said, years ago, and I do understand about the limitations with COVID. And also, I didn't know whether you knew it. You said you were up there but this is -- in the Yorktown side, I don't know a few yards up on the right there's, in progress, an eight-unit town homes being built with parking. I don't know whether that would -- the cumulative impact of that, and then if you added on the other facilities on that corridor going north, not only the Northern Westchester Rehab and Nursing, the housing, the section eight housing, the school is closed now and you couldn't really do a study with it closed...

Ms. Marisa Tarallo stated to your point, there's an existing -- I don't think anyone's denying it, there is an existing congestion problem with this intersection which has been severe for quite a while and it keeps getting worse. The town houses I think we looked at actually as part of another project. Michael, it might have gone back to Cortlandt Crossing even but those town houses have been on a couple no-build lists. I think that the point here is something just for you guys to know is that even if they do a detailed traffic study of just this particular intersection, they're going to look at existing conditions, COVID or not it's going to be very bad. They're going to look at no-build conditions

which includes that development coming in. It's not whether this development and that development together create a problem and then they need to share in fixing it. There still remains responsibility would be to take those town houses and put them as a no-build and that would make this intersection even worse. And then they would come on with whatever we had decided for this trip generation for the car dealership and see what that impact was compared to no-build. And what I think you'll find is because this is in a high traffic generator, and when I say high I'm talking – usually we do a detailed analysis if you have **50** or more cars at an intersection at a peak hour, so in the peak hour there are nearly half of that. There may be **25** cars at this intersection. Twenty-five cars will make this worse but it's not going to rise to a traffic impact.

Mr. Robert Foley asked but by intersection, you keep mentioning “this intersection”, you mean Route 6 and Lexington?

Ms. Marisa Tarallo responded yes.

Mr. Robert Foley asked what about Strawberry, Red Mill, Lexington? What about West Street, Lexington? That's going north, but I'm talking about the existing build-out already is which with cars, traffic, the school, the Islamic temple, and daycare, and the housing.

Ms. Marisa Tarallo stated that's my point is that they're very bad today and this particular site with **25** cars at an hour, even if all **25** of those cars goes through each one of these intersections it's very unlikely that they all rise to a significant impact. They will add congestion. It will just not rise to a **10%** increase that we consider an impact. It won't take this from **E** to **F** or it won't go well beyond **F**. It would be highly unlikely which is why we didn't recommend the detailed study.

Mr. Robert Foley asked so in other words, what would be the threshold in the future; **50** cars if anything else is built in the area? I mean, people use the northern corridor to cut off Route 6. They use Strawberry and then they go left and go south on Lexington. It goes both ways. If you're in the area and you live there, you know, you experience it every day.

Ms. Marisa Tarallo stated it's terrible. I totally understand and it's completely up to the Planning Board what you want to evaluate. I just want to set the expectations as to what you could expect if we did a detailed traffic study. To your point, it will be bad. It will show that there is bad traffic there today. I just don't know if it will rise to the level that you feel comfortable necessarily asking for improvements particular to this development that isn't generating enough traffic. If this was a school, if this was something else, it would definitely generate enough traffic. My estimate is it will not.

Mr. Robert Foley stated maybe the most it could result could be the widening of Lexington with a shoulder or even a turn lane. I see what you mean. But again, it's a road, as Mike explained at the last meeting I believe Cortlandt has part of the responsibilities for that road and Yorktown has the other. It's just it's a bad road. You

can't walk on it. The fact that the developer, which is nice, will put a sidewalk in front of their place but when we approved next door, Centennial which is in progress, we couldn't do a sidewalk. There wasn't room because of the slope going down along the western side of Lexington before you get to the light. Anyway, it's a very bad road and this is exacerbating it to what extent, I'm not even sure. I leave it up to your expertise.

Ms. Marisa Tarallo stated to that point I will just – if moving forward, after hearing from the public and the Planning Board, an option you do have that I know Michael has recommended on other projects, I don't think that this is particularly large still so I state this at your discretion but because of COVID, because you can't definitively know this is a specialized use how much traffic it would generate, you could ask post construction, once we've kind of returned to normal, that we survey their own drive...

Mr. Robert Foley stated I think Mike is asking that. I read I someplace. I don't know whether it was Mike's memo or yours or maybe it was in the minutes...

Mr. Michael Preziosi stated we had discussed at the last meeting that if there was significant concern with parking and trip generation on the corridor, to require a post-implementation traffic studies, and/or to monitor traffic during a special event.

Mr. Robert Foley stated okay, so hopefully that can be done and the other possibility, again depending maybe with a shoulder widening or some kind of a turning lane, which I don't think will happen but it's just that we're building out there and with that assisted living being expanded, that impacts it also. And also, oh wait not Marisa. That's another question unrelated to Marisa. But thank you. I'm not against the project. I'm just very concerned about the corridor traffic.

Ms. Loretta Taylor asked do we have other questions, other concerns at all here?

Mr. Thomas Bianchi asked any public comments?

Mr. Michael Preziosi asked any public that are on as an attendee, if you'd like to make a comment relative to this application, please use your "raise your hand" function on this application. I see one resident has raised their hand. I'm going to permit them to speak. Kayla Abel can you un-mute yourself.

Ms. Carol Travis stated it's Carol Travis. I own the property across the street and I just want to reiterate about the traffic because Saturday and Sunday, this weekend both the traffic was backed up to Strawberry Road from the Route 6 light and that's, as you say, this is during COVID. I don't know where all these cars are supposed to go once this opens. If you're going to have an event that has **75** to **100** cars all jumping out on the street of a Saturday night, it's going to be a disaster. That's it.

Mr. Robert Foley asked you live right across the street?

Ms. Carol Travis responded I do. I don't live across the street. I own the property across the street. I live up the road. I live across from the new assisted living facility.

Ms. Loretta Taylor asked if staff is okay with this we could close the public hearing tonight. Yes?

Mr. Michael Cunningham responded yes, Loretta if we close tonight though I want the applicants to agree to allow us to vote no later than our November meeting because we have to vote – once we close we have to vote within **62** days. The November meeting is slightly outside the **62**-day period.

Ms. Loretta Taylor stated we would just simply ask them for – is Heike still there?

Ms. Heike Schneider responded yes.

Ms. Loretta Taylor asked did you just hear what we were saying? Because of the way the dates are running here, we will be a little bit beyond the time that we should be after we close the public hearing. So, we would like to ask you for an extension. I don't know whether you can do that or whether somebody else has to do that but do you have the ability to sort of agree to a time extension for us?

Ms. Heike Schneider stated I would just like to understand it fully. So basically, you're saying you couldn't vote on it tonight but it has to be at the next meeting.

Ms. Loretta Taylor responded yes. It would be November.

Mr. Chris Kehoe stated the issue is that we believe we've heard enough from the public and the Planning Board is willing to close the public hearing. I believe the Planning Board has enough idea of what the outstanding issues are, but given the fact that the wetland investigation, the wetland plantings have not been done, hasn't been sent to our consultant yet. I don't believe the Planning Board feels they can vote on approving or denying this project at the October meeting. They'd like to wait to the November meeting.

Ms. Heike Schneider stated I would like to ask Ben – would it be possible for us to submit the final mitigation plan within the next couple of weeks and you still considering to vote on our project in October?

Mr. Steven Kessler asked we won't have the resolution prepared for October.

Ms. Heike Schneider asked or is that not logistically not possible? I'm just trying to understand because we would...

Mr. Chris Kehoe stated typically the Planning Board closes the public hearing, has all of the information they need and is available to approve the project next month. I believe what we're saying is I guess mainly given the wetland mitigation and the fact that it

hasn't been reviewed by our wetland consultant that we would like the report back from him, it would be presented to the board and discussed at their October meeting.

Mr. Steven Kessler stated the alternative would be to leave the public hearing open. So it's more advantageous for you for us to close the public hearing.

Ms. Heike Schneider stated I'm just really trying to understand and of course everybody's pressuring me to make sure that we get a resolution soon. So basically, you wouldn't be voting on it in October after you reviewed all the information?

Mr. Robert Foley responded no, November .

Mr. Jeff Rothfeder stated November.

Mr. Steven Kessler stated we'll instruct staff in October what needs to be put into an approving or disapproving resolution for a vote in November.

Mr. Chris Kehoe stated the biggest issue is, in theory, at the October meeting the Planning Board could express displeasure with Ben's wetland mitigation plan, or Paul Jaehnig could say it's insufficient, or we could want those plans further changed. That would be discussed in October and then – or the alternative is the plans come in, everyone's fine with it and then it's approved in November. But I believe the October meeting, rather than simply approving the project will be to discuss further modifications to the plans.

Ms. Heike Schneider stated it doesn't sound like we have much of a say anyway, much of an option here. Of course, Ben, I would like the approval as soon as possible but I understand that you need time to adhere it.

Mr. Robert Foley asked I have another question, Mike or anyone because it's based on the Code Enforcement memo of July – did we hear from the Fire Advisory Board on this application, Mike?

Mr. Michael Preziosi responded I'm not entirely sure. I don't remember. It's been a little bit hard with COVID and the pandemic to get everybody together. But typically, the main concern we had was on site circulation which we typically look at as opposed to the Fire Advisory Board anyway.

Mr. Robert Foley asked wouldn't the Fire Advisory Board weigh in even on the building itself, not the accessibility of the trucks getting in but the materials and that type of stuff, and fire suppressants?

Mr. Michael Preziosi responded typically the comments we generally get is site access, location for hydrants, etcetera. They typically don't comment on building material. That's all...

Mr. Robert Foley asked this will have cars in it. I assume some of the cars will have gasoline in them when they're stored.

Mr. Michael Preziosi stated that's all prescribed as far as controlled with the International Fire Code which is Code Enforcement staff.

Mr. Robert Foley stated that was a concern and the other concern I and others have.

Mr. Michael Preziosi stated the building has to be sprinklered. It has to have a fire suppression system. It has to have controls in place, on site hydrants, etcetera which we typically look at. Chris, I don't know if we actually got a written...

Mr. Chris Kehoe stated I don't see written comments from the Fire Advisory Board but just so everybody knows, the town's fire inspection, Holly Haight works for the Code Enforcement department and she's an expert in fire related issues, and she's the staff person to the Fire Advisory Board. She helped write the Code Enforcement memo. She's reviewed this project. She's very familiar with it, but I will confirm whether – a lot of times, things go to the Fire Advisory Board, we don't necessarily get a written report back. Sometimes they defer to Holly.

Mr. Robert Foley stated no I asked because the last comment in that memo is a comment from the fire advisory board if any are pending.

Mr. Chris Kehoe stated we'll look into that.

Mr. Robert Foley stated points **B** and **C** if it's covered.

Ms. Loretta Taylor asked can we...

Mr. Jeff Rothfeder stated Madame Chair I move that we close the public hearing and bring this project in October to talk about the wetland mitigation plan.

Seconded with all in favor saying "aye".

Ms. Loretta Taylor stated thank you.

* * *

OLD BUSINESS

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

East Main Street (Cortlandt Boulevard). Drawings dated August 19, 2020.

Mr. Michael Preziosi stated I'm going to promote Ralph Mastromonaco, the site engineer and Joe Thompson the architect for this project.

Ms. Loretta Taylor stated thank you.

Mr. Michael Preziosi stated Joe and Ralph, just state your name for the record and un-mute yourselves when you're ready to speak.

Mr. Ralph Mastromonaco introduced himself.

Mr. Joseph Thompson introduced himself and stated the architect.

Mr. Chris Kehoe stated take it away Ralph.

Mr. Ralph Mastromonaco stated I can't see myself Chris, for some reason. We made an extensive submittal to the board on August 21st. The materials included a drainage report in detail, slope maps, a letter showing conformance to the special permit requirements of this application, a tree removal permit that refers back to the consultant that the town used to identify the trees and their condition, a full environmental assessment form, site plans, utility plans, truck maneuvering plans inside the site, a photometric plan for lighting, erosion control plan, and a detailed response to Mr. Preziosi's review memo. The architectural renderings have been submitted earlier. Our traffic consultant will be complete with his report in about one week. I realize that you will want to see that report before scheduling a public hearing. As to the tree reports, your consultant, and we agree, found no significant trees, specimen trees on the site and did not see any problem with the construction. We have provided a planting plan. It's a reasonable plan to replace some of that loss. It's on our site plan. Even though our traffic consultant is not ready to submit, he did inform me today that he did obtain warrants for the exit from the Bear Mountain Parkway that would permit a light but acknowledged to you that installing a light there would be up to DOT. I don't want to get into the leads of the traffic right now because we will get a complete report shortly and I realize that traffic is probably one of the larger impacts to be discussed for this application. If there are any questions about what we've submitted, I can answer them. If you've looked over the extensive submittal that we made, I think we probably covered every question you could answer in advance. Thank you.

Mr. Robert Foley asked I have a question I brought up at the work session, and Chris advised me to ask you. Does the scope of your project, I'm looking at the drawings and everything here, bring this project any closer to the adjoining neighborhood, to the north, that would be the end of Floral Road, where there are a lot of houses on that road itself? There's a slope -- the uphill slope, and Chris mentioned about tree covering plantings but does this lay out, this footprint is larger than the existing, what's there now, correct?

Mr. Ralph Mastromonaco responded yes it is.

Mr. Robert Foley asked so being that you will be impacting the slope, at least part of it, how close does it bring it to the neighboring, or the cul-de-sac part of that road? I can't see it on any of the mapping here.

Mr. Ralph Mastromonaco responded Bob, it's hard to read the numbers but I believe it would be – I'm sorry I can't read the numbers on my – the parking lot would be closer probably by about **60** feet.

Mr. Robert Foley asked the parking lot for the convenience store?

Mr. Ralph Mastromonaco responded the parking lot for the whole project. Again, I might have to correct that when I get a scale in front of me but it appears to be about **60** feet further back from where it is now. But, if you remember, that was a bar and there was a Popeye's restaurant is there, still is there. The actual structure that we're building is probably in the same location as the Popeye's restaurant.

Mr. Robert Foley stated a little different, a little bigger I think. I'm just curious about the neighbors. Now I do see on one of your plans it mentions four different neighbors and it shows location of their homes. I assume, at least two of them, are being to Floral.

Mr. Michael Preziosi stated Ralph, you're showing that the closest distance to the neighboring properties from the proposed parking lot is about **66** feet.

Mr. Ralph Mastromonaco stated yes, to the parking lot Bob.

Mr. Robert Foley stated okay. I think most of these houses almost go [inaudible], **66** feet. All right, I'm just curious because there has to be maybe even a noise impact if your project's built not with the gas pumps but with the convenience store. So there are other impacts that could affect that neighborhood.

Mr. Ralph Mastromonaco stated there's no noise generators on this site other than cars coming in and out.

Mr. Robert Foley asked and there wouldn't be any at the gas pumps like was discussed at Gas Land at the end of last year, you said you were at the meetings and that became a big issue of no music at the gas pumps, none of that stuff.

Mr. Ralph Mastromonaco stated of course, yes.

Mr. Robert Foley stated convenience store you know, and then you'll have to drive around which I don't think the Gas Land had. So that means there could be more – anyway, that's something we can look at. And I won't bring up traffic because you said John Canning's – we don't have his report yet, but that is of course major concern.

Mr. Ralph Mastromonaco stated that's right.

Ms. Loretta Taylor asked Ralph, I have a quick question. You just mentioned that there would be, excuse me – you phrased your answer to Bob's question as, of course, when he was asking whether there would be any noise generated from the pumps and you said something and then he said one thing. I can't remember exactly how it went but what I was curious about was the way you responded "of course". Do you mean "of course" there won't be any music or whatever from those pumps or "of course" there will be?

Mr. Ralph Mastromonaco responded of course there will be no music.

Ms. Loretta Taylor asked there will be no music.

Mr. Ralph Mastromonaco stated no music, no.

Ms. Loretta Taylor stated I'm clear on that. Okay. It went by a little quickly and I wasn't clear on what you were saying. Are there any questions, concerns from the board?

Mr. Thomas Bianchi stated I think we're going to do a site visit.

Mr. Robert Foley stated yes, October 4th, site visit.

Mr. Michael Preziosi stated the architect is also available on this Zoom meeting if you have any questions pertaining to the architectural. I can display the elevations again if the board would like.

Mr. Thomas Bianchi stated I assume this was submitted to the ARC, Architectural Review Board.

Mr. Chris Kehoe stated it will be.

Mr. Thomas Bianchi responded okay.

Ms. Loretta Taylor stated I think we reached a point where we need to – Valerie, we need to advance a motion here.

Mr. Steven Kessler stated Valerie is on mute.

Mr. Robert Foley asked we lost Valerie?

Mr. Chris Kehoe stated sorry, I just got a text from her. She was having connection problems.

Mr. Thomas Bianchi stated I'll take. I'll move that we refer this back to staff and set a site visit for October 4th.

Seconded with all in favor saying "aye".

Mr. Ralph Mastromonaco stated thank you.

PB 2020-8 b. Application of NewYork-Presbyterian Hudson Valley Hospital for Site Plan approval for the redevelopment of an approximately 37,375 sq. ft. parcel of property currently containing an existing mostly asphalted parking area located at the site of the former Citron Building to provide 118 staff parking spaces in two phases and for a new walkway for pedestrian access to the main campus buildings for property located at 1970 Crompond Road. Drawings dated August 19, 2020.

Ms. Loretta Taylor asked is there anybody here from the hospital?

Mr. Chris Laporta responded yes I am. This is Chris Laporta. I'm a civil engineer with the Chazen Companies. I believe Thomas Breglia from the hospital is here as well.

Mr. Thomas Breglia responded yes, hello this is Thomas Breglia with the hospital. Good evening.

Ms. Loretta Taylor asked would you want to please sort of explain to the board what it is you're proposing to do exactly? There was at least one or two concerns. There were a couple of concerns at our work session. If you could explain what you're doing I think maybe some of that would be cleared up. One person for example and myself as well, a little sort of out of sorts with the way the drawings went and we sort of thought they were split up or separate but actually you're bringing them together in one large mass at some point when both phases get done, right?

Mr. Chris Laporta responded correct. They will all integrate together as the project phases through. I believe on our title sheet I might have made a little phasing figure that showed a phasing line to delineate between phase 1 and phase 2. Maybe I could, just to be more clear, show that as a light dashed line on all of the drawings, but I did provide the small phasing map with the line delineating phase 1 and phase 2. So phase 1 is where the trailers are right now in the existing gravel lot area. That area would go first and then when the birthing cottage facilities are relocated, then phase 2 would be constructed. We're about at grade, so we'll be able to make a clean break in between phase 1 and phase 2. That's the sequencing of this project. Just to give a quick update to everybody, we were here on July 7th. We had made an initial submittal with a conceptual plan and an EAF back in June. We received comments from Code Enforcement engineering and planning and we addressed all of those comments in our August 19 submittal that you referenced. We included the full plan set, SWIPP and a detailed response to comments letters. In between, we also had a call with the New York State Department of Transportation. They reached out and just wanted to understand the project a little bit better. They wanted to understand if this was a traffic generator which it really is not. This project was just to handle the existing needs of the hospital. They wanted just some

clarification on the emergency access which we explained is going to remain an emergency access. It will always remain an emergency access. It's going to be gated. It's gated now and it will have -- I believe there will be -- use slightly widening up there. We might just put in a slightly wider gate but it will always be gated. The dialogue with the Department of Transportation really went into the sidewalks along the right-of-way. The biggest issue with the Department of Transportation is going to be that they would like to take ownership of the sidewalks and they essentially warned us of the lengthy lands donation process. I went through this process before and you need to do a phase **1** on the lands. You need to have the survey, the take line meeting with them and then when the whole package is ready, it goes to the Attorney General's office. They explain it as a black box that could disappear for **12** months to **16** months. From what I've experienced, that's pretty accurate. We suggested it would be a good idea that after we have this Planning Board meeting here, we're going to arrange pre-application meeting and get an application into them. That's one of our next step items. That's where we are today. We provided a pretty detailed response on the comments on our initial submittal. So here we are tonight. We just wanted to discuss with the board any questions they may have on the project.

Mr. Steven Kessler asked I had a question. Can you explain what changed in your needs, as you put it, between when you built the garage until this additional parking you're now asking us to approve?

Mr. Chris Laporta responded Tom is here. He can speak to the parking demands of the hospital. We did provide a detailed response on the parking demands and we should also note that that is based on code that study. The real-life parking situation is something that I believe is greater than even what the code may suggest. I'll let Tom speak for a minute to the parking needs of the hospital to just continue to elaborate on this.

Mr. Thomas Breglia stated Chris thank you. Again, Tom Breglia with the hospital. Prior to COVID we were having some dramatic issues with parking going back at least a year ago in July to the point where we decided to actually create a valet for our medical office building because what we had found was that a number of our patients that needed to get into our infusion area, our existing infusion area in the medical office building were having difficulty finding parking. We had also identified that there was a tremendous amount of parking around what we called the campus [reload] which again, whether it's because of business has gotten better and we have more staff people along with more patients over the last year or so prior to COVID, we have dramatically seen a tremendous amount of parking need within the hospital confines. So we decided to look at areas where we might be able to improve our staff parking to allow us to provide appropriate parking around the buildings themselves to the patients and the visitors to the hospital. This is what we've envisioned to help us to sort out a lot of the staff parking that has been generated so our patients can stay closer to the buildings.

Mr. Steven Kessler asked how will you ensure that the staff parks in this new area?

Mr. Tom Breglia responded our intent is, and I think we identified, also because I believe with Mike Preziosi had asked that we develop a plan that identifies specifically which parking areas are going to be designated for staff and so our intent is at the end of this project is to have each of these areas delineated appropriately so that we ensure that our staff are parking in areas outside of the main buildings.

Mr. Steven Kessler stated I just don't know how you enforce that though.

Mr. Tom Breglia stated again, we've got security. Each of our staff people will be given specific color-coded stickers on their cars and again, as we develop that staffing parking plan, each of these parking lots will be colored appropriately. We will have security will be certainly taking note and driving around and identifying those areas that don't have the proper color-coded stickers on their car.

Mr. Steven Kessler stated thank you.

Mr. Robert Foley stated in that same vein, I've noticed in the past, your enforcement, or the security does very well on that. When some staff were parking where patients or resident, or people using the infusion center, they go around and not ticket them but they notify – they know exactly who the staff person was. I noticed this about two years ago even, before you did the valet parking. I have confidence you'll do it correctly.

Mr. Steven Kessler asked if it's up to me, I think we'd like to schedule a site visit for October the 4th, Sunday morning so that we can all – the Planning Board can go take a look at this property and the plan to get a better understanding of it. That's my motion.

Seconded.

Mr. Thomas Breglia stated we welcome a site visit.

Mr. Robert Foley asked on the question, Tom brought it up, and maybe it can be addressed at the next meeting. There was on your sketches it wasn't clear, there's no exit road out of this proposed parking out onto 202 across from Holy Spirit. That's just emergency right?

Mr. Tom Breglia responded that is correct.

Mr. Robert Foley asked and then I guess at another time we'll ask, if we can, as far as satisfying your needs, the hospital needs. You're running out of room so I hope if there's any future plans you'll let us know as an application.

Ms. Loretta Taylor asked are you done with your question?

Mr. Robert Foley responded yes.

With all in favor saying "aye".

Ms. Loretta Taylor stated thank you very much and we'll see you at the site inspection on October 4.

PB 2020-10 c. Application of Cortlandt CSG, LLC, for the property of 202 Cortlandt, LLC for Site Development Plan approval and a Special Permit and for Tree Removal and Steep Slope permits for a proposed 2.3 MW community solar power system located on an approximately 33.86 parcel of property located on the north side of Route 202, west of Lexington Avenue. Drawing dated June 19, 2020.

Mr. Kieran Siao stated good evening everybody. Can you all hear me?

Ms. Loretta Taylor responded yes.

Mr. Kieran Siao stated good evening this is Kieran Siao from Dimension Energy. We're a community solar developer and I work out of our New York office and lead development for New York State. It's great seeing you all again. I hope you all enjoyed the rest of your summers. Just as a quick refresher I was back here in July and we're proposing to develop a **2.3 MW** community solar project. Our project is located on a **35-acre** design commercial property located on Lexington Avenue between Crompond Road to the south and Dyckman Road to the north. Just wanted to give a couple of quick updates since we last met in July. We made some additional progress on our field work. As you may recall, back in July we had our own wetland biologist previously visited the site to perform the wetland delineation survey. Since then we've had a series of wetland boundary verification site visits. The first one was with a representative from the NYCDEP last week, and just yesterday our wetland biologist met on site with a representative from Weston & Samson Engineers who is the town's wetland biologist for this project. Excited to say that both the meetings went really well. Both biologists concurred with our existing wetland boundaries, so looking forward to moving forward there. I'm sure if you haven't already heard it from the rep from Weston Samson they'll be reported back soon with their findings of the site visit. In addition to that, we performed our topographic and boundary survey. Our tree inventory is currently in progress. Our consultant Maser, who's our environmental and biological consultant and survey consultant is currently wrapping up surveying and tagging the trees on site. I expect they should be done no later than tomorrow. The town's consultant Weston & Samson has been following close behind on the actual sizing and species characterization of the trees and the tree [inaudible]. I would expect they should be done probably no later than the end of the week with reporting to follow. In addition to that, on Sunday, we had several members of the Planning Board out on site for a site visit. I think overall it was a very positive visit. We were able to show the staked limits of both our fence line as well as the limits of our proposed tree clearing on site. I think it was a great opportunity to showcase how we are micro-siting the project in a way that maximizes our setbacks, minimizes environmental impact, and it utilizes the existing and remaining vegetative screening to ensure that the site and the project is not visible from any of the neighboring properties from the Baron

De Hirsh properties to the west to Lexington Avenue on the east. And of course we're maintaining a very robust setback from the Crompond Road right-of-way around **400** feet from our fence line to the right-of-way and **600** feet from our fence line to pavement itself. With that, just wanted to take the opportunity to follow up with the members of the board, see if there are any follow-up questions from the site visit on Sunday.

Mr. Robert Foley stated I thought the site visit was very good. Thank you for conducting us through it but I think my concern, but I think it was brought up by all of us is that the construction access, you alluded to it before we started the walk and then after. I thought you said there were two possibilities, not only Dyckman Place, or whatever the name of that newly paved road at that end, but better yet from lower Lexington would probably be better.

Mr. Kieran Siao responded that's right. So when we first proposed the project to the Town Board at one of their workshops back in June we initially showed our access off of Dyckman Road to the north. We received some feedback from the board that they would prefer to see access from the east off of Lexington Avenue so that's what we're currently showing and then in subsequent iterations of this – the plans that will be provided back to the town, Cronin Engineer who is our civil engineering firm will compare these two various options as well as we planned out subsequent conversations with Martin Rogers, Code Enforcement Officer to decide what is the route that will create the least amount of impact and make the most sense for the community.

Mr. Chris Kehoe asked Kieran, also on your site inspection did you mention that you might be looking into actually using the gas easement for something?

Mr. Kieran Siao responded potentially. That's another idea we're potentially open to and looking at either as just access to the site during construction, as well as serving as our lay down yard or potentially using that as our actual access to the site during operation if suitable. That's something we're running to ground in parallel.

Mr. Robert Foley asked and the other thing we asked about, I'm certainly concerned but you addressed it, you're working or doing due diligence with Andrea who visited the site from DEP I believe.

Mr. Kieran Siao stated that's right. So Andrea was pleased with what she saw on the site. she walked the site with our wetland biologist from Maser and concurred with the delineated wetland boundaries that they have worked out and of course the DEP will be part of the reviewing process for our actual SWIPP for our site plan review.

Mr. Thomas Bianchi asked this is Tom, I brought this up at the end of the site visit as a possibility. Could, would you consider providing preference to Cortlandt residents for the sale of this – purchase of this power I should say? Sending it out of town, even though we're incurring the burden of losing I don't know how many trees here, I just think maybe a preference could be given to the Town of Cortlandt residents first.

Mr. Kieran Siao responded absolutely. And I remember discussing this on our other solar project on Croton Road both the Planning Board and the Town Board that once the project is constructed and we're ready to subscribe residents to the project, we'd be happy to have our subscription manager, it's a company called Arcadia Power, partner with either the Planning Board or the Town Board to hold a series of information sessions where residents can learn about the project and learn how to subscribe to it. I'd be happy to do that in an effort to have as much of this credited off-take go to residents of the Town of Cortlandt. And frankly, it only benefits us if there is that direct funnel to subscribers to the project.

Mr. Jeff Rothfeder asked Chris, who's doing the tree survey?

Mr. Chris Kehoe responded Weston & Sampson. I don't know if we've been keeping the board informed but we've retained some additional consultants, bigger firms: Hudson Valley Engineering, Weston & Sampson, to supplement Bartlett Trees and Steve Coleman and we're assigning the projects, big, large, complicated projects we're going to start giving maybe to the bigger firms. Though on this case it's Weston & Sampson and then on the other solar farm it's Hudson Valley Engineering. So you're going to hear some different names. But they're full service firms. They have wetland biologists, arborists on staff. It's just a different thought process that we've come up with.

Mr. Jeff Rothfeder stated I was asking because I hadn't heard of them before. Thanks.

Mr. Robert Foley asked and Jeff I know you couldn't be there but Paul Buckout from CAC was there. He can give you an appraisal on what he witnessed. I'm not a tree expert. A lot of dead trees and big trees.

Mr. Chris Kehoe stated I warned Paul Buckout that since Amanda is no longer on the CAC Paul is the tree expert because the other members of the CAC bring other areas of expertise but they're not tree experts.

Mr. Jeff Rothfeder stated I'm in touch with him from time to time. I'll ask him.

Mr. Kiernan Siao stated and just in our general, our brief site-walk on Sunday I think many noticed that a lot of the trees that are on site are in poor health, or dead, or many are undesirable species such as black locus. Those will be detailed in Weston & Sampson's report.

Mr. Robert Foley stated I'm glad it wasn't windy that day.

Mr. Kiernan Siao stated absolutely. Always a positive.

Mr. Thomas Bianchi stated the other thing that I learned on Sunday was that you will not be leveling the area. You'll be working mostly with the existing terrain in locating your arrays. Is that correct?

Mr. Kiernan Siao responded yes, that's right. We may need to do some minor grading just given the trees that would be cleared on site and the stumps we'd be grubbing but one of the benefits of solar development as opposed to other various types of residential or commercial development is that we can utilize that south facing slope to benefit the solar array so we can utilize a large portion of that existing topography.

Mr. Thomas Bianchi stated that'll minimize any disturbance of the area.

Mr. Kiernan Siao responded that's right.

Mr. Thomas Bianchi asked are you still required to report – maybe that's a question for Mike. Are they still required to report level of disturbance for the project?

Mr. Michael Preziosi responded yes. This project is located in the east of the Hudson watershed so the SWIPP would have to be put together in accordance with both the DEC; Storm Water Design Manual as well as DEP; Storm Water Design Guidance all in the aspect of the DEC's memorandum on how to handle solar arrays and solar farms. Essentially, it's going to be a good amount of soil disturbance regardless just because of the amount of tree removal.

Mr. Robert Foley asked and also Mike, the fire department could weigh in also on a project like this.

Mr. Michael Preziosi responded yes, we always refer these large scale projects to the Fire Advisory Board. I do believe, and Chris may correct me if I'm wrong, but I do believe they weighed in on the Croton Avenue solar project. Essentially, as long as there's a fire apparatus access road and they can turn around at the end, they're satisfied with the layout.

Mr. Robert Foley stated when we went up to the Millbrook School – oh same company, Kiernan. I was concerned what I saw there but I guess there's a way to fight fires if you have one around the arrays.

Mr. Kiernan Siao stated yes that's right. This is a very safe process in the event of an emergency, our project ties back to Con Ed's distribution grid. Obviously Con Ed would install water to new poles up the roadway, one of which would contain a circuit breaker or a closer. In the event of an emergency, they would disconnect the project from the grid. The access road will have direct access to equipment pad. There's additional safety disconnects from there and then frankly, after that, it's simply defensive firefighting. And frankly, the amount of clearance we're doing between our fence line and the remaining tree buffer due to shading, I think, very much minimizes the opportunity for any fire to spread to neighboring properties.

Mr. Robert Foley stated even your own equipment – have you ever had an experience what that at other solar farms or a brush fire, or lightning strike hits the brush part and starts a fire before the fire department can get there?

Mr. Kiernan Siao responded no, I personally have not run into that. I think that's typically very rare. Any other questions from the board?

Mr. Thomas Bianchi asked Madame Chair, I'll take it if that's all right.

Ms. Loretta Taylor responded yes, please. Thank you.

Mr. Thomas Bianchi stated Madame Chair, I'll move that we refer this application back to staff for further evaluation among others, the submittal of the tree survey.

Mr. Kiernan Siao asked and actually, very quickly, I was wondering, given that the board will be receiving the reports from Weston & Samson as well as our subsequent plans in the next couple of weeks, would the board be open to scheduling a public hearing for the October meeting?

Mr. Chris Kehoe responded I don't have a problem with scheduling a public hearing. You could always keep it open.

Ms. Loretta Taylor stated okay.

Mr. Thomas Bianchi stated I'll amend my motion to schedule a public hearing for the October meeting.

Seconded with all in favor saying "aye".

Ms. Loretta Taylor stated Val was having a little difficulty still. She's going to hang in there for as long as she can and then – we're almost at the end of the agenda anyway.

PB 2020-11 d. Application of Ryan Main, LLC for amended Site Development Plan approval to build two garage buildings in front of buildings 6 & 7 at the Pondview Commons Development to provide for 16 covered parking spaces with associated landscape modifications for a 19.3 acres parcel of property located at 3195 E. Main St. (Cortlandt Boulevard). Drawing dated August 20, 2020. (see prior PB 3-09)

Ms. Loretta Taylor stated we have a resolution for that. Bob are you there?

Mr. Robert Foley responded we had talked about the affordable so I guess we don't have to – that was at the work-session right?

Mr. Steven Kessler responded yes.

Ms. Loretta Taylor responded yes.

Mr. Robert Foley stated I don't know if that has to come up again and I got an answer to condition 7 – that's what led to the affordable. Condition 7 on the resolution we're about to approve, I asked about that and what that would involve in additional buildings for affordable and was there room but that would all come back to us, right Chris?

Mr. Chris Kehoe responded correct.

Mr. Robert Foley stated I'll make a motion that we approve Resolution **No. 17-20** on Pondview.

Seconded with all in favor saying "aye".

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

Ms. Loretta Taylor asked is there anybody here to discuss or speak on this particular application at this point? Staff?

Mr. Michael Preziosi responded I don't see anybody there. There's a Keith on the line. I don't know if that's Keith from Cronin's office. If it is, if you want to raise your hand?

Ms. Loretta Taylor stated all right. You got no response, right?

Mr. Chris Kehoe responded no, he's coming.

Mr. Michael Preziosi stated Keith just un-mute yourself and you should be able to speak

Mr. Keith Staudohar asked am I there?

Mr. Michael Preziosi responded yes.

Mr. Keith Staudohar stated good evening. Keith Staudohar, Cronin Engineering representing the applicant Dwayne Reith for Custom Marine. This is the site at 301 6th Street. We presented a project before the board last year where the owner wanted to do boat repairs, provide a crane to load and unload boats from the Hudson River and other things. The project has been pared down quite a bit to just boat storage. We're going to store **12 to 15** boats and have a couple of spaces for employees. There's no proposed disturbance on the site. The site will remain as is except we're going to park boats in front of the existing buildings. There's not much to it. We're hoping that we can schedule this for a public hearing for October and have a resolution for an approval on that. We'll be glad to take any questions at this time.

Mr. Robert Foley asked you said no servicing of the boats, just storage?

Mr. Keith Staudohar responded correct.

Ms. Loretta Taylor asked are there any other...

Mr. Robert Foley asked that will all be where the buses were parked when the bus company was there?

Mr. Keith Staudohar responded we don't have what the bus company had. We're only going to have anywhere from **12** to **15** boats parked pretty much up against the two existing buildings. It'll be much more orderly than when the buses were there and much less than when the buses were.

Mr. Robert Foley asked an all down on that lower level?

Mr. Keith Staudohar responded yes. There's no proposal on the upper level. There's no proposal for any improvements on the site. It will remain a gravel driveway as it is right now. We met with staff a week or two ago and they seemed to agree that this is a minimal impact, if any.

Ms. Loretta Taylor asked are there any other concerns or issues? Staff are you okay with this at the moment?

Mr. Michael Preziosi responded I did meet with Keith, Tim, from Cronin's office and I think Evan from Dwayne Reith's company, if it's just boat parking; no repair, no salvage operations, no maintenance, fuel and etcetera, strictly storage as Keith alluded to it's relatively low impact. The plan would be for **12** to **15** trailers to be stored on site containing the boat, that's it. If things evolve then we'll have to send them back to the Planning Board for updated site plans.

Ms. Loretta Taylor stated okay, very good.

Mr. Jeff Rothfeder asked should I go ahead?

Ms. Loretta Taylor responded yes please.

Mr. Jeff Rothfeder stated Madame Chair I move that we schedule a public hearing on this for the October meeting.

Seconded with all in favor saying "aye".

Mr. Keith Staudohar asked Madame Chairman, would it be possible to direct staff to prepare a resolution for that meeting?

Ms. Loretta Taylor asked staff would you be okay with that?

Mr. Chris Kehoe responded it's fine with me.

Mr. Michael Preziosi stated I would just advise the applicant that **12 to 15** boats are being stored on site, you should identify the size of them and whether or not they are consistent with the narrative, that they're all for rescue or operational issues down in the city.

Mr. Keith Staudohar stated sure.

Mr. Jeff Rothfeder stated I'll add to my motion that we direct staff to produce an approving resolution, or a resolution for next meeting, but we may not vote on it depending on the public hearing.

Ms. Loretta Taylor stated very good. Good point.

With all in favor saying "aye".

Mr. Keith Staudohar stated thank you. Have a good night.

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NEW BUSINESS

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

Ms. Loretta Taylor asked are there any concerns or questions regarding – this is new. No? Now Val was supposed to handle this I think so if...

Mr. Chris Kehoe stated hang on Loretta. Michael Sheridan, the attorney is here.

Ms. Loretta Taylor stated okay, fine.

Mr. Michael Sheridan stated good evening. I hope all are well. Michael Sheridan from Snyder & Snyder in connection with the application. As you just indicated, it's for a renewal of the special permit for the facility at 260 Croton Avenue. I'm just here to see if you have any questions or comments so that we can get this approved to continue providing the much needed service to that area.

Ms. Loretta Taylor asked anybody have questions, concerns?

Mr. Thomas Bianchi asked have there been any problems or complaints since the last renewal?

Mr. Michael Preziosi responded not that I'm aware of. It's a typical comment letter that will go out for recertification. We want to make sure that all open building permits that have been closed out for antenna replacement we get [inaudible] and we do a confirmation from the tower of owner that all the permits that are on the tower are compliant with what's on file with the town. It's our standard letter. We'll send it out to Michael in about a week or so and he can give us a call to discuss or send to his tower company to confirm.

Mr. Chris Kehoe stated if you recall I believe at the work session we were confident that that memo could go out but that we could have a resolution of approval ready in October.

Mr. Michael Sheridan stated that would be great.

Mr. Steven Kessler stated Valerie's back I think. No?

Mr. Chris Kehoe stated we see Valerie. We don't hear her though.

Ms. Loretta Taylor asked is she back?

Mr. Robert Foley stated we can't hear her.

Ms. Loretta Taylor stated she said she was having difficulty so at this point we could have someone make a motion.

Mr. Steven Kessler stated I'll make a motion to refer this back and have staff prepare a resolution for the next meeting.

Seconded with all in favor saying "aye".

Mr. Michael Sheridan stated thank you. Have a good night.

Ms. Loretta Taylor stated thank you.

PB 2020-13 b. Application of Lordae, LLC for approval of a Change of Use to permit the existing Fresh to Go Deli to expand into adjacent vacant tenant spaces for a proposed sit-down restaurant located at Toddville Plaza, 2141 Crompond Road (Route 202). Drawing dated August 14, 2020 (see prior PB's 18, 2017-17, 2018-11)

Ms. Loretta Taylor asked is anybody here to speak to this application?

Mr. Joseph Thompson stated good evening, Joseph Thompson, the architect representing Lordae and the application to expand the Fresh to Go Deli.

Ms. Loretta Taylor asked Mr. Thompson will you discuss what you're doing please? Give the board a little insight as to what you plan to do.

Mr. Joseph Thompson responded absolutely. The existing deli that exists in the plaza would like to expand into two adjacent suites to provide dining utilizing the same existing kitchen that they have currently. Gabe runs a successful deli at the current space but would like to, again, expand into a Mexican restaurant, full service. The plan is up on the screen. Our dining would be capped at **46** patrons. Based on the existing septic capacity of the building it has been reviewed by the Department of Health. We believe it's a pretty straightforward application to change the use in that existing building. There's no expansion of the building or change to the building itself but just an expanded occupancy within the existing footprint.

Mr. Steven Kessler asked it's going from **12** to **3,600** feet? Is that how I understand it?

Mr. Joseph Thompson responded correct. Each suite is approximately **1,200** square foot.

Mr. Robert Foley asked and with the COVID you have **46** seat capacity before spacing out or do you have room outdoor on the restaurant component?

Mr. Joseph Thompson responded there is no actual outdoor dining available on this site. Obviously this year we'd be in construction and we're hopeful that next year – hopefully this pandemic passes and we're able to open up and really use the space. It's not so much for this calendar year but to start the construction, open up in a limited capacity later in the year and then hopefully open for full business in **2021**.

Mr. Robert Foley stated I make a motion that we refer this back for anything else but then also have a resolution in October, correct?

Ms. Loretta Taylor responded I have to check with staff. You're going back for review memo but I don't know whether staff wants to go forward with a...

Mr. Chris Kehoe stated I think we're ready for an approving resolution.

Ms. Loretta Taylor asked you are? Okay.

Mr. Michael Preziosi stated most of the changes are interior in nature as Joe Thompson explained, it's conversion of two existing tenant spaces for restaurant use. The only items that we would just recommend to make sure that we receive as soon as possible would be the Westchester County Department of Health's approval for the septic capacity. We were made aware of the license requirements for the state liquor authority and that the lot performance area – there's going to be music that you put sound attenuation in that portion of the building.

Mr. Joseph Thompson stated we're happy to accommodate all those conditions.

Seconded with all in favor saying "aye".

Ms. Loretta Taylor stated thank you.

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ADJOURNMENT

Mr. Steven Kessler stated motion to adjourn.

Ms. Loretta Taylor stated good night.

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Next Meeting: TUESDAY, OCTOBER 6, 2020

