

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, New York 10567
October 5, 2021
7:00 - 8:45 p.m.

October 5, 2021

MEMBERS PRESENT:

Loretta Taylor, Chairperson

Thomas A. Bianchi, Vice Chairperson

Robert Foley, Member

Stephen Kessler, Member

George Kimmerling, Member

Jeffrey Rothfeder, Member

Suzanne Decker, Member

Robert Mayes, Alternate Member

ALSO PRESENT:

Chris Kehoe, Deputy Director, Planning

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2 (The board meeting commenced at 7:00 p.m.)

3 MULTIPLE: I pledge allegiance to the
4 flag of the United States of America and to the
5 republic for which it stands, one nation under
6 God, indivisible, with liberty and justice for
7 all.

8 MR. CHRIS KEHOE: Mr. Kimmerling?

9 MR. GEORGE KIMMERLING: Here.

10 MR. KEHOE: Mr. Kessler?

11 MR. STEPHEN KESSLER: Here.

12 MR. KEHOE: Ms. Taylor?

13 MS. LORETTA TAYLOR: Here.

14 MR. KEHOE: Mr. Bianchi?

15 MR. THOMAS A. BIANCHI: Here.

16 MR. KEHOE: Mr. Foley?

17 MR. ROBERT FOLEY: Here.

18 MR. KEHOE: Mr. Rothfeder?

19 MR. JEFFREY ROTHFEDER: Here.

20 MR. KEHOE: Ms. Decker?

21 MS. SUZANNE DECKER: Here.

22 MR. KEHOE: Mr. Mayes?

23 MR. ROBERT MAYES: Here.

24 MS. TAYLOR: Tonight, we're going to

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2 have a couple of changes to the agenda, PB 1-16,
3 which is the Pomona 3-lot subdivision on
4 Revolutionary Road, and PB 6-15, the Hudson
5 Wellness Center. Can I have please a motion to
6 adopt the minutes of August 21st?

7 MR. KESSLER: So moved.

8 MR. KIMMERLING: Second.

9 MS. TAYLOR: Thank you. On the question?

10 MR. FOLEY: On the question, I have a
11 few that I talked to Chris about and I'll submit.
12 I couldn't do it, I didn't have hard copy. Mostly
13 content in the pages, 191 pages of minutes, in
14 the 50s I caught a few.

15 MS. TAYLOR: 191, alright. All in favor?

16 MULTIPLE: Aye.

17 MS. TAYLOR: Opposed? Very good. We have
18 a few items under correspondence, the first being
19 a letter dated August 26, 2021 from Samantha
20 LoVerme, EIT, requesting the first one year time
21 extension of -- can't hear me? Where was I --
22 requesting the first one year time extension of
23 site plan approval for the proposed parking lot
24 located at The Hudson Valley Hospital Center at

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2 1970 Crompond Road.

3 MR. KESSLER: Madam Chair, I move that
4 we adopt Resolution 13-21 approving the one year
5 extension.

6 MS. TAYLOR: Okay.

7 MR. ROTHFEDER: Second.

8 MS. TAYLOR: Thank you. On the question?
9 All in favor?

10 MULTIPLE: Aye.

11 MS. TAYLOR: Opposed? Alright, that
12 passes. Okay. The next is a letter dated
13 September 8, 2021 from Casey Devlin, P.E.,
14 requesting a reduction in the performance bond
15 posted for the Valeria project from \$425,000 to
16 \$162,892.

17 MR. KIMMERLING: Madam Chair, I move
18 that we adopted Resolution 14-21, approving this
19 change.

20 MR. KESSLER: Second.

21 MS. TAYLOR: Did I get a second?

22 MR. KESSLER: Second.

23 MS. TAYLOR: Thank you. On the question,
24 all in favor?

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2 MULTIPLE: Aye.

3 MS. TAYLOR: Opposed? Good. Alright. PB
4 2019-16, a letter dated September 17, 2021 from
5 Ralph Mastromonaco, P.E. the third and fourth 90-
6 day time extensions of final plat approval for
7 the scenic ridge at Amberlands, LLC, the property
8 located on the south side of Scenic Drive.

9 MS. DECKER: Madam Chairman, I move that
10 we approve Resolution number 15-21, granting the
11 extension.

12 MS. TAYLOR: Alright. Thank you.

13 MR. FOLEY: Second.

14 MR. KIMMERLING: Second.

15 MS. TAYLOR: Thank you. On the question,
16 all in favor?

17 MULTIPLE: Aye.

18 MS. TAYLOR: Opposed? Good. That first
19 meeting, public hearing, adjourned public hearing
20 is, as I said earlier, it has been adjourned
21 again to November 3rd. Bob?

22 MR. FOLEY: Yeah, I make a motion that
23 we adjourn this to the November 3rd meeting.

24 MR. KESSLER: Second.

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2 MS. TAYLOR: Alright. Thank you. On the
3 question, all in favor?

4 MULTIPLE: Aye.

5 MS. TAYLOR: Opposed? Alright. Good,
6 moving right along. The second public hearing,
7 adjourned from a previous meeting is the
8 application of Palisades Enterprises, LLC, for
9 site plan approval, a special permit and for tree
10 removal and steep slope permits for a proposed
11 2,940 square foot gas station and convenience
12 store with six fuel pumps on an approximately 1.7
13 acre parcel of property located at 2058 East Main
14 Street, Cortlandt Boulevard, the latest revised
15 drawings of September 10, 2021. Mr. Canning?

16 MR. JOHN CANNING: Good evening, Madam
17 Chair and members of the board. It's nice to see
18 everybody. For the record, my name is John
19 Canning. I work for Kimley Horn and I represent
20 Palisades Fuels on this matter. And with me
21 tonight is Ralph Mastromonaco, the engineer of
22 record. We were before this board, I think it was
23 a month ago, and the public hearing was opened.
24 There were a couple of minor technical items open

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2 at that time. I know you hadn't had a signoff
3 from your traffic consultant and I know we were
4 working with DOT to get confirmation from them
5 that they were comfortable with the concept
6 design.

7 I think the biggest issue remaining was
8 the cut through for the drive through median, the
9 driveway median. So since that time, we have
10 received confirmation from DOT and we've received
11 a memo from your consultant, so we would like to
12 answer any remaining questions that you have and
13 see if the public has any additional comments and
14 if there are none, we would hope that you would
15 move to close the public hearing and possibly
16 schedule our possibly direct staff to prepare a
17 resolution of approval. I'm very excited, that I
18 think we're near to a long road for getting a
19 traffic signal installed at this intersection. I
20 went back and looked at the record of the
21 planning board through various approvals and I
22 know that it has been on your radar for a long
23 time, and I see this as a possible opportunity to
24 that, which would be a benefit of the project. So

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2 I guess with that, I'd like to see if the board
3 or staff have any more questions and then hear
4 what the public have to say.

5 MS. TAYLOR: Well, actually, we're going
6 to reverse the order. We'll have the public speak
7 first. If there's anyone here who wishes to speak
8 on this application, and then any member of the
9 board can ask you.

10 MR. CANNING: Thank you, ma'am.

11 MS. TAYLOR: Okay. Is there someone here
12 who would like to speak on this -- oh, John, I
13 didn't recognize you with your mask on.

14 MR. JOHN SLOAN: Who's the man behind
15 the mask? Often asked question in the last year
16 and a half. Good evening, Madam Chairwoman and
17 the rest of the planning board. You recall I was
18 here about two years ago, over four sessions
19 bemoaning the fact that reluctantly the planning
20 board approved Gasland's project, what I call
21 then, and what I still consider and what most of
22 these people know, is one of the worst
23 intersections in Northern Westchester. It's
24 certainly one of the most heavily state roads in

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2 Westchester, at least Northern Westchester, or
3 our parts.

4 I find it today, tonight, inconceivable
5 that this project, kitty-corner to the Gasland's
6 is actually under discussion, under review. I
7 think that it's just mind boggling that what you
8 know, the many years experience that you have
9 with regard to the traffic that we have seen on
10 Route 6, the number of accidents that occur
11 there, more frequently I might add, it's just to
12 put an application like this, to put a project
13 like this in this kind of intersection really is
14 doing a tremendous disservice I think, or would
15 do, should you approve it, a tremendous
16 disservice to the town of Cortlandt.

17 I didn't read the traffic study. I don't
18 have to. I know what it says. It says that with
19 the modifications so suggested that the plan will
20 work. Well, that's what every traffic study says.
21 You've never see one that didn't say -- that did
22 say this project won't work because of the
23 traffic. Yet you know that adding the
24 hypothetical traffic that is part of the Route 6,

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2 pardon me, that is part of Gasland's, add to that
3 the hypothetical traffic that would be entailed
4 by this project, and the non-hypothetical traffic
5 that we see all the time in Route 6 portends a
6 disaster for this part of town.

7 As you well know, and I frankly don't
8 know where it stands, but you know your
9 colleagues on the town board were considering a
10 moratorium on gas stations and well they should.
11 Certainly if this project is approved, we would
12 have four large gas stations within 200 yards of
13 one another. That doesn't make sense. It just
14 doesn't make sense. The gentleman before me said,
15 he mentioned the word it would be a benefit to
16 the town? By a few ratable? We don't need a
17 ratables versus the amount of traffic and the
18 amount of congestion that this would entail.

19 Traffic, as you well know, over 30, 40
20 years that I've been a part of that, traffic is
21 the number one issue, the number one complaint by
22 residents when we see projects like this appear.
23 I really think that what you can do, what you
24 should do, is deny the project. You can deny it

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2 solely on the basis that as a planning board, you
3 feel that the cumulative impacts that are
4 entailed in this project do not warrant the risk
5 to the town and its residents or the people who
6 drive on Route 6 now and in the future.

7 And by the way, in the future, both
8 Gasland's and this place will be derelict. There
9 won't be gas to sell because of the conversion to
10 electricity. These places will be selling
11 marijuana, not gasoline. And I think that over
12 the years that they continue to sell gasoline,
13 they will continue to attract traffic in the
14 wrong possible places and again, to the detriment
15 of us and the town.

16 So I hope you do the right thing this
17 time. I hope you use the notion that cumulative
18 impact is a perfectly valid, perfectly legal way
19 of saying thank you, gentlemen, but no thanks,
20 maybe you come back and see us in a couple of
21 years when the town understands the ramifications
22 of Gasland, if it's ever built. Until then, I
23 thank you for your time, I'm now going to go home
24 and watch the Yankees beat the Red Sox.

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2 MS. TAYLOR: Good night, John. Okay. Is
3 there anyone else who wishes to speak? Alright.
4 How about the board members? Are there any of you
5 who want to make --

6 MR. FOLEY: Yeah, I have a few questions
7 and thoughts. The size of the deli, can someone
8 tell me in comparison to another structure nearby
9 what the size is? Is it the size of the building
10 across where Gasland is going to be, that trophy
11 or restaurant? Is it larger than that? I'm not an
12 engineer to try to figure it out.

13 MR. CANNING: Thank you, Mr. Foley. If
14 you look at the image that's on your screen, and
15 you look at the convenience store, the footprint
16 of it is slightly bigger than I believe it's a
17 single family home that's two buildings over,
18 that's turned the other direction. So that would
19 give you a good indication of the footprint of
20 it.

21 MR. FOLEY: So it would be about the
22 size of one of the houses on Route 6, easterly,
23 two houses down maybe?

24 MR. CANNING: Yes. The footprint. That

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2 house may be a two-story house, but the footprint
3 is about the same.

4 MR. FOLEY: So about the size maybe of a
5 high ranch house, residential, something like
6 that?

7 MR. KEHOE: Well, the site plan says
8 it's roughly 2,900 square feet.

9 MR. CANNING: That's the exact size, but
10 I mean --

11 MR. KEHOE: That's a pretty big house,
12 but it's, house size.

13 MR. FOLEY: Okay. Okay. I was trying to
14 visualize it. I know this, if it happens will be
15 an improvement to that, an improvement
16 aesthetically to that area, or if that other --
17 an improvement safety wise getting in and out of
18 the gas station. But I wonder really, when you
19 look at your diagram and when your tanker truck
20 comes in to refill, those last two pumps in the
21 back. You're asking for 12 pumps, you currently
22 have four. I don't know I comparison the other
23 gas stations along the corridor, I don't even
24 know what Gasland was approved, for maybe eight.

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2 But 12 is a lot of pumps. It looks like those
3 last two, you may have a turning problem with
4 your tanker trucks or even a fire truck, so I
5 wonder if you really need that many pumps. That's
6 my main concern. And, I have some other
7 questions, I don't know if you want answer as we
8 go along.

9 I did mention the condition
10 aesthetically what it looks like now. And I know
11 you're cleaning it up, I go in there to get gas,
12 I saw the backhoe that had dug the trench for the
13 archeological probe, you know, six feet down. But
14 it's been so bad over the years, there's even one
15 car that's up against the side of the old stone
16 schoolhouse that looks like it's part of the
17 schoolhouse now. So I don't know if the owner has
18 ever been cited over the years for violations and
19 by possibly giving him the maximum on this, on
20 his application. It's almost like we're rewarding
21 him. So I have an issue here.

22 The other thing is from the historical
23 standpoint, which I brought up and I did talk to
24 the archeological, Ralph, I talked to Beth Selig

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2 this afternoon, and I thanked her for the second
3 report, which was more thorough than the first
4 report, which I questioned at the other meeting.
5 And I asked about, I know the condition of the
6 building when we finally saw the pictures
7 insides. It's unsalvageable. But from a
8 historical standpoint, I'm wondering if any part
9 of the structure could be preserved maybe into
10 the so-called deli, incorporated as part of the
11 deli maybe just the top front gable, window
12 gable, or the outline of the cornice, whatever
13 the design is, if something like that could be
14 preserved, or if the very least, pictures, some
15 of the old historical pictures of the old stone
16 schoolhouse, just to give it a little historical
17 preservation. You can't do anything with the
18 building or parts of it, I understand that.

19 So those are the things, my issue with
20 the number of pumps and the safety of the turning
21 ratio internally, the deli size and any chance of
22 historical preservation. The other issue is some
23 of the traffic stuff, go ahead.

24 MR. CANNING: Thank you, Mr. Foley. I'll

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2 respond to your question, I'll respond to other
3 questions, and then I'll respond to John's
4 question. My apologies, I didn't catch your last
5 name.

6 The number of pumps, I've spoken to the
7 applicant, and frankly, he would liked to have
8 had more pumps but we had to rein him in, so
9 that's kind of as far down as he can go. We have
10 designed the site plan and showed that the fire
11 truck can get in and get around and we have shown
12 that the delivery trucks can get in and get
13 around. I know that [unintelligible] [00:16:40]
14 minor comment that one of the cars may be struck
15 by, on the far end pump may be struck by a
16 delivery vehicle if it's coming around. I guess
17 my response to that is twofold. Ralph indicates
18 that they can tweak the turning template if
19 needed, but the immediate answer is when the
20 truck pulls in there and there's a car there,
21 he's going to stop and the car is going to leave
22 and he's going to move. It happens at gas
23 stations all the time. So I don't envision that
24 as a problem. It's probably 200 feet to the back

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2 of the property, so there's plenty of room for
3 that.

4 I understand that the -- I passed
5 through this area myself a number of times and I
6 know that the site is not the most attractive and
7 I know that the town would like it to be more
8 attractive. I don't know that the applicant has
9 been cited. If he hasn't been cited, I guess he's
10 not really being rewarded, he's not being
11 punished. The application is to take a site and
12 make it look better and at the same time to solve
13 what is a significant traffic problem at that
14 location that other parties who have been tasked
15 with it haven't been able to solve. And then,
16 with regard to the building Ralph, if you want to
17 address that.

18 MR. RALPH MASTROMONACO: On the issue of
19 the historic character of that building, we've
20 talked about it for quite a while. As we've done
21 in other applications, the only sensible thing to
22 do is to do a complete photo montage of the whole
23 place. Those photos would be stored in the, we
24 call it a deli, it's really a little store,

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2 market, in a book and they would just be for
3 anyone who wants to look at it. But there's
4 nothing -- my client can't do, can't fit that
5 building into what you think we should do. So I
6 hope that's acceptable. It's about the best we
7 can do though.

8 MR. FOLEY: No, I meant that one top
9 front gable on the corners up there, something
10 with that, parts of it could be preserved inside
11 in some form, or the other idea, which would be
12 some kind of photo display. We're talking about
13 old photos, when the thing was functioning as an
14 old schoolhouse.

15 MR. MASTROMONACO: I don't know if we
16 have those.

17 MR. FOLEY: And we have a few already
18 that Michelle submitted, Michelle from our staff,
19 about the idea of incorporating any of the
20 historical and you've explained that can't be
21 done in totality.

22 MR. MASTROMONACO: Right.

23 MR. FOLEY: She gave examples of other
24 deli gas stations where that was done. So I'm

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2 just talking about one little component to the
3 existing building. And I asked Beth, the
4 archeologist, about it too.

5 MR. MASTROMONACO: Okay.

6 MR. FOLEY: So it may be worth talking
7 to her again maybe.

8 MR. MASTROMONACO: Well, it's kind of
9 hard for me, you know, the architect is not here.
10 So we did ask him to come to the last meeting, so
11 what we were trying to do is get him here to
12 explain to you what can be done. I don't know
13 whether or not, I'm not exactly sure what you're
14 talking about, take a piece of the building and
15 put it onto the new building, I'm not quite sure
16 what that is, you know. And I'm not sure how the
17 board could fashion a resolution with that --

18 MR. KEHOE: Ralph, he's referring to --

19 MR. FOLEY: One little component of the
20 old schoolhouse, up in the top. You see it when
21 you're there.

22 MR. MASTROMONACO: Yeah. Well, I don't
23 know.

24 MR. FOLEY: The gable.

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2 MR. MASTROMONACO: I don't know --

3 MR. FOLEY: That's referred to as the
4 gable, the roofing gable, whatever, not the roof.

5 MR. MASTROMONACO: Okay. I don't know. I
6 don't really understand.

7 MR. FOLEY: I'm just throwing stuff out
8 there.

9 MR. MASTROMONACO: Okay. Alright.

10 MR. FOLEY: And second, speaking, you
11 just mentioned archi- can I ask staff, did our
12 architecture review board look at this at all?

13 MR. KEHOE: Yes, they approved it.

14 MR. FOLEY: Okay.

15 MR. KEHOE: They recommended approval of
16 the elevations.

17 MR. FOLEY: Okay.

18 MR. MASTOMONACO: I didn't quite answer
19 all of your questions.

20 MR. KESSLER: The most number of cars
21 that can be there at one time is 12, is that
22 correct?

23 MR. CANNING: Yes.

24 MR. KESSLER: And there's no room

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2 between the pumps, so each pump has both sides,
3 filling on both sides? Filling nozzles?

4 MR. CANNING: Yes.

5 MS. TAYLOR: Yeah.

6 MR. KESSLER: And no two cars --

7 MR. CANNING: Standard, that's standard.

8 MR. KESSLER: Right. But no two cars can
9 fit in between any of these two?

10 MR. CANNING: It's not three cars in a
11 row. You can't do that.

12 MR. KESSLER: No, not three cars. What
13 I'm saying is take the top one.

14 MR. CANNING: Yeah.

15 MR. KESSLER: A car can't be on the
16 lower end and also on the upper end of that at
17 the same time? There's not enough room is my
18 question.

19 MR. CANNING: Can you point to it
20 somebody?

21 MR. KESSLER: Chris, just point to the
22 top fuel pump there. There you go. Okay. So you
23 show here two cars there, right.

24 MR. CANNING: Right.

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2 MR. KESSLER: Is that a car? In the
3 middle there?

4 MR. CANNING: Yes.

5 MR. KEHOE: That's the pump.

6 MR. CANNING: No, those are the pumps.

7 MR. KESSLER: No, I know it's a pump,
8 but what's that green thing in the middle where
9 he's pointing, is that representative of a car?

10 MR. CANNING: No, that's the pump.

11 MR. FOLEY: That's the pump.

12 MR. CANNING: No, the big guys are the
13 cars.

14 MR. KESSLER: Oh, the big guys are the
15 cars? Oh, thank you. Sorry. I'll take back.

16 MR. MASTROMONACO: I'm glad you figured
17 that out, I didn't know how to answer that one
18 either.

19 MR. KESSLER: Thank you, never mind.

20 MR. KIMMERLING: Are you done?

21 MR. KESSLER: Done.

22 MR. KIMMERLING: I have a couple
23 questions. I wanted to ask about the parking
24 spaces that are on the far right, which are

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2 marked 10 through 14, I'm wondering because there
3 are similar setups in like Lou Pacello's
4 [phonetic] on 9A, is there like anything
5 happening over there like a vacuum or an air hose
6 or any reason why people would specifically park
7 over there rather than closer to the convenience
8 store?

9 MR. MASTROMONACO: Actually, I'm glad
10 you asked that question in light of Mr. Sloan's
11 previous delivery. They were originally intended
12 for electric charging stations.

13 MR. KIMMERLING: Okay.

14 MR. MASTROMONACO: But we don't know
15 that that's going to happen yet, you know, it's a
16 complicated issue.

17 MR. KIMMERLING: Sure.

18 MR. MASTROMONACO: Doing that. That was
19 really all that I heard of. If they wanted to put
20 something there like an air pump or something
21 like that, it wouldn't get used very much, but it
22 might be there.

23 MR. KIMMERLING: Yeah, no, I'm not
24 suggesting you should. I was just curious of

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2 there was a reason why there were --

3 MR. MASTROMONACO: No.

4 MR. KIMMERLING: -- some parking spaces
5 over there.

6 MR. MASTROMONACO: No, they're just
7 overflow, overflow spaces.

8 MR. KIMMERLING: Okay.

9 MR. KEHOE: But that is an issue. I
10 don't get out in the field very much, but I got
11 involved at Lou Pacello's [phonetic] because they
12 added vacuums and the neighbors didn't like the
13 vacuums at all and they weren't shown on the
14 original site plan, so it would be up to the
15 board. If they don't show vacuums and they don't
16 show air pumps, then --

17 MR. KIMMERLING: Yeah, I'm assuming
18 they're not happening.

19 MR. KEHOE: I would recommend unless
20 they come back to you to get approval, it's not
21 something that probably should just be handled by
22 staff, because those -- so since they're not
23 shown, they're not permitted, and you'd have to
24 come back for those.

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2 MR. MASTROMONACO: Well, let me just say
3 this, we didn't think to add them. However, we
4 can stipulate that on that, on those group of
5 spaces, we would be prevented from putting them
6 there. However, in the far back left, if they
7 wanted to, I don't see what that would be a
8 problem. It wouldn't be near anybody's house. But
9 we can stipulate to the right side of that site
10 plan that there be no further service station
11 features.

12 MR. ROTHFEDER: Okay. Then -- well,
13 you'd have to include them though on your plan
14 though, if you wanted them.

15 MR. MASTROMONACO: We're saying there
16 would be none. No, we --

17 MR. ROTHFEDER: If you wanted to --

18 MR. MASTROMONACO: -- said there would
19 be none there. There are none shown.

20 MR. ROTHFEDER: No, I know that, but if
21 you said in the back, the possibility, but then
22 you have to include it on your plan.

23 MR. MASTROMONACO: Well, it could be
24 done as a part of a resolution.

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2 MR. ROTHFEDER: Right. But, it's not
3 there yet.

4 MR. MASTROMONACO: Yeah, no, it's not
5 there yet, but it could be part of the
6 resolution.

7 MR. ROTHFEDER: I know. But you're just
8 mentioning it could be, but put it on the plan.

9 MR. MASTROMONACO: Well, we can, but --

10 MR. ROTHFEDER: Okay.

11 MR. MASTROMONACO: I'm not arguing with
12 you.

13 MR. ROTHFEDER: And I'm agnostic as to
14 whether you have it or don't have it. I just --

15 MR. MASTROMONACO: No, I agree with the
16 point.

17 MR. ROTHFEDER: Yes.

18 MR. MASTROMONACO: You know, there's a
19 home over there, it's more residential over
20 there. The back left, there really is nothing
21 over there. It's just a parkway.

22 MR. KIMMERLING: Great. The propane
23 tank, the 500-gallon propane tank, that serves to
24 power things in the convenience store, or what is

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2 that for?

3 MR. MASTROMONACO: In the propane, I
4 don't know where.

5 MR. KIMMERLING: There's 500-gallon
6 propane tank at the north, yeah, where Chris is
7 pointing.

8 MR. MASTROMONACO: Oh.

9 MR. KIMMERLING: A 500-gallon propane
10 tank.

11 MR. MASTROMONACO: Yes. I'm sorry.

12 MR. KIMMERLING: What's that for?

13 MR. MASTROMONACO: The store.

14 MR. KIMMERLING: It's for the store,
15 okay. And obviously, that all runs underground?

16 MR. MASTROMONACO: Yes.

17 MR. KIMMERLING: And then could you
18 lastly just walk me through how internally the
19 traffic flows through the gas station and then
20 behind the drive through and also whether or not
21 deliver trucks could take advantage of that drive
22 through feature for the convenience store to pick
23 up coffee or whatever.

24 MR. MASTROMONACO: Well, I don't know if

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2 you have, we submitted, I don't know if with this
3 set of plans, but there were exhibits, many
4 vehicle turning plans, right.

5 MR. KIMMERLING: Yeah, yeah, I'm more
6 interested in whether or not --

7 MS. TAYLOR: He's interested in the
8 flow.

9 MR. KIMMERLING: -- you would intend for
10 any kind of vehicle to be able to drive around
11 the convenience store including trucks, for
12 example, or it would only be for passenger cars
13 to go around and whether that would be signed or
14 not.

15 MR. MASTROMONACO: Well, it's a very
16 wide lane, I think it's a fairly wide lane, I
17 don't remember, we made it sort of extra wide
18 there, so I'm not so -- I don't think you can get
19 large trucks through there, but you can certainly
20 get --

21 MR. KIMMERLING: But any truck that, any
22 truck whose driver thinks they could go through
23 there, you would be fine with them going through
24 there?

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2 MR. MASTROMONACO: This is an 18-foot
3 wide lane.

4 MR. KIMMERLING: Yes, I see that.

5 MR. MASTROMONACO: You know, so it's an
6 18-foot wide lane.

7 MR. KIMMERLING: So the answer is
8 there's no signage prohibiting any particular
9 kind of vehicle from driving back there as long
10 as the driver thinks they can --

11 MR. MASTROMONACO: Well, like at
12 McDonald's, generally you don't see tractor
13 trailer trucks going through them, you know.

14 MR. KIMMERLING: I'm not a McDonald's
15 drive through guy, so I wouldn't know. Okay. And
16 then how, will there be any marking on the
17 asphalt to direct people either around or through
18 or -- it seems a little vague and messy to me.
19 But how will people understand how to move
20 through the space? To go to the drive through, to
21 park in front?

22 MS. TAYLOR: Ralph, I have a similar
23 question. I'm really concerned about the flow,
24 coming in from Route 6, going in and getting all

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2 around and going to the store. To me, it looks as
3 though you can potentially have an accident.

4 There are people who are going to come in on that
5 side, the right side, but the traffic is coming
6 around the store. Some of it will want to go to
7 the pumps perhaps or whatever, there's a point at
8 which it looks like you could have a head on
9 collision if people are not paying attention.

10 MR. CANNING: Yes, understood. So, left
11 turns into the site would be prohibited. And the
12 gasoline business is primarily a convenience
13 business. You generally speaking try to plan to
14 get gas when you're making another trip, and
15 personally I like to make a right in, right out
16 because it's harder to make a left in, left out.
17 Price is an issue as well, and I have my gas
18 stations on my regular route that I know are a
19 good price and easy for me to use.

20 So with this gas station, with the left
21 turn prohibition, and the fact that when you're
22 on the parkway, you have to get off the parkway
23 to go to the gas station, and then get back on
24 the parkway, probably 85 to 90 percent of the

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2 business is going to come in the right turn at
3 the right hand side. So the predominant flow is
4 going to be in at the right, down the east side,
5 through the pumps and out. And it's 12 vehicles,
6 not all of them will be moving at the same time,
7 and if you do get the occasional vehicle coming
8 across from the parkway, there's very little
9 chance that there will be any conflict with the
10 vehicles that are already there. It's not like
11 you have the major flow from both directions.
12 It's predominantly from one direction to the
13 other.

14 MR. KIMMERLING: I've got to say, you
15 know, I don't know if you ever go to Lou
16 Pacello's [phonetic] an S*show there with traffic
17 coming from both driveways, going to the
18 convenience store, pulling out of the pumps, I
19 mean I don't know, I just don't understand how
20 internally the traffic is going to really
21 understand how to move through the space without
22 potentially causing a bit of a mess, but, I don't
23 know.

24 MR. KEHOE: Well, I think one of the

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2 issues at Lou Pacello's is the Dunkin Donuts.

3 MR. KIMMERLING: Yeah, well, it's a
4 convenience store.

5 MR. KEHOE: And you had said, well, it's
6 another question though. I do think a Dunkin
7 Donuts has different impacts than what you've
8 said, is it would simply be an unnamed, you know,
9 part of this convenience store would be selling
10 gas.

11 MR. MASTROMONACO: Correct.

12 MR. KEHOE: So I think the resolution,
13 if it gets that far, might have some prohibition
14 against, I don't know how we would word it. I
15 don't know, but I just think -- or the other
16 option is if you want a Dunkin Donuts tenant in
17 there, even though you've got a drive through, I
18 would think that would have to come back to the
19 planning board too, because that would definitely
20 have implications it seems to me.

21 MR. CANNING: So, I agree with you,
22 Chris. What we have indicated to this board is
23 that the purpose of the drive through was largely
24 driven by the pandemic when at the start of it,

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2 people were afraid to go into stores, and so the
3 concept of the drive through on this building is
4 that it is a part of this convenience store.
5 There are some convenience stores now that I see
6 at gas stations where a portion of it is a
7 dedicated, you know, high turnover coffee, bagel,
8 whatever you want to call it, I don't see too
9 many Starbucks in them. But I do see Dunkins in
10 gas stations a lot, so if the applicant wanted to
11 introduce a brand name drive through separate
12 area, portion of the building for that use, I see
13 that would be a different generator and a
14 resolution would require the applicant to come
15 back for that.

16 MS. TAYLOR: But if it's a fairly well
17 known business, you would end up with a lot of
18 traffic, I mean right over at Annsville, there is
19 a Dunkin I think, yeah, Dunkin Donuts with that.

20 MR. CANNING: Yeah.

21 MS. TAYLOR: And I mean there are tons
22 of people going in and out of there as well as
23 people who are pulling in for gas and then they
24 also have, Chris what is the other one? The pump

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2 way over on the left side, I think it's diesel,

3 so you have people coming in for everything and

4 that's space over there is really small, to me,

5 if you ask me. That site is really small. You

6 could have a mixed bag of problems, people trying

7 to make turns, people navigate or negotiate

8 particular spots within the fuel pump. Not

9 everybody is going to come in evenly and pump

10 like that. People will be coming out of, coming

11 from there, going into the convenience store, and

12 then having to find a way to get out. Depending

13 on where they're parked, they'll be backing out.

14 Some people will be coming in from, I guess

15 there's an alley that goes around and comes out

16 here on the front, on the left side. I just see

17 it like, I'm kind of like George, I see a bit of

18 confusion, depending on the time of the day.

19 Maybe there are parts of the day when there's

20 just not that much traffic but in the mornings,

21 certainly in the mornings, people are looking to

22 get their coffee, and they want to pick up maybe

23 a paper or whatever if they're going to. It just

24 gets too crazy, so I don't know. I think probably

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2 two less fueling stations would reduce the amount
3 of traffic perhaps. I don't know but, I'm not
4 happy about the number of pumps either. And on
5 the description, it calls for, it says that there
6 are six fueling pumps, well, but how does it, six
7 pumps, and actually there are 12. You know, that
8 has always been confusing to me. Is, when you say
9 six pumps, don't you mean actually six pumps, not
10 12?

11 MR. CANNING: So the terminology of the
12 industry and I don't know what's inside the box,
13 but the terminology of the industry is you have a
14 pump and each pump has two vehicle fueling
15 positions.

16 MR. ROTHFEDER: Two sides.

17 MR. CANNING: It has two sides, right.
18 So there may be one pump in there that pumps to
19 two sides, but for all I know, there could be two
20 pumps in there, one pumps to one side and one
21 pumps to the other. But the standard terminology
22 and what we're asking for is six pumps with 12
23 vehicle fueling positions.

24 I agree with you, Madam Chair, we have

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2 to make it work for the busiest times, because in
3 the quiet hours, there's no problem, there's
4 nothing to worry about. That's what we've been
5 looking at and that's why I agree with staff that
6 if the applicant wanted to have a brand name
7 franchisee business in there selling coffee out
8 of the drive through, that would be not what we
9 have proposed and that any resolution would
10 require the applicant to come back for that.

11 Apart from that, based on the analysis
12 that we have done, we believe the site is -- it's
13 actually, it's a lot bigger than when you stand
14 out there and look at it, because right now,
15 everything is kind of up close to the front and
16 it does look small, but the site does go back
17 quite a bit. There's quite a bit of room there
18 between the cars and the parking and the aisles.
19 Because the left turn is prohibited, the volume
20 of traffic is going to be down at least a third
21 from what we originally came to you before, just
22 on the gasoline portion of it, and the majority
23 of the traffic is going to be going in one
24 direction.

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2 So I'm comfortable and confident that it
3 will be okay. I know you have had your traffic
4 consultant review the plans and we have a
5 memorandum from him more or less saying that they
6 accept the analysis that we provided to date.

7 MR. ROTHFEDER: If your traffic is going
8 to be down, can't you remove a couple of pumps? I
9 mean you're not going to have as much as you
10 originally thought.

11 MR. CANNING: It's -- I mean --

12 MR. ROTHFEDER: I mean I think there's a
13 sense that there's a problem in terms of flow and
14 that having that extra set of pumps, or not
15 extra, having the two pumps at the top could be
16 an issue, because as the chairperson said, you
17 know, it's not going to be that they're all just
18 coming in that side and then going through, but
19 if they get stuck behind a car where the guy has
20 walked into the convenience store, then they're
21 going to start backing. And then they're going to
22 be coming around when cars are coming out. It
23 does seem really tight.

24 MR. CANNING: Well, I mean the other

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2 aspect of it is that it looks like this applicant
3 will be required to pay for the entire cost of
4 the installation of a traffic signal, which, you
5 know, is a very large capital cost to carry, and
6 now you're asking me, and the applicant is not
7 here, to volunteer to reduce his ability to sell
8 product. And I think that's a very challenging
9 charge.

10 MR. ROTHFEDER: Yeah, no, I was just
11 bringing it up because you said yourself there's
12 going to be fewer customers, so you don't need as
13 many pumps. I would suggest you go back to talk
14 to him about that.

15 MR. FOLEY: I would agree. And I have
16 three more questions, all as a result of what my
17 colleagues brought.

18 MR. KIMMERLING: Tom, could I just
19 finish?

20 MR. FOLEY: I kept saying 12 pumps, but
21 now I'm looking as I count, what Steve said,
22 those are cars there, and the pumps are in
23 between. So it looks like there's really only
24 two, four, ten pumps total, but two on each one,

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2 that would be 20? No.

3 MR. CANNING: No, there's six pumps. Six
4 pumps.

5 MR. FOLEY: The square boxes are pumps?
6 Oh, I see.

7 MS. TAYLOR: The little tiny --

8 MR. KESSLER: The small boxes, the small
9 ones.

10 MR. FOLEY: Okay, alright. The other
11 thing is, what Loretta said, the traffic flow.
12 When you look at this and you consider the
13 component of the convenience store that someone
14 may be coming in heading west and comes in that,
15 on the far right side, are they going to cut
16 across in the front to get over to the deli to
17 park, or are they going to go all around the
18 pumps and come in that way and park? We had a
19 similar problem I think with Burger King down the
20 road where we had to change something there. So
21 that would, that's the traffic flow problem that
22 Loretta and a few, and George brought up and I
23 see it now also. And if there were two less
24 pumps, that might help.

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2 Second, on parking, you have what, 14
3 parking, total 14 counting a handicap spot?

4 MR. CANNING: Mm-hmm.

5 MR. FOLEY: And that would include for
6 any employees to park?

7 MR. CANNING: Correct.

8 MR. FOLEY: Would they park way over on
9 the right maybe?

10 MR. CANNING: Yes, we could do that.

11 MR. FOLEY: Okay. And then we didn't
12 really get back to the original discussions on
13 the traffic on Route 6, or the design out on
14 Route 6, which is still have a problem with, and
15 I read the report and then we had discussed at
16 length at the other meeting, the visibility of a
17 warning sign for that red light that would be on
18 the eastern side of the overpass, because of the
19 visibility of that.

20 MR. CANNING: Mm-hmm.

21 MR. FOLEY: And you or someone submitted
22 a photo in one of the reports, where you couldn't
23 -- you had to stand on the side of the road and
24 do it and yet we get a better picture that way.

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2 Can any of the warning signs be hung on the
3 actual overpass, like there is the height signs
4 on there? And that may give better visibility to
5 cars coming easterly and then they see that red
6 light at the new, your new intersection, whatever
7 you call it. So consider that. But it's just a
8 very problematic site with a lot of stuff going
9 in there.

10 MR. CANNING: Well, to address that
11 specific issue, I did not want to submit
12 photographs of me standing out in the road with
13 my colleague standing out in the road, but I did.
14 And you can see the signal from beyond the other
15 signal. And I, we had a pole that was 20 feet
16 tall with a red disk on the top of it so the
17 signal is visible, and we submitted that
18 testimony to the state and they felt comfortable
19 with it. The state has also weighed in and
20 restricted left turns into the site, which is an
21 improvement over the current condition, because
22 I, reading through the minutes, I know people
23 have expressed concern about that movement. It
24 will also allow you to exit the parkway with a

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2 green indication and no fear that somebody is
3 going to come down the highway and not see you
4 under the bridge. And it will also allow you to
5 turn out of the site. So from that perspective,
6 it addresses traffic safety and reduces the risk
7 of accidents.

8 Also, to address the concern that John
9 mentioned, that, you know, this is an existing
10 gas station. So we're not adding another gas
11 station. I know that the town is concerned about
12 that. But this is an existing business that wants
13 to survive and so they've applied under your
14 legislation and ordinances to upgrade their
15 facilities and so it would be a better product
16 and a safer intersection.

17 The traffic study considered the
18 cumulative impacts of Cortlandt Crossing, of
19 Gasland, of the traffic from this project. We
20 even anticipated that traffic that comes down
21 Locust Avenue now to make the left turn might
22 come here, and even some traffic that comes up on
23 Conklin that wants to go in the middle between
24 the two intersections, between Conklin and Locust

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2 might come down here, so we added that traffic
3 in. And even with all of that, we have, you know,
4 reasonable levels of service, even in the busiest
5 hours.

6 So I'm certainly willing to go back to
7 my client and bring to his attention the concerns
8 that you've raised here, and I'm happy, Mr.
9 Kimmerling, I think you may have had another
10 couple of questions.

11 MR. KIMMERLING: Yeah.

12 MR. CANNING: So we're happy to hear all
13 of the questions that you have.

14 MR. KIMMERLING: Yeah, sorry, and thank
15 you for your patience. Just one question, sorry,
16 about the drive through. One the building,
17 where's is there an order window and a pick up
18 window, or do people order by phone and then just
19 pick up? How does that work? What are the
20 stations for interacting with the store employees
21 in terms of getting whatever it is you want from
22 the store?

23 MR. MASTROMONACO: Actually, right now,
24 there's nothing. There's -- it's not really

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2 intended to be a drive through, although it could
3 be. All buildings need to have access to the
4 back, you need to put the garbage out, things
5 like that. So 90 percent of the utility of that
6 road behind the building is for operation of the,
7 the internal operation of the building. It's not
8 intended to be a drive through right now, where
9 you can be handing things out, things like that.
10 It's not intended for that right now.

11 MR. KIMMERLING: Okay. Because you have
12 the garbage on the other side of the property,
13 that's where the refuse is. So the --

14 MR. MASTROMONACO: I'm just saying to
15 get the garbage out of the building.

16 MR. KIMMERLING: Right. So, so there's
17 no garbage behind the building?

18 MR. MASTROMONACO: Yes, to get the
19 garbage, anything that needs to, you can even
20 have deliveries back there, soda, beer, whatever,
21 can come through the back. That's really what
22 it's intended to be. It could be a drive through,
23 but it's not intended right now to be that.

24 MR. KESSLER: I don't think they really

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2 expect patrons to use that drive through at this
3 point.

4 MR. KIMMERLING: I think they --

5 MR. MASTROMONACO: No.

6 MR. KIMMERLING: And I don't -- I don't
7 the site --

8 MR. MASTROMONACO: It's for, you know,
9 fire --

10 MR. KIMMERLING: -- should show a drive
11 through --

12 MR. KESSLER: Right.

13 MR. KIMMERLING: -- if that's not really
14 what you intend. I think it should be something
15 else and it should be a sign that there's no
16 access for anyone but employees or deliveries or
17 something like that.

18 MR. MASTROMONACO: No, it could be a
19 drive through. It could be.

20 MR. KIMMERLING: Oh, it could be?

21 MR. MASTROMONACO: Yes, it could be.

22 MR. KIMMERLING: But it either is or it
23 isn't, based on the site, I mean it either is
24 intended --

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2 MR. MASTROMONACO: I mean what
3 difference does it make to you that if it's a
4 drive through?

5 MR. KIMMERLING: Because I'm on the
6 planning board and I think that makes a lot of
7 difference in terms of whether --

8 MR. MASTROMONACO: It doesn't change, it
9 doesn't change the site plan or not whether it's
10 a drive through or not.

11 MR. ROTHFEDER: Right. It changes the
12 potential traffic flow though.

13 MR. KIMMERLING: Well we can agree to
14 disagree on that, Ralph.

15 MR. KEHOE: But the architectural
16 renderings show a window in the back.

17 MR. MASTROMONACO: Yes.

18 MR. KEHOE: Now that's not reflected on
19 the site plan.

20 MR. MASTROMONACO: Right.

21 MR. KEHOE: But somewhere near where the
22 word drive through is behind the building,
23 there's a pickup window, at least on the
24 elevation drawing.

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2 MR. KIMMERLING: So it's a pick up
3 window only. So, you would just go there to pick
4 up things you've ordered by phone?

5 MR. KEHOE: I would imagine you're going
6 there to -- it's a drive through.

7 MR. KESSLER: Is there a window, or --
8 this site plan doesn't have a window.

9 MR. KEHOE: The elevation show a window.

10 MR. KESSLER: But we're approving a site
11 plan, right?

12 MR. KEHOE: Well, you're approving a
13 site plan that doesn't show a window. Though,
14 yes, unless he shows it on his building, you're
15 not approving a window on that.

16 MR. KESSLER: Well, if it's not --

17 MS. TAYLOR: Yeah, yeah.

18 MR. KESSLER: -- does that accompany
19 this?

20 MR. KEHOE: Well, that's a good
21 question. We would reference the architectural
22 elevations in any approval if it got that far.
23 But he should show the window on his site plan.

24 MR. KESSLER: Well, if there's a window,

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2 there's -- yes, I agree. Right now, I'm looking
3 at this, and all this conversation for the last
4 20 minutes is there's no window. This is just now
5 an alternate means of egress as I see it, and
6 perhaps for trucks to go through. George's point
7 is yeah, you can put up a sign and say, you know,
8 commercial vehicles only or something, so people
9 continue to use the main portion of the site to
10 exit from the site, rather than just make this
11 loop around the building which doesn't seem to
12 have much value.

13 MR. MASTROMONACO: Generally though, you
14 don't show windows on a site plan, but --

15 MR. KEHOE: I think the situation is
16 clear that the board is requesting that the
17 architectural elevations and renderings and the
18 preliminary floor plan match the intent of the
19 use of the building.

20 MR. KESSLER: Right.

21 MR. KEHOE: Which at this current point
22 in time does not include a drive through window.
23 So the architectural plans should be coordinated
24 with the site plan and the elimination of the

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2 drive through. And at such time as the applicant
3 is proposing a site plan amendment to incorporate
4 a drive through, it's not to be constructed or
5 implied to be used as a drive through.

6 MR. KESSLER: I agree with that.

7 MR. FOLEY: The other thing with having
8 the drive through there, what's going to happen
9 if the place becomes popular, which you want it
10 to, very busy. Usage, you're going to have cars
11 that may not find a parking space coming around
12 and just pulling over some place in the drive
13 through maybe in the front because you said it's
14 an 18 foot wide drive around road. And they'd
15 park and then go in the deli and come out if
16 there's no parking out in the main area. So,
17 you're opening up the door for another use of
18 that drive around for parking.

19 MR. MASTROMONACO: Well, I mean it's
20 essentially for deliveries. I mean --

21 MR. KIMMERLING: Well then, you'll put a
22 sign out there to that effect.

23 MR. KESSLER: Deliveries only.

24 MR. KIMMERLING: Yeah.

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2 MR. KEHOE: But Ralph, you have two
3 choices, the architectural renderings show cars
4 stopping at a window. It shows a window in the
5 back. The renderings, it's clearly a drive
6 through.

7 MR. MASTROMONACO: Because Chris --

8 MR. KEHOE: So if you're saying it's not
9 a drive through, then you've got to make the two
10 things match.

11 MR. MASTROMONACO: No, because when we
12 first made this application, we said that there
13 may be a time when, you know, I guess we were in
14 the pandemic at that point, but there may be a
15 point where people didn't want to get out of
16 their cars and they wanted to pick up a quart of
17 milk at the drive through window. But that
18 doesn't seem to be a need right now, so it
19 probably won't happen. But we wanted to leave the
20 door open, so to speak for there could be a drive
21 through and I don't know how if there was a drive
22 through, how that would affect a site plan. How
23 would that affect what you see --

24 MR. ROTHFEDER: Because it affects

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2 traffic flow. We've just been telling you it
3 effects traffic flow.

4 MR. MASTROMONACO: But it doesn't,
5 because --

6 MR. ROTHFEDER: In our opinion it does.

7 MR. MASTROMONACO: -- people, it's
8 completely out -- its' a completely different
9 [unintelligible] [00:47:29].

10 MR. ROTHFEDER: Except that cars will be
11 able to -- if there's a drive through, they're
12 going to be going around the building. If there
13 isn't a drive through, they won't be, and if
14 there's a sign.

15 MR. PREZIOSI: We'll use the McDonald's
16 example since that was a popular, so McDonald's
17 does have spots where you pull up and park your
18 car and a person will bring you food.

19 MR. FOLEY: Yeah.

20 MR. PREZIOSI: Other restaurants do the
21 same, Chipotle, etc. Those are not drive
22 throughs. If you have a drive through window,
23 you're going to encourage individuals to park in
24 queue and wait and utilize that loop road. So I

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2 think it needs to be clearly stated that either
3 the drive through is shown on the plans, traffic
4 analysis revised and incorporate drive through
5 traffic and/or completely struck from the plans.

6 MR. KESSLER: And you would probably
7 have striping because people would bail out of
8 the drive through.

9 MR. PREZIOSI: You'd have a bypass lane.

10 MR. KESSLER: So, you know, you're
11 showing just one 18-foot area. Yes, but it's not
12 showing two lanes here. What's that?

13 MR. CANNING: It's just showing one 18-
14 foot lane.

15 [CROSSTALK]

16 MR. KESSLER: Oh, sure you do.

17 MR. KIMMERLING: You would if there's a
18 drive through.

19 MR. KESSLER: Yes you do. Of course you
20 do. People bail out all the time.

21 MR. MASTROMONACO: No, you enter there.

22 MR. KESSLER: Yeah, but you should have,
23 there should be striping.

24 MR. CANNING: Okay. So basically, we

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2 will take this back to our client, the issues and
3 add to them the ones that I missed, the potential
4 incorporation of an architectural detail from the
5 building, in the new building. Or the
6 photographs, if we can accommodate that, the
7 drive through, is it a drive through, is it not a
8 drive through, is there a possibility to remove
9 two pumps. Those are at least three, the
10 circulation.

11 MR. KESSLER: But again, the drive
12 through question becomes important depending on
13 what else goes in that building.

14 MR. CANNING: So, well, I've always
15 treated this --

16 MR. KESSLER: I mean it's a convenience
17 store like across the street here, the gas
18 station right across the street here.

19 MR. CANNING: Yeah.

20 MR. KESSLER: It's just a plain
21 convenience store.

22 MR. CANNING: Yeah.

23 MR. KESSLER: That's how you envision it
24 now?

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2 MR. CANNING: No, no. Well, when we
3 started this process, I envisioned this as a
4 convenience store that would have a drive through
5 that people could use, but that would not be a
6 convenience store with a Dunkin Donuts in it,
7 because that's an add-on. So, I envisioned it as
8 a building with a potential drive through. So I
9 have to take it back to the client now and make
10 sure that's what he really wants and --

11 MR. ROTHFEDER: And you may have trouble
12 getting that drive through. I'm just telling you.

13 MR. CANNING: Well, I will --

14 MR. ROTHFEDER: But the main thing is I
15 just keep hearing resistance from you guys about
16 putting things on the site plan that we're
17 supposed to approve, and it's just going to take
18 you months and more until you guys give us a site
19 plan that we can look at and approve, or not
20 approve. There's just so much resistance to this.
21 I don't get it.

22 MR. CANNING: No, I apologize if there's
23 been a misunderstanding. There's no intentional
24 resistance on our part. Certainly, it would have

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2 been more helpful to have a window on the
3 building, but I don't think there's even a door
4 on the building, just looking at the plan there.
5 So it was just sort of like an oversight from
6 that perspective. Ralph put on this is where the
7 building is going.

8 MR. ROTHFEDER: And I'm just saying
9 we've heard a few times tonight that maybe things
10 will happen later, but we don't have to put it on
11 the site plan right now. I mean you want to get
12 this approved.

13 MR. CANNING: Yes.

14 MR. ROTHFEDER: So approach us that way.

15 MR. CANNING: Yeah. Okay.

16 MR. KEHOE: Also show vacuums or air
17 pumps.

18 MR. CANNING: Yeah, I'm writing it down.
19 Thanks, Chris.

20 MS. TAYLOR: Tom has a question.

21 MR. BIANCHI: Yeah, I have --

22 MS. TAYLOR: And think John, John, you
23 also wanted --

24 MR. BIANCHI: I have a statement and a

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2 question just for the record. I'm sorry.

3 MS. TAYLOR: No, no, you and then John.

4 MR. BIANCHI: Oh.

5 MS. TAYLOR: John also had a --

6 MR. BIANCHI: Statement, just on this
7 discussion of getting rid of two cars, two
8 positions, I agree with that. And I think not
9 only is it going to help circulation with the
10 site, it's also going to reduce volume of traffic
11 on Route 6 going in and out to some degree.

12 MR. CANNING: Mm-hmm.

13 MR. BIANCHI: I know you'll argue that.
14 But I think fewer pumps means fewer cars, not
15 fewer pumps, but fewer positions. You can have
16 six pumps, but you'd only have --

17 MR. CANNING: Ten positions.

18 MR. BIANCHI: Ten positions.

19 MR. CANNING: Yeah.

20 MR. BIANCHI: So that's just for the
21 record. I want to go on record as stating that.
22 Now, my question though is --

23 MR. CANNING: Mr. Bianchi, may I ask a
24 question on that?

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2 Mr. BIANCHI: Yes.

3 MR. CANNING: If we were to eliminate
4 two cars, two cars and eliminate one of the two
5 pumps and then slide the other one over into the
6 middle, so we'd still have ten cars, but the end
7 one would be in the middle of those two.

8 MS. TAYLOR: What?

9 MR. CANNING: We --

10 MR. BIANCHI: I don't follow you.

11 MR. CANNING: So right now the end has
12 two pumps and it has two cars on either side. So
13 you want to get rid of the last two cars.

14 MR. BIANCHI: Right. [unintelligible]
15 [00:52:14] yeah.

16 MR. CANNING: And I understand that. I'm
17 just exploring another option that gets rid of
18 two cars but will have, because what I'm thinking
19 is because people are going to come in and then
20 they're going to have a pump and they're going to
21 think there's a space, they'll go around the back
22 of it and they'll say oh, there's nothing here,
23 what am I doing. So it might be better to take
24 those two end pumps and consolidate them as one

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2 pump in the middle and only have one car on
3 either side.

4 MR. KESSLER: You're basically saying
5 five stations, five two sided stations is what
6 you're --

7 MR. CANNING: Five two sided stations,
8 ten cars. If that, if the board thinks that's
9 reasonable.

10 MR. BIANCHI: It seems to accomplish the
11 objective. It looks okay, I mean it seems to
12 accomplish the objective.

13 MR. CANNING: Okay. Because I think that
14 might work better.

15 MR. BIANCHI: I'm just trying to make
16 more room.

17 MR. CANNING: That might work better.

18 MR. BIANCHI: I'm trying to make more
19 room on that top [unintelligible] [00:53:01].

20 MR. CANNING: Well, it will make room on
21 the corners, right, which is where, that's where
22 you need it the most.

23 MR. BIANCHI: I --

24 MR. CANNING: I'm sorry, I interrupted

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2 you, you had another question.

3 MR. BIANCHI: No, that's okay. I'll
4 leave it to the other members of the board to
5 make an opinion, but from my viewpoint, that's
6 better than the situation have here. Question on
7 your memo from September 20th, on your response
8 to the AKRF memo regarding traffic signalization.

9 MR. CANNING: Yeah.

10 MR. BIANCHI: Your response to a
11 question as to developing a detailed signal plan
12 was that you would wait further input from the
13 NYS DOT regarding the installation of traffic
14 signal. It appears that AKRF, yeah, it appears
15 that you have issued a letter saying that they've
16 consented to that.

17 MR. CANNING: So their memo basically --

18 MR. BIANCHI: I don't have their memo, I
19 have your memo saying that they approved of the
20 installation of a signal in concept.

21 MR. FOLEY: The DOT?

22 MR. BIANCHI: The DOT, yeah.

23 MR. CANNING: Yeah. So their memo said
24 we submitted correspondence between the applicant

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2 and New York State DOT.

3 MR. BIANCHI: Alright. So my question is
4 this, when -- is that development, I'm sorry, is
5 that signalization plan going to be developed,
6 when is it going to be developed?

7 MR. CANNING: So, yes, I'll answer that
8 and the first thing I want to read is AKRF said
9 about that comment. The site plan has been
10 updated to address AKRF's comments including
11 providing crosswalks across the driveways,
12 pedestrian walkway through the driveway splitter
13 island and signage and striping. So that kind of
14 goes to the question that they had at the time.

15 So the way the process works, we
16 provided a plan to you, to your board, to your
17 staff, and to the DOT, which showed where the
18 traffic signal poles would go. It showed the span
19 wire between them, it showed where each of the
20 signal heads would go, facing Route 6 Eastbound,
21 Route 6 Westbound, the driveway and the westbound
22 ramps. It showed where the turn prohibition signs
23 would go. There would be one on the corner as you
24 turn in, there would be one overhead, and I

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2 believe the last time we were here, somebody
3 suggested that we have one on the near side on
4 the street a little bit further up, so we put one
5 there. We're going to submit that to DOT. So
6 that's basically what the signal looks like in
7 concept. And the next phase then is for us to
8 identify how many lenses there are, what color
9 they are, how big they are and what wires go to
10 them.

11 MR. BIANCHI: And the timing.

12 MR. CANNING: The timing is at the end
13 actually. The DOT makes that. But the hardware
14 that gets hung on the signal heads. So that's
15 basically starts once this board, if this board
16 grants approval to this project to install a
17 traffic signal, we'll prepare a detailed
18 construction plan that goes as the next phase in
19 the permit. The permit is a three phase process,
20 so we've completed phase one, which is
21 essentially phase one, which is conceptual
22 approval. And then phase two is the detailed
23 design, which is what they're going to build it
24 from, so as I said, we'll have, it'll be an LED,

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2 it'll be 12 inches, there will be green, or
3 yellow, or it will be red over green over yellow,
4 it'll be in an aluminum housing, it'll be a ten
5 conductor cable, it'll be a 9,000 pound pole. The
6 footing will be ten feet deep, all of the
7 details. That's phase two. That gets reviewed by
8 the department, the make their recommendations,
9 modifications, they accept it. And then phase
10 three is basically issuing the surety bond to
11 make sure the work gets done, assigning of
12 inspectors to make sure the work is done
13 correctly. So that's kind of where we're at in
14 the process. The next phase is to do the detailed
15 design, but we have conceptual approval from the
16 department.

17 MR. BIANCHI: Okay. So let's say you go
18 through that. This is after, if we let's say we
19 approve this, we don't know yet, but --

20 MR. CANNING: Yes, understood.

21 MR. BIANCHI: -- if it gets that far and
22 they have to change it, does it impact anything
23 that we've already approved?

24 MR. CANNING: It should not, no. I mean

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2 at this stage, it's a question of should the
3 lenses be here, are we using the right wire.

4 MR. BIANCHI: And --

5 MR. CANNING: And if --

6 MR. BIANCHI: -- and the signalization,
7 I guess, I'm really concerned about the
8 signalization timing because of all those lights
9 not only in that area, but going all the way down
10 to Kohl's and West [unintelligible] [00:57:32].

11 MR. CANNING: Yeah, so one of the
12 department's, in their correspondence to us, was
13 that we have to include the adaptive traffic
14 signal system license and software as part of our
15 signal design. And what that does is it
16 synchronizes all of the signals along the
17 corridor. It's something that the town has been
18 working for, for quite some time with your
19 consultant. So we will be doing our part of it to
20 make sure that the signals work in concert.

21 MR. BIANCHI: Okay. So they'll be, the
22 two lights that will be close together are the
23 one near Gasland and one near the proposed
24 Palisades.

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2 MR. CANNING: Yes.

3 MR. BIANCHI: Those would be the closest
4 ones I guess.

5 MR. CANNING: Yeah.

6 MR. PREZIOSI: They will all be synced.

7 MR. BIANCHI: They'll be timed such that
8 --

9 MR. PREZIOSI: Yes, there will be
10 adaptive controls so right now the corridor is
11 adapted from the Mohegan Manor site actually in
12 Yorktown, all the way through Lexington Avenue up
13 unto Jerome. The town is currently improving
14 Westbrook Drive and installing newer traffic
15 signalization. John, just so you're aware, the
16 state is now approving or allowing camera
17 detection.

18 MR. CANNING: Yes, exactly, we're going
19 to do that.

20 MR. PREZIOSI: Yeah, and then Gasland
21 had proposed to install adaptive traffic controls
22 at their intersection, Parkway Drive and then the
23 Locust Avenue intersection. So essentially the
24 whole corridor would have adaptive controls with

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2 the exception of Conklin and Route 6.

3 MR. BIANCHI: Alright. And our
4 experience with this working right is good?

5 MR. PREZIOSI: No complaints --

6 MR. BIANCHI: Do we have, do we -- we
7 have experience in this location?

8 MR. PREZIOSI: The DOT monitors it and I
9 think right now it's working, improving green
10 time throughout the corridor.

11 MR. BIANCHI: Okay. Alright.

12 MR. FOLEY: But it's only working from
13 Mohegan down to Jerome?

14 MR. PREZIOSI: Correct. Currently, yes.

15 MR. FOLEY: Yeah. Because I mean it's
16 good in theory, in principal, but let's hope it
17 works. It's called what, adaptive control, right?

18 MR. PREZIOSI: Yes, adaptive traffic
19 controls

20 MS. DECKER: I think Mike, that's what
21 they have in Croton, right, at the Croton Point
22 Avenue, because that works very well.

23 MR. PREZIOSI: I'm not familiar with
24 that, but [unintelligible] [00:59:32] system.

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2 MS. TAYLOR: John, you wanted to make a
3 comment?

4 MR. SLOAN: Thank you, again. I hadn't
5 planned on speaking again, but the applicant has
6 been on a 50 minute run, and I think citizen
7 input is due for at least a little bit. A couple
8 of items. On the last item that you mentioned,
9 Mr. Foley is spot on, excuse me, when he says
10 that it is theoretical. There is no traffic
11 intersection that you could point out that has
12 the volume and the turns and the number of
13 traffic lights in such a short distance as this
14 is that's proposed.

15 And again, as I said before, you used
16 the word theoretical, I used the word
17 hypothetical. That's all you're doing with here.
18 And if you convince yourself that the magic
19 software will be a magic cure in the future for
20 this kind of development as well as Gasland's and
21 whatever else is on Route 6 now, I think that's
22 foolish, because as you well know, once this is
23 approved and built, it has to be lived with. And
24 Route 6 now has just too much traffic,

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2 particularly at the two rush hours that it has.

3 Second item, traffic analysis, always
4 assumes that drivers will do what they're told,
5 meaning they can't make a left into the site. But
6 you darn well know that someone going eastbound
7 will see Gasland and say, oh, I need to fill up,
8 but whoa, I'm in the wrong lane, I'm in the left
9 lane, what are they going to do? Well, I see
10 this, I'll just go over here, and therefore,
11 you'll have that kind of tie-up.

12 With regard to traffic itself, there's
13 two courses, there's two reasons why we have
14 traffic accidents. One is speed, one is
15 frustration. On Route 6, speed is not an issue
16 unless it's 2:00 in the morning, but on the rush
17 hours, and in fact, most of the day, frustration
18 is a problem. I see, I cannot think, I'm trying
19 to think of how many accidents just this year
20 I've seen on Route 6, and I can't say I'm on
21 Route 6 ten hours a day. Frustration will only
22 increase by putting in the traffic lights
23 regardless of this magic signalization in such a
24 short, compact amount of area. So, again, as I

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2 said before, I'm hoping that you consider this
3 project to be something the town certainly needs,
4 something that Route 6 and the people who travel
5 it, both citizens and non-citizens certainly
6 need. The tax base doesn't certainly need it.
7 It's an industry that is going to be
8 disappearing, not growing. And I think overall,
9 you can consider cumulative impact that this
10 would entail on that part of Route 6 to be just
11 too much. And legally, ethically, you can deny
12 the application, which indeed I hope you do. Now,
13 I'm going to watch the Yankees.

14 MS. TAYLOR: Good night.

15 MR. FOLEY: What John just said, using
16 the word assuming, even in your own John Canning,
17 in your own last page of your report where the
18 photo is, I mean you talk about posted speed
19 limit, and you're saying assuming at 50 miles per
20 hour. So I don't know if that word assuming is a
21 practice within traffic analyses, but I noticed
22 that word, and then John just mentioned it.

23 But when you're in that corridor and
24 lately, I've been there looking at a lot of

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2 stuff, even the left, the right, the red arrow,
3 the green arrow, the left turn at Westbrook and
4 Sixth, which they're doing some type of
5 improvement with the curb cutting, I don't know
6 what that is, or up at, further up towards, not
7 Jerome, towards Locust, and you sit there, and
8 you time when it's a green arrow and you're
9 hoping okay, I hope the cars in front of me make
10 it through, the seconds, you count out the 1001,
11 the 1002, it's only eight to ten seconds that you
12 get that green arrow, which is good, because then
13 the other direction gets more of a chance. But
14 it's just that the more lights and the more green
15 or red arrows, left turn, right turn, it just
16 exacerbates the situation on the corridor.

17 MR. CANNING: Well, I would like to
18 emphasize we've done a traffic study, it's been
19 reviewed by the Department of Transportation,
20 it's been reviewed by your own traffic
21 consultant. We're eliminating green arrows
22 because we're eliminating the left turn. We're
23 putting a curb in so you physically can't make
24 the left turn or at least it makes it

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2 challenging. There's another gas station just
3 down the street. So, and also there are a number
4 of intersections, two that I can think of that
5 are much closer together and signalized. In fact,
6 there's three in Elmsford on Route 9A. There's,
7 it's Beverly Lane, Sam's Club and the Greenburg
8 Cinema are all in less distance than these two
9 signals are apart. And on Broadway in Tarrytown,
10 there's 119 intersects with Route 9, and next to
11 that, there's Route 9 with the CVS driveway.

12 So I'm confident that we studied it, the
13 department has reviewed it and that the
14 technology is in operation in a number of
15 locations. It's in operation on the Bronx River
16 Parkway, which is not the same as Route 6, I
17 grant you that. It's also in operation on 119,
18 when you go into White Plains from the west and
19 it's very successful. In fact, the biggest
20 benefit that I've heard from the traffic
21 engineers is that we don't have to do anything,
22 because when they had signal systems before that,
23 they were constantly falling out of love with
24 each other and they had to go out and fix them.

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2 And now, they've got technology that basically,
3 it's they're synchronized, they're radio
4 communication and they work together.

5 So it's not a new technology. It has
6 been deployed. We've provided all of the studies
7 that we believe are needed and they've been
8 reviewed by your consultant, by the department,
9 you have some very salient questions. And I've
10 written them down. We're going to take them back
11 to our client. And hopefully when we come back
12 here next month, you'll be satisfied with the
13 answers that we give you.

14 MS. TAYLOR: Okay. Then, I think maybe
15 we want to wrap this up for tonight?

16 MR. CANNING: Sure. Thank you very much
17 for your time and your input.

18 MR. BIANCHI: Madam Chair, I'm not sure
19 if we want to [unintelligible] [00:59:32] orders
20 to close on this one or keep it open.

21 MS. TAYLOR: Keep it open.

22 MR. BIANCHI: I agree. We'll keep it
23 open to continue the public hearing at the
24 November meeting. That's my motion.

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2 MR. KIMMERLING: Second.

3 MS. TAYLOR: Alright. On the question,
4 all in favor?

5 MULTIPLE: Aye.

6 MS. TAYLOR: Opposed? Okay.

7 MR. KEHOE: Just for the record, there
8 was a little confusion. The next meeting is
9 Wednesday, November 3rd. You might see it online
10 some places as Tuesday, the 2nd. But it's
11 Wednesday, November 3rd.

12 MR. CANNING: Thank you, Chris.

13 MS. TAYLOR: Alright. Now back to the
14 agenda, the next item, again, is an adjourned
15 public hearing. It is PB 2021-1, for the
16 application of NRP Properties, LLC for site
17 development plan approval, a special permit and
18 for tree removal and steep slope permits for a
19 proposed 135-unit active adult residential
20 community to be located on an approximately 8.7
21 acre parcel of property at 119 Oregon Road, the
22 latest revised drawings are September 21, 2021.

23 MR. LEE LEFKOWITZ: Good evening, Madam
24 Chair, members of the planning board, I'm Lee

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2 Lefkowitz from Zarin & Steinmetz, here on behalf
3 of NRP Properties. And with me today, we've got
4 Myles Monaghan from NRP as well as Matthew
5 Steinberg, Donna Maiello from Divney Tung
6 Schwalbe and Carlito Holt from Provident Design
7 Engineering on the Overlook Terrace Project.

8 And before your board, we are before
9 your board today, having submitted responses to
10 your comments as noted at the end of September,
11 as well as revised drawings and we're here to
12 continue our dialogue and answer any questions
13 you may have today. But tonight, we respectfully
14 submit that your board is not in a position to
15 close the public hearing and issue your findings
16 so that the matter can be issued a negative
17 declaration and that legislation can be adopted
18 by the town board authorizing this use before we
19 come back to your board to complete site plan.

20 And that's important, so I'll stress it
21 again. Your board will have a further opportunity
22 to comment on this plan as we come back to
23 complete site plan, but we submit that enough
24 data has been exchanged at this point that it's

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2 prudent to take us to the next stage. So we stand
3 ready to answer your questions, we understand
4 already that there may be some questions in
5 particular with regard to landscaping, tree
6 removal and Donna is here in particular to answer
7 those questions. There may be some questions
8 about traffic and Carlito is here to answer those
9 questions. He's been working with extensively
10 with HVEA to work out those details. So we're
11 ready to go. We look forward to answering your
12 questions and we hope that at the end of tonight,
13 you'll close the public hearing so that we can
14 head to the planning board, get that legislation
15 adopted, authorize the use and come back to
16 complete site plan.

17 MS. TAYLOR: Okay. This is an adjourned
18 hearing for this particular application, and
19 excuse me, if there's anyone in here present
20 right now who wants to speak, any resident who
21 wants to speak, or address the application, now
22 is the time. If there is no one here, we can then
23 ask the board to comment on the application.
24 Questions?

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2 MR. KESSLER: Just my one question, you
3 know, we talked at the site visit about you know,
4 EV stations, and I know I'll have another swing
5 at the bat here, just to keep the baseball
6 metaphors going, on the site plan, but are you
7 proposing any EV stations in the parking?

8 MR. MYLES MONAGHAN: Good evening
9 everyone, for the record, Myles Monaghan with NRP
10 Group. Member Kessler, we will have EV charging
11 stations, between two to six spaces. There's one
12 charging location that charges two parking
13 spaces. So we'll either have three parking spaces
14 that service six vehicles, or we'll have four
15 that -- two that service four basically.

16 MR. KESSLER: Thank you.

17 MR. FOLEY: And just to refresh the last
18 meeting discussion about the Eaton Downs entrance
19 exit, just so you've got a lot of back and forth,
20 it would become, you could come out of the
21 facility and go either right down Oregon Road or
22 left up to Waterbury Manor and not have to go to
23 a traffic light on Oregon Road, correct?

24 MR. MONAGHAN: So, Member Foley, we

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2 believe we have addressed that comment and we are
3 no longer proposing a left turn only out of that,
4 or --

5 MR. FOLEY: Okay. Then if you do have
6 problems with cut through traffic, which was the
7 main issue, you could always revisit I guess, or
8 the town can. As long as you could diffuse the
9 traffic and keep less cars going down to Oregon
10 Road light. Thank you.

11 MS. TAYLOR: Are there any other
12 comments or questions?

13 MR. MONAGHAN: Yeah, that's a noted
14 comment, it's full movement now, absolutely,
15 yeah.

16 MR. FOLEY: Okay.

17 MR. BIANCHI: I'd just like to hear your
18 response to our conservation advisory council's
19 memo, which they recommend that the American
20 Smoke Tree and catalpa trees be preserved, albeit
21 trimmed maybe. But it sounds like they have a
22 strong opinion as to keeping those trees.

23 MR. MONAGHAN: So I will let Donna, our
24 landscape architect come up and actually present

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2 I think a little bit more of what we're proposing
3 for the landscape architecture here, but just to
4 note on the preservation of the catalpa and the
5 American smoke, they are in the parking and
6 building footprints, and we are going to great
7 lengths to preserve the silver maple. And I think
8 the board this evening will be hopefully
9 impressed with the landscape plan that we'll show
10 you a little bit more detail on.

11 MS. DONNA MAIELLO: Good evening,
12 everyone. My name is Donna Maiello. I am a senior
13 associate and landscape architect at Divney Tung
14 Schwalbe. Yes, I did see the memo from the
15 Conservation Advisory Council and as we just
16 described, unfortunately, those two trees, one is
17 dead center in the parking lot aisle. The other
18 one is in between the parking lot and the
19 building where there's going to be about a two
20 foot grade change and half of the root zone would
21 be covered with pavement.

22 It even mentioned in Bartlett's Arborist
23 Report that a significant root zone would be
24 required to preserve those trees. And

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2 unfortunately it's not possible. But we are
3 excited that we are going to be able to preserve
4 the 70-inch silver maple in the front yard. We
5 actually went back and we redid the grading, so
6 that we've pulled the grading back and we've been
7 able to save that, and we've got the walkway that
8 goes from the parking lot to the bus stop kind of
9 wraps around the tree, and I think gives it a
10 nice presence in the front yard. If you'd like, I
11 can talk more about the landscape plan.

12 MR. BIANCHI: Where is that tree located
13 now on that plan? It sits right in the parking
14 lot.

15 MS. MAIELLO: The, are you talking about
16 the smoke tree and catalpa?

17 MR. BIANCHI: The smoke tree and
18 catalpa, yeah.

19 MS. MAIELLO: The smoke tree, if you're
20 looking at the building, on the right side, in
21 the front, you see there's three trees proposed,
22 between, in like the right corner, upper right
23 corner of the building, there's three trees. You
24 see there's a car parked.

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2 MR. BIANCHI: Yeah.

3 MS. MAIELLO: The catalpa is basically
4 where the second from the right tree would be,
5 kind of, I don't know, Chris, if you could zoom
6 into that a little bit. Sorry, the model takes a
7 little bit to regenerate. There's a lot going on
8 in the landscape plan in terms of the rendering.
9 So see how there is three trees in front of the
10 building?

11 MR. BIANCHI: Yeah.

12 MS. MAIELLO: Where the second from the
13 right one is it's about in that location.

14 MR. BIANCHI: So what would be the
15 impact of maintaining one or both of those trees?

16 MS. MAIELLO: So the other tree is
17 pretty much where that dark car is parked, on the
18 north side of it. So it's right in the parking
19 lot aisle. That's where the catalpa is.

20 MR. BIANCHI: It's right where the car
21 is?

22 MS. MAIELLO: No.

23 MR. BIANCHI: Right there?

24 MS. MAIELLO: It's on the north side of

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2 that car, so more like where that white label is,
3 it's there. The tree that would be, you know, we
4 are showing a tree in the location, approximate
5 location of where the smoke tree is. Again,
6 there's going to be a two foot grade change, so
7 we're bringing the grade up about two feet in
8 that area, and then you can see the whole north
9 side, you've got a walkway and parking. So we're
10 right now, that tree is on a lawn area. You're
11 paving over half of the root zone, you're burying
12 it in two feet of fill in pavement. And then on
13 the back side of it, you know, those are large
14 trees so they have a large root zone. On the back
15 side, you've got the building, so it really, it
16 wouldn't survive.

17 MR. BIANCHI: And the three trees that
18 are there and three on the other side, what are
19 they?

20 MS. MAIELLO: We haven't specified
21 exactly what trees are what yet. We have a plant
22 list that includes a variety of native trees and
23 shrubs. Those would be shade trees, so they may
24 be lindens or sweet gums, or oaks or maples.

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2 MR. BIANCHI: And how big would they be
3 when you plant them? What caliper?

4 MS. MAIELLO: Those are going in, I
5 believe those are going in at three, three-and-a-
6 half inches. The entry drive trees are larger. I
7 believe we're showing those at four-and-a-half if
8 I remember right. The entry drive trees are going
9 in at four-and-a-half to five inch. They're going
10 to be red sunset maples. They'll have a brilliant
11 red fall color as you arrive at the site. And
12 then the shade trees, we've got two different
13 sizes proposed, two-and-a-half to three, and then
14 three to three-and-a-half. The larger, three-and-
15 a-half would be the ones around the building and
16 then the perimeter trees would probably be the
17 smaller trees. It's nice when trees don't grow in
18 all the same size so that they, you have some
19 variety. It doesn't look like it was just mass
20 planted.

21 MR. BIANCHI: Where is this silver
22 maple, where is that?

23 MS. MAIELLO: Yes, that's, it's right
24 there. You can see there's retaining wall around

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2 it. It's that big, the big green circle.

3 MR. BIANCHI: Yeah.

4 MS. MAIELLO: And I don't know if any of
5 you have gone and -- I know there was a site walk
6 -- if you've looked at that tree, but it is a
7 very nice majestic looking tree, and I'm really
8 excited that we're going to be able to save that.
9 And I think what's nice about it too is that it
10 not only will give people who are on the site,
11 you'll be able to see it, that it's large enough
12 that as you're going by, you also can notice it,
13 since it's in the front yard there.

14 MR. FOLEY: Where is that again -- the
15 silver maple? Chris, can --

16 MS. MAIELLO: The upper left hand
17 corner, you can -- yes, exactly.

18 MR. KEHOE: that big circle.

19 MR. FOLEY: Oh. Okay, okay. Alright.

20 MS. MAIELLO: Then, Chris, I don't know
21 if you want to just go to the next page, you can
22 see we have put together some images of the
23 proposed plants. It's primarily native trees and
24 shrubs and herbaceous plants. You can see that

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2 brilliant red fall color of the trees that we're
3 proposing for the entry drive, and then a variety
4 of ornamental shade and evergreen trees for the
5 rest of the site, some spruces, some cedars, the
6 oaks, the hickories, the red bud. I know that
7 there's some dogwoods that are being removed, so
8 we are proposing to put in some new dogwood
9 trees.

10 And then the next page also has some
11 additional plants, because we've got two
12 stormwater features in the front, so those will
13 be planted also with native trees and shrubs and
14 grasses. So they also would be attractive
15 landscape features in the front yard area. So
16 again, not just benefitting the people on the
17 site, but also as you're driving by.

18 MR. BIANCHI: And the catapala trees you
19 mentioned were three to four inches?

20 MS. MAIELLO: For the entry drive, we're
21 talking about four-and-a-half to five, so we want
22 those to have an immediate presence. And then on
23 the site, three to three-and-a-half for the more
24 focal areas for shade trees, two-and-a-half to

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2 three for more of the perimeter and infill areas.
3 Then for the basin trees, those tend to be
4 smaller trees in general between ornamental and
5 shade, so those are two-and-a-half, two to two-
6 and-a-half caliper or six to eight foot in
7 height, depending on what type of tree it is.
8 Evergreen trees we're proposing at six to eight
9 foot eight. Same thing for ornamental trees, six
10 to eight feet high, one inch minimum caliper if
11 it was a single stem ornamental.

12 MR. BIANCHI: Are any of these
13 considered fast growing trees, or are they --

14 MS. MAIELLO: Some of the native trees
15 are fast growing.

16 MR. BIANCHI: The ones that are in front
17 of the, where the smoketree is, not there, but
18 near the parking lot in that area, are they fast
19 growing trees?

20 MS. MAIELLO: It's definitely going to
21 be a mixture. The, like, for example, we're
22 proposing tulip trees, they tend to be fast
23 growing. The maples are fast growing, the oaks
24 are a little bit slower growing. Sweet gums tend

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2 to grow pretty fast. It's a mixture. Some will be
3 fast. They'll be faster, medium and slow.

4 MR. BIANCHI: Okay.

5 MR. KIMMERLING: Madam Chair, if there
6 are no further questions, I'd like to make a
7 motion.

8 MS. TAYLOR: Please.

9 MR. KIMMERLING: That we close the
10 public hearing.

11 MS. TAYLOR: Mm-hmm.

12 MR. BIANCHI: Second.

13 MS. TAYLOR: Thank you. On the question,
14 all in favor?

15 MULTIPLE: Aye.

16 MS. TAYLOR: Opposed?

17 MS. DECKER: Thank you.

18 MR. KEHOE: Lee, just procedurally, and
19 maybe Michael Cunningham knows better than me
20 too, you're going back to the town board at their
21 meeting in a couple weeks?

22 MR. CUNNINGHAM: That's what I was
23 thinking, Michael do you know what that might be?

24 MR. MONAGHAN: There should be a neg dec

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2 read for, a negative declaration under SEQR ready
3 for a town board vote at its upcoming October
4 meeting.

5 MR. CUNNINGHAM: Okay. Thank you.

6 MR. KEHOE: So then if that happens,
7 then the planning board, do you want a resolution
8 of site plan approval at your November meeting,
9 or do you want the applicant to come back at the
10 November meeting for more discussion?

11 MS. TAYLOR: I don't know that I need
12 any more discussion, but I don't know about
13 anybody else.

14 MR. KESSLER: They've got a pending
15 rule.

16 MR. KEHOE: Alright. So I just wanted to
17 be clear that we can prepare a resolution of
18 approval for the November 3rd --

19 MR. KESSLER: Resolution.

20 MR. KEHOE: -- meeting.

21 MS. TAYLOR: Yes. I think that's fine,
22 yes.

23 MR. KEHOE: Okay.

24 MR. LEFKOWITZ: Thank you very much.

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2 MR. BIANCHI: Thanks.

3 MR. MONAGHAN: Thank you.

4 MS. TAYLOR: Thank you. Alrightie, let's
5 move along to old business and that would be PB
6 2020-10, the application of Cortlandt CSG LLC for
7 the property of 202 Cortlandt LLC, for site
8 development plan approval and a special permit
9 and tree removal and steep slope permits for a
10 proposed 2.3 megawatt community solar power
11 system, located on an approximately 33.86 acre of
12 property located on the north side of Route 202,
13 west of Lexington Avenue, the latest revised
14 drawings are May 20, 2021.

15 MR. KIERAN SIAO: Good evening,
16 Chairperson Taylor and the planning board, thank
17 you for having us here tonight. My name is Kieran
18 Siao. I'm the director of development for
19 Dimension Energy, here in reference to our
20 project, the Lexington Avenue Solar project, a
21 community solar facility located on Lexington
22 Avenue. I'll keep my comments brief. We're here
23 tonight to provide updates since we last met in
24 July of this year, answer any questions you

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2 currently have on the project and also request
3 that the planning board authorizes staff to issue
4 a resolution of site plan approval to have on
5 hand at the November meeting.

6 So since we last met in July, we've been
7 doing a lot of work with the town board. As you
8 know we met with the town board on multiple
9 occasions, through workshop meetings and formal
10 town board meetings. Most recently we presented
11 at a public hearing last month. This was the same
12 night as the solar moratorium public hearing.

13 And I'm glad to say that our public
14 hearing was very positive. The highlights there
15 are no neighbors to our project attended the
16 public hearing to speak in opposition of our
17 project. Obviously there was a lot of thoughtful
18 discussion. For the moratorium public hearing,
19 particularly in relation to tree clearing, which
20 is a [unintelligible] [01:24:29] issue for the
21 moratorium. However, there were comments from
22 both the town board and other residents who were
23 there for the public hearing, when it came time
24 for our public hearing, who, you know,

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2 understood, and talked through kind of the nuance
3 of when we're talking about tree clearing and
4 proposed development, we need to consider both
5 the zoning of the site and the intent from the
6 town for how the site may be developed in the
7 future based on that zoning and the actual health
8 of the tree stand in place.

9 And, you know, compared to other
10 potential sites in town, what both the town board
11 and those residents found is that if there's
12 going to be development for another solar project
13 in town, ours makes sense based on its commercial
14 zoning as the well as kind of condition of the
15 tree stand which is majority invasive species in
16 poor health or dead.

17 From here, we're going to be attending
18 the town board meeting later this month on the
19 19th where we hope to receive our resolution of
20 special use permit and then we'll be right back
21 here with all of you on November 3rd. And so the
22 purpose of requesting this resolution for a site
23 plan approval is very similar to the request we
24 made for SEQR. We fully understand that there is

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2 still some questions that the planning board has
3 about our project with regard to trees and
4 stormwater, happy to answer those tonight. We're
5 going to do some work between now and the
6 November meeting to kind of meet those questions.
7 But similar to SEQR, all we're asking for is that
8 this resolution be prepared so if the planning
9 board feels in a place to consider the resolution
10 for approval at that meeting, we have it
11 prepared.

12 We would greatly appreciate this from
13 the real estate perspective for our project. As
14 all of you know, we are proposing to purchase the
15 property and currently, based on our purchase
16 agreement, excuse me, the closing date is in late
17 November. So we're currently working through
18 that, we're working through these updates, but as
19 it relates to real estate, this puts us in a
20 little bit of a time crunch in that our investors
21 and our partners are not going to let us close on
22 this site without having discretionary permits in
23 hand, including site plan approval. So we're
24 making this small ask that we would greatly

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2 appreciate. Again, we recognize that there's no
3 guarantee if the resolution is drafted that it is
4 voted on that night, but just something that
5 helps us be organized and put our best foot
6 forward to try and meet that timeline.

7 I understand that at the workshop
8 meeting, there were still questions on both trees
9 and stormwater. If you look at our landscaping
10 plan here, I think we have provided substantial
11 information on how we are thinking about the
12 trees on site that were inventoried as part of
13 our tree inventory last year. How we are
14 proposing to landscape on site to the greatest
15 extent practical and how we are aiming to
16 mitigate the remainder of trees that cannot be
17 planted on site.

18 Since our last meeting in June, or July,
19 the Conservation Advisory Council has also issued
20 a letter to Supervisor Puglisi saying that they
21 have reviewed our plan specifically for landscape
22 buffering and landscape replanting on site and
23 given our current design and the way we're
24 approaching mitigation, they are supportive of

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2 our project. So we think that's great news and
3 I'm excited to share that.

4 MR. ROTHFEDER: Do we have a copy of
5 that letter? That letter, you said there was a
6 letter?

7 MR. FOLEY: The CAC?

8 MR. ROTHFEDER: We haven't seen it. Is
9 that a new letter?

10 MR. SIAO: That was dated September
11 15th.

12 MR. KEHOE: Alright. Well, that went
13 directly to the town board in the context of
14 their public hearing. I probably should have
15 gotten -- I'll make sure you have that, sorry.

16 MR. SIAO: Okay. I do have a physical
17 copy if anybody wants it. But it says here, the
18 highlights [unintelligible] [01:27:57]. But
19 factors such as these in mind, relating to, you
20 know, tree clearing on solar farms, it says with
21 factors like these in mind, the CAC has
22 considered the proposed Lexington Avenue Solar
23 Project and is generally supportive of the
24 project as designed with the landscaping and

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2 buffering as proposed. So we think that's a great
3 vote of confidence from the CAC, specifically
4 with regard to tree clearing.

5 Now, with regard to stormwater, we had a
6 really productive conversation yesterday with
7 Michael and Mike and Chris regarding the
8 engineering memo, the work that still needs to be
9 completed between now and building permit. Keith
10 has been looking very closely at this memo in
11 comparison to what we've provided, the date
12 including our full site plan, our preliminary
13 SWPPP and over the next several weeks, Keith is
14 going to be working very closely with Mike to
15 provide what updates we can to kind of show that
16 we are demonstrating, we are going the right
17 direction with regard to stormwater, with full
18 transparency as we've discussed with the group.

19 It's unlikely that all of these will be
20 met by that November meeting, however, we feel
21 that if we can design to a level that is
22 satisfactory, the remainder can be included as
23 conditions to the resolution just as the planning
24 board has done for the Croton Avenue project as

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2 well s others in town to be completed, you know,
3 before building permit and certainly before any
4 shovels hit the ground on the site.

5 So, in summary, we would really
6 appreciate this to be a consideration of the
7 planning board, also that would greatly help us
8 as we've been working in good faith with the town
9 throughout this process, throughout COVID,
10 throughout all these various surveys we've been
11 completing which has been, which has elongated
12 our development process and this is an action
13 that will create ultimately no risk to the
14 planning board, [unintelligible] [01:29:40] then
15 there is no actual requirement to vote on it next
16 month if you don't feel enough has been
17 satisfied, and further no risk because this work
18 will be completed before building permit as part
19 of our building permit plan set. So with that,
20 I'm happy to open the floor to any questions you
21 have.

22 MR. ROTHFEDER: I think the trees are
23 too small that you're planting and I brought this
24 up five or six months ago and you mentioned that

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2 you would do something about it, but you're still
3 in the same two-inch size.

4 MR. SIAO: Sure, I mean I believe two to
5 three-inch caliper for deciduous trees and six to
6 eight feet tall for evergreen is in compliance
7 with what the town's law is.

8 MR. ROTHFEDER: I understand. But I
9 think they're too small. You know, you're taking
10 down a lot of trees, whether they're good or bad
11 trees, you're taking down a lot of trees. That
12 troubles me about the project in general anyway,
13 but they've got to be -- the trees have to be
14 larger. If you're going to make an effort to
15 landscape it, make a real effort.

16 MR. SIAO: I think we have. You know,
17 given what we're showing here, our current site
18 plan shows 228 new plantings on site.

19 MR. ROTHFEDER: Well, you have to do
20 that.

21 MR. SIAO: Sure, of course.

22 MR. ROTHFEDER: That's the law. I'm
23 asking you to make an added effort to plant
24 larger trees.

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2 MR. SIAO: Yeah, that's something we
3 could certainly consider, however, you know, we
4 feel this is appropriate and compliant with the
5 law. This is of great variety of trees over
6 viable buffering [unintelligible] [01:31:04] and
7 whatever remains will be contributed as part of
8 the environment plan.

9 MR. ROTHFEDER: But yo know, these small
10 trees, half of them end up dying. Anyway, I
11 suggest I would like you to come back next time
12 with larger trees. That's my opinion, I don't
13 know about the rest of the board.

14 MR. SIAO: You know, that's something we
15 can take a look at and I understand that the town
16 is updating both the solar law and the tree
17 ordinance and perhaps that's something that could
18 be implemented in further versions of the law.

19 MR. ROTHFEDER: Yeah, but that's after
20 you finish. I mean don't -- you don't need to
21 give us advise about further, what comes next.

22 MR. KEITH STAUDOHAR: Good evening,
23 Keith Staudohar, Cronin Engineering. Thank you
24 for your comment. What size are you thinking?

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2 MR. ROTHFEDER: Three to four.

3 MR. STAUDOHAR: Excuse me?

4 MR. ROTHFEDER: Three to four.

5 MR. STAUDOHAR: Okay. Thank you very
6 much.

7 MR. SIAO: That's [unintelligible]
8 [01:31:46].

9 MS. TAYLOR: Are there any other
10 comments? Okay. Well --

11 MR. KESSLER: So let's just, on the
12 question of preparing a resolution, staff what do
13 you feel about that? You think you --

14 MR. KEHOE: I've got to hand the
15 microphone to the boss.

16 MR. PREZIOSI: There's still some
17 extensive questions regarding stormwater
18 requirements for solar farms, not just this site
19 in particular, but across the wide range of all
20 our applications, one of the reasons why the town
21 board had elected to enact the moratorium.
22 There's really not guidance on insulation of
23 solar farms or panels on slopes in excess of ten
24 percent. We've been reaching out to both New York

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2 State DEC, the Department of Environmental
3 Conservation and New York City DEP. Both have
4 indicated that stormwater permits are required. A
5 preliminary SWPPP was prepared under the auspice
6 that only what's known as water quality controls
7 for the amount of impervious area being added to
8 the site would be proposed. It's in a preliminary
9 form. Staff has not necessarily agreed that only
10 water quality controls are required. We feel that
11 there may be additional mitigation measures and
12 controls needed based upon final recommendations
13 and guidance provided by both agencies.

14 That being said, as you heard through
15 other application processes, these third party
16 approvals are not necessarily required prior to
17 the planning board issuing a resolution.

18 My major concern or issue could be that
19 the need for stormwater controls may
20 substantially alter the proposed grading plan or
21 the alignment or the locations of the arrays. So
22 if the applicant is willing to understand those
23 concepts and agree that if there is substantial
24 deviation to what you're witnessing and reviewing

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2 today, that the approvals have to come back to
3 the board for further review, that's an avenue
4 the board can consider.

5 Secondly, I think we condition any
6 approving resolution on a timeframe that they
7 have to obtain third party agency approvals
8 within 12 months, 18 months, otherwise their
9 resolution is null and void. That's another
10 avenue that the planning board should consider,
11 because the concern would really be that approval
12 is granted and then there's an indefinite
13 timeframe or timeline to finalize these SWPPPs
14 and reports.

15 And finally, the third major issue,
16 again, not unique to this application is the type
17 of access road that services these facilities.
18 Our fire departments have not weighed in on them
19 yet, but ultimately, there's a requirement to
20 meet fire apparatus standards, so imposed weight
21 or loads of vehicles on these roads and travel
22 surface. What's currently accepted by the DEC is
23 what's called a limited use pervious access road.
24 Those are great for stormwater control. I mean it

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2 allows for water to infiltrate through the
3 stones, but we're talking about driving on trap
4 rock, which three-inch plus stone. So try taking
5 a 75,000 pound fire apparatus truck that costs
6 close to a million dollars and bouncing it up and
7 down a steep slope that's 10 to 15 percent grade
8 doesn't work.

9 So these are all comments and questions
10 that we've been back and forth with the applicant
11 on. Will we resolve these in the next three
12 weeks? Most likely not, even if we are able to,
13 we would be able to review everything within the
14 ten days between the application deadline and the
15 next planning board meeting, most likely not. But
16 again, the board can weigh the consideration
17 that's been requested by the applicant due to
18 their deadline to acquire the site, and we could
19 condition the resolution to address these items.

20 We've done it in the past. It's not
21 ideal. We've been trying to move towards, moving
22 towards a resolution as minimal number of
23 resolution conditions as possible, so that an
24 applicant can proceed with approval at the

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2 planning board level and move directly into a
3 building permit process or actual site
4 construction. So I'm not opposed if the planning
5 board wants to issue a resolution with
6 significant conditions, one of which would be to
7 fully address obviously the technical memorandum
8 that's been provided dating back to June of this
9 year. But I really leave it in the hands of the
10 planning board. I wouldn't oppose approving
11 resolution, but those are our concerns.

12 MR. BIANCHI: Thank you, Mike.

13 MR. KEHOE: Well, one thing that we could
14 do to allay some fears is that to make it clear
15 if you did the resolution, I think Mike's concern
16 would be if a basin needed to be added, or if the
17 roads needed to be really designed, maybe panels
18 moved, maybe the panel layout changes. In the
19 past we're sort of said more or less staff can
20 take care of that, but maybe we would put
21 something in the resolution that these design
22 changes did -- and they're not significant
23 changes, but I think it might make Mike feel
24 better if that had to come back to the planning

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2 board rather than just leaving it in our hands,
3 because there is a chance that some of these
4 stormwater and access issues may change to some
5 panel to some panel layouts.

6 MR. SIAO: And we appreciate that, and
7 we're amenable to something along those lines.
8 Certainly, if we feel a panel needs to move here
9 or there within our existing fence line, that's
10 pretty minor. But if we find throughout the
11 continued coordination with these other agencies
12 that stormwater controls are necessary such that
13 we need to redesign the system outside of our
14 existing limit of disturbance, we fully
15 understand that that's a risk we're undertaking
16 and if that occurs, certainly that'd be
17 considered a major modification, which would
18 require us to come back to the planning board for
19 a site plan amendment.

20 With regard to the other points Michael
21 made, yes we have provided a sketch drawing for a
22 variation of our current access road, which we
23 think makes a lot of sense. That is we'd require
24 less impervious surface, less earth disturbance,

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2 less gravel, currently awaiting feedback from the
3 fire department from that one, which of course
4 has limited our ability to further develop these
5 plans in particular, continue coordination with
6 agencies like the DEP and the DEC.

7 That said, since our meeting back in
8 July, we have had pre-application phone calls
9 with both agencies, we have correspondence with
10 the DEC, both of which have said that based on
11 what they have seen to date, they have no major
12 concerns about our project and certainly to
13 Mike's point, between now and the November
14 meeting, we plan to hold calls with those
15 agencies and our time and Mike so we're all
16 aligned on those guidances, and you know, these
17 are approvals we can obtain after site plan
18 approval but certainly before building permit is
19 obtained.

20 MS. TAYLOR: Are you comfortable, are
21 you really?

22 MR. PREZIOSI: The short question or
23 answer or however you want to word it is
24 essentially that the planning board can take

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2 action to authorize us to prepare an approving
3 resolution. It'll be a very conditioned approval.

4 MS. TAYLOR: Alright.

5 MR. PREZIOSI: We're okay with that, but
6 it's --

7 MS. TAYLOR: I don't know. I'm not
8 getting a really comfortable feeling here. So
9 much is on, you know, on edge, so to speak. Why,
10 what is really the problem here with your
11 timeline? I don't understand why we can take this
12 to the natural conclusion.

13 MR. SIAO: Sure. So --

14 MS. TAYLOR: And, you know.

15 MR. SIAO: -- as part of the development
16 process, we needed to secure site control. In
17 this case it was a purchase agreement with the
18 current landowner and there is a timeline with
19 the development term of that agreement before we
20 need to close on the property. And of course the
21 term was set back when we, you know, started this
22 process 18 months ago. And of course there are a
23 lot of factors which have elongated the
24 development process, of course COVID, which has

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2 slowed down our ability to meet, field work, and
3 then of course, these additional surveys which
4 perhaps weren't initially expected, but certainly
5 helped derisk the project, mainly the tree
6 inventory, the biodiversity study, several public
7 hearing, which has kind of created a situation
8 that it's much longer than anticipated.

9 So we have this closing date coming in
10 November, and we are currently not in a position
11 to close on the site without discretionary
12 permits in hand. And the risk there is that if we
13 are not in compliance with the purchase agreement
14 on that closing date, we could lose site control,
15 which means we risk losing the ability to
16 purchase the property with the landowner. So this
17 is --

18 MR. KESSLER: Have you talked to the
19 landowner about extending?

20 MR. SIAO: Of course, and we have
21 several times.

22 MR. KESSLER: He's reluctant?

23 MR. SIAO: No, I'm sorry, we have
24 extended it several times because of all these

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2 things we've discussed. I think this would
3 probably be the third or fourth time we've asked
4 to extend. And certainly, those are conversations
5 we can have in parallel but this would provide us
6 some security to allow us to keep working and
7 perhaps when we meet back in November, we've done
8 substantial work where Mike feels comfortable,
9 we've talked to these other agencies, but if
10 there's not a resolution ready at that meeting,
11 it would then be extended to December, which
12 would put us out of that term.

13 MS. TAYLOR: Put out of the what?

14 MR. SIAO: Out of the term of the
15 purchase agreement.

16 MR. KESSLER: Well, I would suggest you
17 have another conversation with him. I'm not
18 saying we won't have a resolution prepared, but
19 that doesn't necessarily mean that it'll be
20 approved.

21 MR. SIAO: Oh, that's certainly
22 something we're going to be doing in parallel.
23 But this is another action that we're taking.
24 We're taking a kind of an all avenues approach

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2 here.

3 MR. KESSLER: Right. Okay. I mean
4 certainly your arguments should be persuasive to
5 him.

6 MR. SIAO: Sure.

7 MR. KESSLER: As it sounds like all
8 reasonable things have occurred, not to mention
9 COVID. So with that --

10 MR. CUNNINGHAM: Can I --

11 MR. KESSLER: Yeah, sure.

12 MR. KIMMERLING: I just have a question
13 for the attorney, is there anything that we
14 should be thinking about in terms of this
15 timeline on his side and losing -- I mean is this
16 an issue for us or not an issue for us?

17 MR. CUNNINGHAM: It's only an issue if
18 you want to be magnanimous. That's more of --

19 MR. KESSLER: Right, it's his problem.

20 MR. CUNNINGHAM: -- that's, the overall
21 site, it's not a legal issue for this board.

22 MR. KIMMERLING: Right. Okay.

23 MR. CUNNINGHAM: It's only magnanimous,
24 I think it's obviously up to the board. Staff

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2 doesn't care, especially me, I don't have any
3 legal issues that are holding it up. I think it's
4 clearly more of an engineering type issue and a
5 landscape issue, as far as trees go. We, if you
6 want us to direct us to try to draft a
7 resolution, we can try to put something together
8 with very stringent conditions. It's within this
9 board's purview and I think we can put something
10 together like that, and then if you don't like
11 our resolution, you can still not go for it in
12 November. There's no hard feelings our end.

13 MR. KESSLER: And if we go that route, I
14 just hope that we get it in enough time that we
15 can review that.

16 MR. ROTHFEDER: Because we may want to
17 amend it too.

18 MS. TAYLOR: Yeah.

19 MR. PREZIOSI: And again, we can try to
20 get a resolution of approval sooner, within the
21 next like five to ten days to give the board some
22 considerable time to review before the work
23 session.

24 MR. KESSLER: That's fine.

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2 MR. PREZIOSI: And then fully discuss it
3 as Michael just mentioned, you know, you'd have
4 full purview to reject the resolution in
5 November. I mean that, I feel, meets more than
6 halfway with the applicant.

7 MR. KESSLER: Okay. Alright. So I'll
8 make a motion that we close the public hearing
9 and have staff prepare a heavily caveated
10 resolution

11 MR. KIMMERLING: Second.

12 MS. TAYLOR: On the question? Nobody?
13 Alright. All in favor?

14 MULTIPLE: Aye.

15 MS. TAYLOR: Opposed? Okay.

16 MR. SIAO: Thank you very much. Have a
17 great night.

18 MS. TAYLOR: Alright. We're moving down
19 to new business. PB 2021-5 is an application of
20 Percy and Barbara Montes for the renewal of the
21 childcare special permit for the Little Lamb
22 Child Care Center located at 18 Radio Terrace.
23 The latest revised drawings are June 11, 2007.

24 UNIDENTIFIED MALE: Oh, it's me.

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2 MR. ROTHFEDER: So we don't have a
3 presentation or anything?

4 MR. KEHOE: Well, no. I can help. I mean
5 it's a renewal for the daycare permit. The
6 applicants are here. I think this is, makes me
7 feel old, but I think it's their fourth, fifth
8 year renewal. Nothing has changed out there.
9 We're still --

10 MR. KESSLER: You're no longer a little
11 lamb.

12 MR. KEHOE: None of us are little lambs
13 anymore, right. But the only thing is, as I
14 mentioned at the work session, the code does
15 require a public hearing, so that would be
16 scheduled for the next month. And then I could
17 also have an approving resolution ready, because
18 I don't expect any comments.

19 MR. KESSLER: Sure.

20 MR. ROTHFEDER: Okay, Madam Chair I move
21 we schedule a public hearing for the 3rd of
22 November and direct staff to have an approving
23 resolution ready for that meeting.

24 MR. KESSLER: Second.

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MS. TAYLOR: Alright. On the question,
all in favor?

MULTIPLE: Aye.

MS. TAYLOR: Opposed? Alright. Very
good. Alright. The final item listed on the
agenda will not be taken up tonight. We announced
at the beginning that this was adjourned to the
next month, November 3rd, so we won't be moving
forward with that tonight so we are looking for
an adjournment motion, yes?

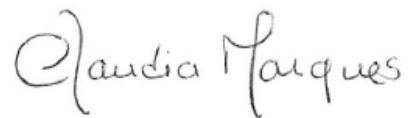
MS. DECKER: Motion to adjourn.

(The public board meeting concluded at
8:45 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on October 5, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Claudia Marques

Date: October 28, 2021

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