

## Meeting Minutes

THE REGULAR MEETING of the PLANNING BOARD of the Town of Cortlandt was conducted at the Town Hall, 1 Heady St., Cortlandt Manor, NY on ***Tuesday, January 7<sup>th</sup>, 2019***. The meeting was called to order, and began with the Pledge of Allegiance.

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

Thomas A. Bianchi, Board Member  
Steven Kessler, Board Member  
Robert Foley, Board Member  
Jeff Rothfeder, Board Member (absent)  
Peter Daly, Board Member (absent)  
George Kimmerling, Board Member (absent)

ALSO PRESENT:

Valerie Myers, alternate member  
Michael Cunningham, Assistant Town Attorney  
Michael Preziosi, Deputy Director, DOTS

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Ms. Loretta Taylor stated before we continue with the agenda I want to take a moment to introduce a new change as far as the Planning Board is concerned. Last December, the Town Board passed a new law which adds alternates to the Planning Board and to the Zoning Board of Appeals. These alternates serve in the absence of a regular board member and they will be able to discuss and to vote on applications and any other matters that are of concern to that board. Alternate members also will be able to – actually will have to attend all work and regular sessions of the board on which they serve. Tonight, our alternate member is Valerie Myers. She will be sitting in tonight for Peter Daly, our regular board member, who is absent. In our introduction to the Planning Board members and the Cortlandt residents, Valerie writes: I was born in Montrose and graduated from Henry Hudson High School in **1991**. My father, Al Myers, was very involved in the Town of Cortlandt politics. Actually I knew Al fairly well. I graduated from SUNY Plattsburgh with a Physics degree and I graduated from Virginia Tech with a Mechanical Engineering Degree in **1997**. My first job after graduation was a mechanical engineering position at the Robinson Nuclear Power Plant in Hartsville, South Carolina for three years. In **2000** I accepted a position with ConEdison at Indian Point and I've been working there ever since. I have had several different management roles since **2000**. I currently am a Senior Project Manager working on site decommissioning. My husband Vinny and I have lived in the Town of Cortlandt since **2008**. My husband also works at Indian Point. He is the Director of Engineering. With that, I would like to, on behalf of the board, welcome Valerie to the board and wish her well in this new pursuit which can be a little unsettling at times.

Ms. Valerie Myers stated thank you very much.

Ms. Loretta Taylor stated you're up to the challenge I'm sure.

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**ADOPTION OF THE MINUTES OF THE MEETINGS OF NOVEMBER 6, 2019  
& DECEMBER 3, 2019**

Ms. Loretta Taylor can I get a...

Mr. Thomas Bianchi stated Madame Chair I'll move that we adopt the minutes of the meeting.

Seconded with all in favor saying "aye".

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**CORRESPONDENCE:**

**PB 11-09 a. Letter dated December 16, 2019 from Danny Cruz requesting Planning Board approval for a change in the appearance, with no change in size, of existing signage located at 1985 Crompond Road, Cortlandt Medical.**

Mr. Steven Kessler stated Madame Chair I move that we approve the change in signage.

Seconded with all in favor saying "aye".

Mr. Michael Preziosi stated the applicant is just advised that the Code Enforcement office will issue a building permit for the signage before it can be installed.

Ms. Loretta Taylor stated from what I've read he's also making changes to the office doors, some of them.

Mr. Michael Preziosi stated correct. It will all be incorporated into the building permit.

Ms. Loretta Taylor stated not just outside.

Mr. Michael Preziosi stated correct, internal signs.

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

Mr. David Steinmetz stated good evening Madame Chair, members of the Planning Board, David Steinmetz from the law firm of Zarin & Steinmetz. Pleased to be here this evening representing VS Construction in connection with Evergreen Manor, but I'm going to kickoff in general with regard to the MOD. With me this evening Mandy Santucci, my client and one of the developers, Glen Ventromile from the Hudson Park Group, one of the residential developers, Jerry Schwalbe from Divney, Tung & Schwalbe and also here, and he'll speak right after I do, Kevin McAndrew who we are working in coordination with one another. Kevin is a principal at the Cameron Engineering firm which is representing our kind of co-applicant or co-stakeholder Gyrodyne. I know the board wants this to be fairly brief because it's a discussion item I'm going to be as brief as I can be just introductory comments. The MOD, the Medical Oriented District is a proposed zone that the Town Board has currently before it and is studying. The Town Board is the lead agency under the SEQRA process and this Medical Oriented District, I want to remind everyone, is the byproduct of the town's extensive study and culmination in Envision Cortlandt which was your comprehensive plan update. The comprehensive plan update suggested that this new district be formed, that a variety of potential medical and associated uses be incorporated in and around the NewYork-Presbyterian Hospital. Those of us that consider ourselves kind of the stakeholders on the 202 corridor have spent the last two years working as teams and as well as neighbors working with one another and working with the Town, its professional staff and its outside consultants. As I said, the Town Board is lead agency under the New York State Environmental Quality Review Act, SEQRA. There is a draft environmental impact statement that the Town has prepared in conjunction with the applicants. I know during your work session some of you were asking who the authors were. There were various authors but the town kind of was the primary compiler of the document. The document studies a host of issues that I'm not going to cover because I don't want to waste your time. You all have the document before you. Significantly, the DEIS is now the subject of a public hearing in front of the Town Board. We had a session in November and we have another session of the DEIS public hearing that's going to take place next week on January 14<sup>th</sup>. You, as the Planning Board, are an involved agency under the SEQRA process, and as your counsel explained to you during the work session, you have a right to provide comments, questions, comments, suggestions to the Town Board and our team and the Town have an obligation under SEQRA to respond in writing in the final environmental impact statement and that will be the next process. We're here tonight to give you a very brief overview. If you have specific questions we're all happy to answer otherwise obviously your questions get submitted to the Town Board and ultimately answered in the FEIS. Speaking just briefly about Evergreen Manor; a wonderful **28** acre parcel directly across the street from the Conklin/202 intersection as well as the hospital itself, proposed, as you heard during your work session but I want to make sure the record is clear, is an independent and assisted living project that would be developed by Trammell Crow, an internationally renowned real estate company; **89** units of assisted living, **31** units of

independent living providing a continuum of care for seniors in the community and surrounding area. This was something that was expressly set forth in your comprehensive plan, Envision Cortlandt. The residential component: **166** units of multi-family residential housing with a variety of studios: ones and two-bedroom units, nicely amenitized. It would, despite what some of you might have observed during the work session, we believe it would provide a wonderful source of housing for this new area in and around the hospital for folks who work at the hospital both the young physicians, even if it's not a teaching facility there are still the New York-Presbyterian Hospital is one of the largest employers in the Town of Cortlandt. Having the capability of folks living and enjoying life proximate to their place of business is precisely what Envision Cortlandt talks about with regard to TOD and contemporary zoning concepts and I'm really pleased to say that your board received a letter from the Westchester County Planning Department under the general municipal law and we see a lot of these GML referral letters, I have not seen one quite as positive as this one. The county was supportive of the town's efforts with regard to the MOD. In fact, just for the benefit of those of you who may not had a chance to see it, the county actually observed that maybe the residential density was not high enough with regard to the proposed projects. Having said that, we have a project before you. My colleagues at Gyrodyne do as well. We think they fit quite nicely into the MOD and the area. In addition to the residential and the assisted and independent living, we're proposing a hotel; a **100** room hotel, a two-story commercial building with associated retail and medical. And Madame Chair I know you asked about the retail. The retail to us is the tip of the tail behind the dog meaning it is a very small component of our project. It would likely be something like a pharmacy or some kind of associated retail that would work **15,000** square feet of retail is rather modest. The second level of that building would actually have some medical laboratory type space which again was something that was endorsed by the MOD. The concept of having a possible pharmacy there or that component of retail, again, encouraged by the town's professionals that we have something that works in conjunction with the hospital. Last but not least, we are proposing a **7,000** square foot restaurant pad in front of the hotel. We're hoping that we would be able to attract with the residential component, and that's an important piece here, having people, having life, stimulating that area. We think we can attract a wonderful restaurant to complement the retail and other pieces. In sum, our team in conjunction with your consultants, have studied traffic, socio-economic, fiscal, wetlands, grading, storm water, all of that is in this voluminous document. I will say, because your board spends countless hours studying traffic, your traffic consultant AKRF has carried all of the burden with regard to the proposed traffic. They're the ones that drafted the traffic section, they're the ones that have been leading the charge with the New York State DOT to promote and propose a variety of traffic improvements, traffic improvements along the 202 corridor to address the existing condition that's there right now. This is adaptive traffic signals, new traffic signals, some lane widening, some re-striping, those, in conjunction with what our clients obviously are proposing we believe will allow this whole area to function adequately. I would say that these two developers that are before the Town Board now are really the only chance for the community, we believe, to get these kinds of improvements installed. These two applicants will be required to install these improvements as part of the offsite mitigation in connection with these projects. We're here to answer questions. I know Kevin wants to speak. I'm going

to turn the mike over to Kevin. We look forward to working with you. As was indicated by your counsel, we will be coming back to the Planning Board for site plan review. The site plan review is most likely going to happen somewhat coterminous with the continued SEQRA review. The Town Board has been very good about allowing us to begin to double track this process so we hope to be back here. We're happy to come back in February and we certainly expect to be back here in March and April and begin a more detailed site plan discussion with the board. You have before you, I actually neglected, you do have before you our Evergreen Manor rendering right there, bottom left hand corner is the assisted and independent living. They are separated into two buildings. That is 202 right there kind of S-curving at the bottom of the illustration. The residential is in the top left quadrant. That's Glen Ventromile's proposed concept for residential with associated parking and amenities. Moving to the right, that is the hotel building. There has been interest from a number of major national hotel chains for a hotel. Nothing has been finalized because, like in many instances, the major players are waiting to see what happens during the process but we do have a significant interest and it is a modest-sized hotel so it shouldn't be that difficult to finalize that. Coming forward from there is the **30,000** square foot building that would have retail and medical type lab or office in conjunction with one another and in the right hand corner is a restaurant pad. Right there where Chris has the cursor is also a secondary, or I really should really refer to it as an emergency access out to Lafayette. This project is proposed to have a single point of ingress and egress at a signalized intersection at Conklin. It would then come inside to open up to access with sidewalks, landscaping, etc, for all of these various buildings. We are, for safety purposes, making sure that we would have an emergency access out to Lafayette. So we're very excited about the project. We have had wonderful support from the Chamber of Commerce and the business interests in the town. And as I said, we were delighted to see the support we got from the Westchester County Planning that realizes this is kind of cutting edge zoning for the Town of Cortlandt and we're delighted that the town has proposed it. The town's consultants have studied and Envision Cortlandt endorsed it. We look forward to coming back. I'll turn it over to Andrew and we're happy to answer any questions. Thank you for the couple of minutes.

Mr. Kevin McAndrew stated good evening Madame Chair, members of the board, Kevin McAndrew partner with Cameron Engineering, engineers, planners and landscape architects for Gyrodyne the other key stakeholder that Mr. Steinmetz mentioned in his presentation. Unfortunately, Peter Pitsiokos, Executive Vice President and Chief Operating Officer from Gyrodyne is not able to be here this evening. He was caught in a snow event in Virginia earlier today and could not be here. Peter has participated in almost every work session and public meeting over the past four years associated with this initiative. Who is here tonight who I'm very pleased to introduce that is now recently part of the Gyrodyne proposal is Mr. Phil DiGennaro. Phil DiGennaro is principal of Sound Development Group. They will be the developer, builder, owner and manager of the medical office component associated with this project and it's a really a privilege to introduce him. His resume and portfolio is nothing short of outstanding. Most recently, just built the New Haven Yale medical office facility in Trumbull, Connecticut. It's just an exemplary facility and so excited to have Sound Development as part of the team moving forward. On behalf of Gyrodyne I want to express to this board as I have to the

Town Board that it's been a privilege to be part of this initiative, such an important initiative for the town. Mr. Steinmetz laid out, this is a SEQRA meeting with the Planning Board as an involved agency so I'm going to take you through the site plan a little bit differently than we traditionally would for a site plan application or a subdivision in the context of SEQRA and specifically within the documentation that's included within the draft generic environmental impact statement. The DGEIS methodically details the consistency of the Gyrodyne campus plan with the overarching goal for economic development and there's a set of defined goals that are referenced as the purpose in need associated with the MOD and there are six of them that I'll briefly cover and it'll take you through the site plan. The first goal is to centralize and improve medical services by providing for a broader spectrum of high-quality healthcare services. The Gyrodyne plan proposes a **100,000** square foot state-of-the-art medical office building which will be situated directly off of Crompond Road. The two middle renderings give an illustration of what that building will look like. It's important to clarify that the **100,000** square foot building that I'm referencing is truly a net increase of **60,000** square feet. Today, there are **33,000** square feet of outdated medical office building on their property today that will be replaced by this state-of-the-art building which is going to provide the expanded healthcare, the premiere healthcare services that's been identified through the Master Plan through the MOD initiative and is going to be just an ideal complement directly across from the New York-Presbyterian Hospital both physically reinforcing the whole character of state-of-the-art healthcare as well as a presence right off of Crompond Road. The second key goal identified in the MOD is providing a broader range of housing options for people of all ages. The second core complimentary land use on the Gyrodyne property is **200** market-rate housing apartments and this building will be located more towards the interior of the property. In fact, it will be located almost in the exact location of where the medical office building is located today. This building, it was covered nicely by Mr. Steinmetz, will be a highly amenitized building both interior, both from a lobby space, a club room, from a fitness center, to exterior improvements where there's outdoor gardens, and outdoor seating areas and this type of housing is ideally aligned, again as was expressed – I don't want to be too redundant, with the employees of the new medical office building, with the employees of the hospital; young professionals, nurses, physicians, teachers. It is clearly the ideal complement to the medical office use not only in that it's complementary in serving a housing need, it's complementary in another important fashion. It completely offsets the land use. When the medical office building is actually at its peak from **8** o'clock in the morning to **6** o'clock at night, the multi-family building is quiet and it flips, and they offset each other. And this is really smart development when you have complementary offsetting land uses on a property. The next goal was providing a dynamic mix of complementary and accessory commercial uses such as eateries and coffee shops. There's a small **4,000** square foot set aside on the medical office building for a coffee shop, kind of a cool café that would be able to be open up to a terrace and what we're calling the MOD green, again, activating that site, providing an opportunity for shared infrastructure. This is one actually that we think is so important. It's one that Westchester County Planning Board speaks to in their December 31<sup>st</sup> letter. The idea of shared parking, the idea that it's not necessary to over park, over pave properties when that area can be used for amenities which is the case on the Gyrodyne property. There's about a **25%** reduction in what would have typically been

paved that we are able to satisfy the parking demand through shared parking and that has to do with the offsetting uses. It's really, like I said, a smart approach to shared resources, minimizing impervious cover and providing for open space on the property creating a sense of place through a vibrant outdoors. The Gyrodyne property is designed as a campus. Both buildings are organized around open space. There's the MOD green, there's the wellness plaza which is the courtyard area to the medical office building, and there is the 4 1/2 acre area to the rear of the property; Orchard Lake. Interestingly enough, we had the benefit of meeting with the Buttonwood Avenue community prior to this meeting and a really valuable meeting. We got some important feedback from them about what they would like to see as far as the degree of improvements around Orchard Lake including eliminating an access way that we had thought would be a benefit. We'll be making some refinements to that component but it still is another important component of the overall plan. What I'd like to do before concluding my remarks is point the Planning Board to chapter 2 within the DGEIS document. There's three specific zoning recommendations that are made that we are seeking your support back to the Town Board. The first has to do with parking management and the issue of shared parking. Logistically or procedurally I should say, when the draft MOD code was circulated under SEQRA under lead agency distribution, there wasn't an opportunity to include the recommendations that I'm presenting to this board. They are included in this document. We're looking to have a shared parking plan provision included in the draft code. The second recommendation that is specified in the code is one that would allow for amenity space within the medical office building to not count towards gross square footage and the parking count. In today's world, when you build a medical office building, an office, it is very common to provide a small gym, a small multi-purpose conference room, amenity space in these buildings that help keep employees on the property. It attracts the best talent so we're suggesting that up to 10% of that space, if the developer and the builder chooses to, could build amenity space in that building. It would be dedicated for that use not to be converted in the future to medical office, as again, as a bonus within that building. And we're suggesting that this provision be included in the draft code. The last provision I think is pretty straightforward. The draft code talks about maximum building height of 60 feet. We're suggesting that that definition be reinforced somewhat and to clarify that if there's – there will be elevators of course, but if stairway bulkheads and elevator bulkheads will need to punch through that roofline and will be taller than 60 feet that the code allows for those specific exceptions and that, again, this would be fairly common in a definition to provide this clarification. So we're asking that this board provide this feedback to the Town Board. In concluding my remarks, it really has to do with the reference to – with Mr. Steinmetz mentioned that the Westchester County Planning Board advocating actually for potentially even greater density within the residential component and within the MOD for build out. I wanted to just close by stating that, I know the Evergreen plan, the Gyrodyne plan in particular has gone through a series of refinements where the density has been scaled back from where it was with multiple phases having been presented and that where this plan is today, a very important consideration is a plan has to have a certain minimum density to attract the most qualified developers that are willing to put the dollars into offsite improvements, into the amenities on a property. And in the case of the medical office, we're excited to have someone like Sound Development. In the case of the multifamily to bring in that institutional developer

that's going to build exemplary architecture, amenitize the property, you need to have a minimum amount of density and that's where that plan is today. We're extremely excited about the next steps, moving forward, and I thank you for the opportunity to make this presentation.

Ms. Loretta Taylor asked are there any other presentations? No, okay. We're at a point here, does anybody want to ask some questions of whatever you've heard?

Mr. Steven Kessler stated I said at the work session, I'll say it again just for the record that I haven't read it all but from what I've read I found kind of confusing following things here. What I'd like to see here – because you switch between acres and square feet but you're not consistent in how you use those terms in the sense that I see the square footage of perhaps the medical, the commercials, I don't see the square footage for the residential clearly defined here. So if you could take your chart table **1, 1-1** and in addition to showing the acreage and everything else, show the square footage of each of your proposed buildings. You don't show that for the assisted living. You don't show it for the residential areas. You do show it for the commercial. You mentioned it multiple times. So just a simple chart that shows – and include the parking of course as part of that. You talk about spaces instead of square footage. I'd like to know for the two sites completely what's allocated to each type of use.

Mr. Robert Foley asked Steve, what chapter and section?

Mr. Steven Kessler responded that was table **1-1** on page **1-5** which is repeated in other places, that same table.

Ms. Loretta Taylor asked does anyone else have any questions about...

Mr. Thomas Bianchi stated I'll be ready to submit my questions before the next meeting. I'll do a complete review of the application.

Mr. David Steinmetz stated obviously those questions, as was indicated earlier, they technically are going to the Town Board as lead agency but we're delighted to hear this because Jerry and Kevin and I obviously know we need to work with Michelle.

Mr. Steven Kessler stated my question really is specific as it comes to us for a site plan. That's why I'm asking my questions.

Mr. David Steinmetz stated that's perfect.

Mr. Robert Foley stated I have a few questions if I may, going backwards with what the gentleman I think from Cameron who just spoke.

Mr. David Steinmetz stated Mr. McAndrew.



Mr. Robert Foley stated and again, you can answer it David. What do you mean by the shared parking? Is that the same as bank, banking?

Mr. David Steinmetz responded no it's not and this is an issue I think we've talked about on other applications. I think we talked about this with regard to Frontier but the concept of shared parking, and Chris and Michael can speak to whether or not it's incorporated elsewhere in your code, over the last ten years as we've been trying to pave less and green more, we've looked at parking, as land use professionals, and we realize that in many instances people pull into a parking space and they use it for multiple uses but old zoning was written in such a way that each use had its own parking notion. So if somebody's coming, for instance, to Evergreen and they're going to visit their mom at the assisted living, and they're going to go to the restaurant and maybe pop into a pharmacy it's ridiculous to have three parking spaces. So contemporary zoning says, let's have shared parking. Land bank parking Bob is where even the mathematical calculation of required zoning may be too high. I think we talked about land banking many years ago with regard to Cortlandt Crossing where with land banking, as professionals we say, we're going to set aside an area. It can be parking in the future but we're not going to build it now. We're going to bank it for the future and if we find we need it we open it.

Mr. Robert Foley asked so the shared would be on the site and if you're talking about let's say Evergreen it would be within the Evergreen component.

Mr. David Steinmetz responded exactly.

Mr. Robert Foley asked not elsewhere offsite like across the street.

Mr. David Steinmetz responded precisely.

Mr. Robert Foley stated not in the larger sense.

Mr. David Steinmetz stated it's a zoning concept not an actual – like that's the shared parking. You can only park there if you're going to go to two places. No. We build it in mathematically so we don't overbuild parking.

Mr. Robert Foley asked and David, you had referred to the County memo.

Mr. David Steinmetz stated both of us did, yes.

Mr. Robert Foley stated and Norma Drummond does cite parking and excessive onsite parking.

Mr. David Steinmetz stated she probably thinks we're building too much parking and we're following the town's code and we'd be delighted to take a closer look at that, Bob, to try to make this more sustainable where it's appropriate. Various users, like the medical office building, like the hotel, certain people want to know that they've got a

minimum number of parking spaces. Norma, as on the kind of the cutting edge of sustainability, is going to push us in a direction of cutting parking.

Mr. Robert Foley stated and also in her memo on the site plan comments, site layout, I think she talks about improving walkability.

Mr. David Steinmetz stated she does.

Mr. Robert Foley stated and I assume she means within each component walking around, not walking back-and-forth to the hospital on **202**.

Mr. David Steinmetz responded I don't have the letter in front of me Bob. I think she's talking about both. I think she wants to see improved walkability in both our site and Gyrodyne and I think she'd love to see improved walkability between our sites and the hospital and that's something that Kevin and his team, and ours, and your town professionals will be taking a closer look at in the FEIS.

Mr. Robert Foley stated because route **202**, even the way it is now, is not a walkability road. If you cross to the hospital you'd have to consider what we were talking about a few years ago about Cortlandt Crossing, a walk overpass.

Ms. Loretta Taylor stated well she's not in favor of that.

Mr. Chris Kehoe stated staff has talked about a pedestrian bridge for a long time. Is that a comment that you'd like to make on the record?

Mr. Robert Foley responded to look into it. It's got it's minuses I know.

Mr. David Steinmetz stated you have every right to ask for that to be studied. I know walkability in crossing that road is important. We'll take a closer look at it. I'll tell you Bob, maybe from being it literally what's called one of the busiest intersections in the world in Tokyo, I watched an incredible number of people crossing several roads based upon adequate traffic timing on the signalization. It was literally a place where people stop and photograph the number of people who cross at the convergence of roads. So I'm not ready to abandon all road crossing in favor of bridges.

Mr. Robert Foley stated it's a tough road and it's a busy road and I assume the hospital at some point is going to expand further to exacerbate the whole situation and it's just that I know the memo could be praised from your standpoint but when you read between the lines, we've all been through this – the terms walkability and all that they sound great. Will it work and that's my question.

Mr. David Steinmetz stated comments are noted and we'll address it in the FEIS.

Mr. Robert Foley stated the other thing is, again, I asked at the work session and I'll bring it up again, I think it implies the site plan, to consider, maybe the town should consider a

wider buffer areas especially where you have the adjoining neighborhoods whether it's an uphill neighborhood on Tamarack or whatever that cul-de-sac is that would be looking down on the Evergreen component, or over there on Buttonwood where Orchard Lake is, to consider, and even Lafayette to some extent, how you would buffer the existing residential units from this little village or these two little villages.

Mr. Chris Kehoe stated one way to further expand upon that is to get a better idea of the visual impact of the buildings.

Mr. Robert Foley stated that's my next question. In the past we've talked about three dimensional. I think Yonkers may use them. Where if we somehow could, or maybe the Town Board has to look at the three dimensional view of what the corner building at Lafayette and the Gyrodyne component will look like with the five stories and the parking underneath, how it will look not on a flat piece of site plan. It's easier for a planner and a Planning Board member or basically somewhat of a lay person to better understand. I know it worked in Yonkers with the higher buildings and the Larkin Plaza section to conceptualize it better. Another thing, again it's a little off site but again it would be germane to the site is Holy Spirit Church on 202 just west of the Gyrodyne component. They have a left turn into the busy left turn the driveway in different times not just Saturdays and Sundays but other days, to let the town and the DOT and the developer look at a longer, safer stacking lane. There's room on the right side of the road where a building was taken down on the hospital property to widen it. It was talked about when the hospital was expanding, what, ten years ago but it wasn't done. That should be a consideration. I had another question on the – I think you covered the shared parking. I'll submit any other questions but to me, just in a general sense, great idea, wonderful concept, wonderful plans but again, it's kind of a very squeezed in limited area, too dense. It's not like a downtown area or Harvard Square or something like that. You mentioned the Yale New Haven. Is that in Trumbull Connecticut?

Mr. [unidentified] responded it is.

Mr. Robert Foley asked the medical facility up there. It's somewhat of a different situation. That's my concern.

Mr. Steven Kessler stated just two other points. I asked for that information because I was surprised in my limited understanding of MOD that it seems like there's very little of medical use in the MOD as I would have expected given what I thought I knew about MOD, that's number one. And number two, I would like some discussion in the FEIS as to how it was decided what goes on each property. Who made that decision? Split residential between the two areas. I'd like to understand that and related to that I would like to also know if this is mutable? Are these two distinct properties that never the twain shall meet and what happens on one has no relationship to what happens on the other one or can this thing be re-jiggered in terms of a site plan to perhaps, and I'm not suggesting that we're going to do that, but maybe that there are things that seem like fit together better than they currently are proposed?

Mr. David Steinmetz responded we'll address that in writing.

Mr. Steven Kessler stated thank you.

Mr. Robert Foley asked isn't there something in SEQRA Steve what you're talking about, to look at two contiguous properties almost as one?

Mr. David Steinmetz responded that's being done here Bob. That is precisely what the town has done requiring a cumulative analysis of two different properties owned by two different developers with two different goals and objectives. It's all being studied as one.

Mr. Steven Kessler stated but it sounds like it's two different proposals for each property. That's what you'll tell me, okay. Can't wait.

Mr. David Steinmetz stated thank you.

Ms. Loretta Taylor stated I have a question regarding, maybe I have a couple of them, the residential units. You said that there were **200** market-grade apartments or units and then there are what **100** or so other...

Mr. David Steinmetz responded **166** on the Evergreen parcel and **200** on the Gyrodyne parcel.

Ms. Loretta Taylor asked how are those marketed?

Mr. David Steinmetz responded marketed?

Ms. Loretta Taylor asked how are they going to be marketed? Suppose you can't fill **200** units, what happens?

Mr. David Steinmetz responded first of all, you've got two major developers at the table Madame Chair who I don't think would be advancing and spending the time, the effort and substantial money if they had not done the demographic analysis and concluded that the market is there. That's the first comment. Second, as Mr. Foley reminded us, the county planning letter quite clearly goes into this and actually the County based upon the County's data and the County's analysis thinks that there may need to be more residential units in the area. Having said all of that, they will be marketed to folks who live in the community and the surrounding area. Both residential developers believe that there's strong demand for rental product of this nature. Cortlandt, as we all know, is largely a bedroom residential community. It has a dearth of units for empty nester seeking to just simply live in a residential setting that's not independent or assisted living and rent and it certainly, much like Yorktown has gone through as well, has had difficulty providing housing for younger startup couples and families that, in today's day and age, are looking to rent. So what we're finding, and it's finally folks, again, as somebody who's been standing in front of this board literally for **25** years, the rentals have finally made it to the Town of Cortlandt. It's all down county. It's doing extremely well. And the notion, and

the market, and the financing out there says that it's time for Cortlandt to introduce this kind of development product. Having it proximate to a major employer and a major state commercial corridor is what's attracting it. I hope that answers your question.

Ms. Loretta Taylor stated it doesn't.

Mr. Chris Kehoe stated that will be re-answered.

Mr. David Steinmetz stated absolutely in writing.

Ms. Loretta Taylor asked when we're talking about the marketing of the – or the sale of these units...

Mr. David Steinmetz stated rental not sale.

Ms. Loretta Taylor stated rental, I'm sorry. I read the area and I can't find it in a split but I read the statements by the County Board regarding the fact that we might need to increase the density and that we need to change the law so that we can actually – the law that govern the MOD so that we actually increase the density when it is required. I didn't hear anybody ever speak about affordable housing. I'm concerned that if we don't really hit that mark with the people who are going to be moving here and renting here, we're going to be off and somehow I think the residents in the town end up paying for that, ending up in a way somehow being put off by that in some way. I mean some people don't even want rentals here because they're used to having the freedom of walking around. They feel that you populate the town with a lot of people who just sort of come and go. This person is in it for a few years and then there's another person, and another person. They don't know how this is going to impact the value of their own homes in their little communities that they've formed. I'm not quite sure that we're doing the right thing, but again, if you think that you're doing the right thing, it needs to be discussed and it isn't really discussed in any way. I only discovered that we have to, for example, or have to put up **10%** of housing. Let me see if I can find that. There was a lawsuit that ended up requiring Westchester County to promote the adoption of model ordinance and that meant that we have to set aside required – we would be required to set aside **10%** of newly created housing units as affordable. Does anybody ever talk about that? What does affordable – what does it mean? Who are the population of the affordable or that would be using affordable units? Maybe they would be young doctors and maybe they would be nurses. Is that what they're talking about?

Mr. David Steinmetz responded that isn't, but you're honor, big, big topic that we could spend quite a while discussing so let me make the following simple statement. I hear the comment. We're noting it and we will absolutely address the issue of affordable housing in greater detail in the FEIS and I want to just respond, we're very well aware of the HUD settlement Madame Chair. We've been mindful of that literally for the last **10** maybe **15** years in the county those of us who are in a variety of communities and dealing with this. Interestingly enough, you should know that Cortlandt has never been one of the targeted communities of the **42** communities in Westchester County that the HUD sued

and the HUD report analyzed and found had a severe shortage of affordable housing. There are a number of other communities that we do work in and in the county that were targeted as really not providing affordable housing of any kind and that is in fact what Norma has spent, probably the last **10** years of her career promoting. Again, we're happy to take a closer look at it. Your comment will be noted by the Town Board because the Town Board ultimately has to make a determination in the MOD zone what they want or don't want.

Mr. Chris Kehoe stated right now, it does not require affordable units as part of the MOD. What Norma is suggesting in her letter is that the town adopt an ordinance that mandates, not just in the MOD, but mandates everywhere a **10%** set aside for affordable housing. To David's point, because of projects like Roundtop and other affordable projects in the town, it's been the town's position, without much push back from the county, that we have more than met our requirement for affordable housing.

Mr. David Steinmetz stated precisely.

Ms. Loretta Taylor stated I'm aware of that as well.

Mr. Chris Kehoe stated but Norma is saying that is something the town should consider which means that it has to be answered in the FEIS.

Mr. David Steinmetz stated it will be addressed and answered but Chris and I are in complete agreement and he's quite mindful of the HUD settlement and the HUD issues, and he is right, as I said, Cortlandt has never been one of the communities identified as having a shortage or an insufficient number of affordable units.

Ms. Loretta Taylor stated that may be very true, I'm aware of these things. As it pertains to this particular concept and what you're trying to create, what does affordable mean in that...

Mr. David Steinmetz responded in three sentences or less, affordability is determined based upon area, median income. It's a Westchester County mathematical calculation. It's typically done on **80%** AMI and then there's a calculation one goes through to determine how much of the income that they earn should or can go toward housing needs. Off-the-cuff, your hypothetical about the young doctor or the young nurse, probably would not qualify for the affordable units based upon Westchester County AMI standards but other blue collar workers certainly would and that is exactly why, as Chris identifies, the county's determined that that kind of housing does exist here in the Town of Cortlandt.

Ms. Loretta Taylor stated it exists but again, if you're attracting more people because you're promoting this whole new concept about walkability, and assisted living, a hospital nearby, all the things that kind of make this idea palatable, what is it that – I don't understand quite really how we are going to talk about affordability and then how we're going to talk about this concept and not talk about affordability. What are we

looking at when we're saying – we know how the county and how they define it, and how they get to how they play with the numbers to get some kind of a range in terms of income and this and that and the other. What is it mean for the Town of Cortlandt at this particular project in terms of affordability? Who are you marketing these units to? Where are they going to come from?

Mr. David Steinmetz responded rather than having a philosophical discussion about it, we're going to address that with data in the FEIS.

Mr. Chris Kehoe stated so the question of who you're marketing to and then I believe there's a question also about, a concern about is there sufficient demand?

Ms. Loretta Taylor responded yes. I don't know that there wouldn't be demand. When you're marketing some people automatically don't even bother because of an idea that they see and they think, oh well I can't afford that. I would not be able to come and live in this particular place because of the way it's being marketed and the thought that, well I need to be over here or over there. I can't go over there because it's going to be too expensive. I don't know. That's why I'm asking. How you market something like this to make sure that a wider range of people get to at least explore the idea that they could come and live in these kinds of surroundings.

Mr. David Steinmetz stated we will address it. Thank you for the question.

Mr. Robert Foley stated I don't know if that would fall under the Fair Housing where you have to market within a certain area, an aggressive advertising campaign if you're going to have affordable units. I'm not sure what the regs are but – can I go back to your favorite memo from Norma Drummond? And I'm sure the town is going to definitely include this because we're talking about walkability, people getting there, people who don't have cars perhaps going to the whatever. The bus; the Beeline Bus. It would be part of site plan? I would assume the buses would come into each site as opposed to try and stop on **202**.

Mr. Chris Kehoe asked so you want an analysis for them to analyze whether the Beeline Bus will go into the site?

Mr. Robert Foley responded yes, that makes it safer.

Mr. David Steinmetz responded Bob, we are recommending our road be a public road and if it's a public road Beeline will come in. If it's a private road I'm not so sure they will. So where the bus goes is a county issue for the county to decide but we agree it should be a public road and that would allow for something like that potentially to come in and stop.

Mr. Robert Foley asked so it would have a safe access for Beeline?

Mr. David Steinmetz responded we heard the comment and the FEIS is going to address whether or not there should be a public bus stop inside each of the projects.

Mr. Michael Preziosi asked so you're asking inside the project limits, the Evergreen site and also or not also a bus pullout lane along **202** if Beeline would not enter the site?

Mr. David Steinmetz responded correct.

Mr. Robert Foley stated if it's going to be along **202** it's got to be a real cut in.

Mr. Michael Preziosi stated Bob, he'll pull out.

Mr. Robert Foley stated I don't know how much room there is. Last thing again, sidewalks. The developers have always been good building the sidewalks to a certain point but I hope it would be a continuing where there wouldn't be so quote, unquote, "sidewalks to nowhere" but with safe pedestrian access as Norma says in her memo.

Mr. Chris Kehoe stated there are sidewalks proposed. There are new crosswalks proposed.

Mr. Robert Foley asked that will lead to a destination?

Mr. Chris Kehoe responded yes.

Mr. Michael Preziosi stated it's more of a streetscape.

Mr. Thomas Bianchi asked question on – I have to admit, I haven't read the entire document yet but I will and provide comments but could you just spend a few minutes, very few minutes, on traffic issues.

Mr. David Steinmetz stated I'm going to let Michael address that because honestly, Tom, in all due respect, it wasn't our engineer or Gyrodyne's engineer. All of that was analyzed by your engineer and your consultants.

Mr. Michael Preziosi stated I'd like to summarize quickly what was done with the traffic.

Mr. Thomas Bianchi stated just quickly.

Mr. Michael Preziosi stated the town engaged its traffic consultant, AKRF, to perform more of a corridor analysis, a due diligence traffic study so-to-speak to determine the level of capacity that exists currently on the corridor and how these proposed developments would potentially impact the corridor taking into account the various developments to the east and west of the town vis-à-vis Peekskill and Yorktown development. Based upon those traffic counts, the existing traffic counts and no-build traffic counts and the proposed build impacts, our consultant looked at a variety of different mitigation measures that would help address some of the adverse impacts



associated with traffic to maintain a certain level of drivability on the corridor. What they were essentially looking at was, and this is based upon DOT comment and DOT policy, how long would it take you to go from point A to point B on **202** before build out and after build out and whether or not we can bring travel time along the corridor back. What's kind of missing a little bit, which would be the ability of the Planning Board and Town Board to provide comment, would be impacts to some side streets that may or may not be a hundred percent mitigated and that's really the gist of the traffic study.

Mr. Chris Kehoe stated and the mitigation is generally traffic signal, some lane modifications, pavement markings.

Mr. Thomas Bianchi asked are they including or considering adaptive signals?

Mr. Michael Preziosi responded yes. What Chris was just mentioning as part of the mitigation strategy was to improve corridor travel time which would entail new traffic signalization at Dayton Lane, upgraded traffic signal at Lafayette, potential traffic signal at the site driveway between Gyrodyne and the hospital along with an updated traffic signal – a new traffic signal at Conklin at the entrance with Evergreen. As part of what you were just mentioning, potentially dangling the carrot of an adaptive traffic signal to help platoon vehicles through the corridor, to help improve travel time. An adaptive traffic signal essentially to simplify it is they talk to one another. They address and modify their signal timing to provide green times to those approaches that need it the most. Their traffic signals are smart traffic signals that are able to adapt and talk to one another to help platoon vehicles through the **202** corridor.

Mr. Thomas Bianchi stated I'll be looking at that a little bit more...

Mr. Michael Preziosi stated there's a fairly robust traffic study within their – outlining the areas travel areas, the intersections that were analyzed and then the approach that was taken to mitigate adverse impacts associated with increased traffic growth.

Mr. David Steinmetz stated and Tom, you and the Board should be aware there's been a lot of direct involvement of New York State DOT in this process. Unlike some of our other land use matters where we all do our work here locally and then it ends up going off to the state, your consultants have been actively engaged with the regional office and the regional engineers.

Mr. Thomas Bianchi stated well **202** is a state road. Is that correct?

Mr. David Steinmetz responded exactly right.

Mr. Michael Preziosi stated yes, Tom to your other question, **202** is a state road and then Dayton Lane, the intersection is controlled by the Westchester County and the City of Peekskill. It's a multi-agency review and approval process.

Mr. Thomas Bianchi asked does it go beyond that area? Does it go to Route 6 and then Peekskill?

Mr. Michael Preziosi responded yes, at the request of New York State DOT, the study area was extended so the traffic study incorporates a corridor from the Dayton Lane/Route 6 intersection back to Dayton Lane at 202 all the way along 202 to its intersection with Lexington in the Town of Yorktown's border. All the side streets and corridors between there were studied as part of the traffic study.

Mr. Robert Foley asked what about Route 6 going back eastbound towards Conklin and the Bear Mountain Parkway? When you say corridor, you mean all three of those...

Mr. Michael Preziosi responded I believe the intersection of Conklin and Route 6 was also studied. I'm not a hundred percent certain. I would have to double check but I believe it was part of the study.

Mr. Robert Foley stated because they all connect. They all have a cumulative impact.

Mr. Michael Preziosi stated and that's why we stress internal corridor study because it's really the corridor of 202 from Bear Mountain all the way to Dayton and Route 6.

Mr. Robert Foley stated we had that previous study many years, the sustainable development study which considered all that from years ago, but...

Mr. Michael Preziosi stated yes, you're referring to the 2004 Bear Mountain study, yes. Part of it was adopted and constructed in Yorktown.

Mr. Chris Kehoe stated I'll attempt to organize what I heard and do a type of a memo. Obviously it's not going anywhere. We'll bring it back at the next meeting. If any members want to give me additional comments between now and the next meeting, it'll be discussed again and then the final memo will be sent over to the Town Board and your roles as involved agency. And regardless of what the Town Board does at the public hearing in January, next week, what I mentioned is there will be plenty of time for the Planning Board comments to get in. If they close it, there'll be an extended period of time and obviously if they adjourn it, it would be adjourned until after your February meeting.

Mr. David Steinmetz asked so Chris you'd bring it back under correspondence at the next meeting regardless?

Mr. Chris Kehoe responded yes but with no presentations.

Mr. David Steinmetz stated understood. We will be here if there are questions, but under correspondence.

Mr. Thomas Bianchi stated Madame Chair I'll move that we...

Ms. Valerie Myers stated I'd like make a motion that we'd like to refer this back to staff.  
Seconded with all in favor saying "aye".

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## **RESOLUTION**

**PB 2019-11 a. Application of Dimension Energy LLC for Site Development Plan approval and for Tree Removal, Steep Slope and Wetland Permits for a proposed Solar Energy System known as the Croton Avenue Solar Project located on the east side of Croton Avenue approximately 500 ft. north of Furnace Dock Road.**

Mr. Thomas Bianchi asked Keith did you want to say anything?

Mr. Keith Staudohar responded unless there's any questions.

Mr. Thomas Bianchi stated Madame Chair I'll move that we adopt Resolution #1-20 in favor of this.

Seconded.

Mr. Chris Kehoe stated just on the motion. There was a condition in there regarding a specific memo with engineering comments that we would need to revise that it would be that engineering comments must be addressed prior the issuance of the building permit.

Mr. Thomas Bianchi asked that's the one in red?

Mr. Chris Kehoe responded yes, we're going to change that language.

Mr. Keith Staudohar asked also Chris, wasn't there another thing we were going to talk about? The Hanover Estates approval?

Mr. Chris Kehoe responded I think though counsel said that – do you want to address that?

Mr. Michael Cunningham responded I think at this point it will just expire.

Mr. Keith Staudohar stated we worked so hard on it for many, many years. It had some value. It's due to expire this coming March. We have our second time extension on that. Our proposal is to amend the resolution to just say that we will simply submit a letter of withdrawal prior to the site plan being signed if that would be reasonable.

Mr. Chris Kehoe stated all right but let's say the site plan doesn't get signed until after March, what you would be doing in March is asking for another time extension?

Mr. Keith Staudohar responded possibly. We don't know – we're obviously going to work diligently on getting the site plan ready for sign off by the Chair Woman. I'm just trying to be safe.

Mr. Chris Kehoe stated that's a critical distinction because they want to preserve the right for the subdivision, I'm paraphrasing, but in the worst case scenario of something happened with the solar farm.

Mr. Keith Staudohar responded it's a safety net.

Mr. Chris Kehoe stated that's up to the board.

Mr. Thomas Bianchi stated I don't understand. You're saying you want that as a fallback position?

Mr. Keith Staudohar stated there's absolutely no intention to go through with the construction at Hanover Estates at this point in time. We have an approval for the solar panel project. We have carried the approvals to Hanover through this whole process. We may need to extend that just one more time until we clean up the site plan for the solar panels. We will gladly withdraw that project at that time.

Mr. Thomas Bianchi asked so you want to keep it active...

Mr. Keith Staudohar responded it's active right now.

Mr. Steven Kessler stated but on March 5<sup>th</sup> it expires. So we could also not vote to extend it on March 5<sup>th</sup>.

Mr. Keith Staudohar responded true.

Mr. Steven Kessler asked then where are you?

Mr. Keith Staudohar responded how do you want to respond?

Mr. Kieran Siao stated Dimension Energy. That would be ideal to keep the plat approval in place until site plan is signed off and final if that's something that the board would be open to. If we needed to extend it passed it's expiration in March that would be ideal, however, happy to work with the board on this.

Mr. Keith Staudohar stated and just so the board knows, the Dimension has taken ownership of the property so they're all in. They're all in on the solar panel project. It just felt like it would be, to keep that safety net one more time, if needed. We may be done in March.

Mr. Steven Kessler stated but to understand the safety net that means that Solar Energy who now owns it would now have to sell that property together with the site plan to somebody else to build that subdivision.

Mr. Keith Staudohar stated that would be the presumption yes.

Mr. Steven Kessler stated I don't imagine they're going now start getting into the subdivision business.

Mr. Keith Staudohar stated I don't think they're developers no but yes, you are correct. It's at the board's pleasure. We were just throwing it out there as...

Mr. Chris Kehoe stated but I think what's been decided is the Planning Board meeting is March 3<sup>rd</sup>. It expires March 5<sup>th</sup>. If you aren't done and you wanted to take a shot at submitting an request for a time extension at the March 5<sup>th</sup> meeting, they can't stop you from doing that.

Mr. Keith Staudohar stated fair enough. I appreciate it. Thank you.

Mr. Chris Kehoe stated we're not modifying the resolution with respect to that.

Mr. Keith Staudohar stated that's fine.

With all in favor saying "aye".

Mr. Keith Staudohar stated thank you very much.

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### **PUBLIC HEARINGS (NEW)**

#### **PB 2019-20 a. Public Hearing: Application of Peter & Marian O'Connor for the re-approval of a previously approved Special Permit for an Accessory Apartment located at 29 Wayne Avenue, Verplanck.**

Ms. Marian O'Connor stated hi. We purchased this property...

Mr. Chris Kehoe stated just state your name.

Ms. Marian O'Connor stated her name and Peter O'Connor. We're new residents to Verplanck, Town of Cortlandt. We have purchased the property November 1<sup>st</sup> and the previous tenant, resident, or owner, there a legal accessory apartment on the top level of the home. We understood at the closing that we had to re-apply for the permit and put it in our name and that's what we're doing.

Mr. Thomas Bianchi asked has the tenant had that space all along?

Ms. Marian O'Connor responded not in the last four year because it was an older couple that was living there but they had it up to that point. They had a tenant.

Mr. Thomas Bianchi asked so it's been vacant for four years?

Ms. Marian O'Connor responded the family had been living there themselves but there wasn't a paying tenant there.

Mr. Thomas Bianchi asked the accessory apartment, that's what I'm...

Ms. Marian O'Connor responded correct.

Mr. Thomas Bianchi asked is there a limit on the times?

Mr. Chris Kehoe responded well, it's expired. That's why they're here to try and get it renewed.

Mr. Michael Preziosi stated it runs contiguously with ownership. So when there's a change of ownership it has to be reapplied for.

Mr. Chris Kehoe stated but it is a public hearing.

Ms. Loretta Taylor stated this is a public hearing. If you have any comment to make regarding this particular application for re-approval of this accessory apartment you can come up and identify yourself and your residence, make your comment. I guess there's nobody here for that. Did you have any other comments?

Mr. Robert Foley stated I'll make a motion. Before I do, just out of curiosity, you're on Wayne Avenue but the back of your property is on the river?

Ms. Marian O'Connor responded yes.

Mr. Robert Foley stated way down.

Ms. Marian O'Connor responded yes.

Mr. Robert Foley stated I make a motion we approve Resolution #2-...

Mr. Chris Kehoe stated close the hearing first.

Mr. Robert Foley stated I'm sorry, make a resolution to close the public hearing.

Seconded with all in favor saying "aye".

Mr. Robert Foley stated I make a motion that we approve Resolution #2-20.

Seconded.

Mr. Chris Kehoe stated on the question, you'll get a copy of the Resolution in the mail. The main condition is that you have to work with our town attorney to create that declaration of covenant that regulates the accessory apartment, puts language out there that when you move you know that it needs to be reapplied for. Once you get the Resolution, keep in touch with me and the town attorney.

Ms. Marian O'Connor stated very good. Thank you.

With all in favor saying "aye".

**PB 2019-16 b. Public Hearing: Application of Henio Bastys for Preliminary and Final Plat approval for a 2 lot major subdivision of a 10.98 acre parcel of property that is developed with nine (9) multifamily apartment buildings located on the south side of Scenic Drive approximately 500 ft. north of Baltic Place.**

Ms. Loretta Taylor asked do you want to say anything?

Mr. Ralph Mastromonaco responded no I don't have – it's a subdivision of an apartment development. It's two lots. There's no construction.

Ms. Loretta Taylor stated if you didn't have anything to say, we can move on. This is a public hearing, once again. This is a new public hearing. It's **PB 2019-16** and this is again for a preliminary and final plat approval. If you have any comments on this particular piece of property or this application, you can come up, identify yourself and your place of residence and make your comment.

Mr. Steven Kessler stated Madame Chair I move that we close the public hearing.

Seconded with all in favor saying "aye".

Mr. Steven Kessler stated Madame Chair I move that we adopt Resolution **3-20** approving the subdivision.

Seconded with all in favor saying "aye".

Mr. Ralph Mastromonaco stated thank you.

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

**PB 2019-7 a. Public Hearing: Application of Nabil Khoury for Amended Site Development Plan approval and Wetland and Tree Removal Permits for a proposed 2,200 sq. ft. 4 bay garage, a 465 sq. ft. building addition and for additional parking and landscaping for property located at 2311 Crompond Road.**

Ms. Loretta Taylor asked I've got a question before we begin. Is this a **465** square foot or **480** square foot? I saw a discrepancy in the numbers at one point.

Mr. Joel Greenberg responded the **465** is correct.

Ms. Loretta Taylor stated so **465** so where ever it was **480** is not correct.

Mr. Joel Greenberg stated good evening Madame Chairwoman and members of the board. I'm Joel Greenberg the architect for Mr. Khoury. Just to bring things back into where we are at this moment, we've had meetings with Steve Coleman your wetlands inspector. We've had comments and letters from Mr. Coleman and from the New York City DEP. As you can see from the drawing up on the screen right now, we have made some major changes. What we tried to do is to show you what we came to you back in the spring when we started this project. We were there as you can see. Chris if you could point over to where the building? No, right. The building, the four-bay garage and then to the right of that where that parking area was, that's how we started this project. We had site inspection with the Planning Board and the consultants. Again, we had memos from the town planner, the town engineer and we've made some major revisions. If you could go now to the new plan. And basically, as you can see from the new plan, everything now – if you look at the drawing, the addition to the office, Chris see that line there to the right of that addition? Right that addition. Office addition.

Mr. Chris Kehoe asked what do you want to show?

Mr. Joel Greenberg responded you see the existing office and then we have a **400** and plus square feet, right, over there to the right of that addition, that line that is the line of the impervious surface from there over to Route **202**. So basically, what we've done, if you look at the original plan, look at this new plan. We've reduced the size of the – there's the existing plan. We've reduced the size of the four-bay garage, taken the entire garage and brought it forward to line up with the existing office building that's there right now. As you can see also, the area of disturbance has been tremendously reduced. We went from approximately **12,000** square feet of impervious surfaces now at the present time, this new plan will only increase it by about **2,000** square feet. Now if you've read the letter from the New York City DEP they specifically say, in situations like this, they do not like to see new impervious surface of more than **25%**. We are now down to be accurate of approximately less than **15%** of new impervious surfaces which basically is



the garage. As you can also see, the end of the impervious surface which is the right side of that building of the office building -- Chris if you could just show that there?

Mr. Chris Kehoe asked here?

Mr. Joel Greenberg responded to the right of the office addition. Yes right there. So there all the way out, from there until the actual edge of the wetland is now all fully landscaped and there's a tremendous amount of improvement to the property. We're still able to do what we want to do with the property, however, we basically we're working with the existing impervious surfaces. Again, the only additional impervious surface is to the right of the office building which is that portion of the four-bay garage which has now been reduced in size so that actually I think basically the entire site will be tremendously improved. As recommended by Mr. Coleman, we have hired a landscape architect. We're supposed to have a meeting this coming week or the next week with the New York City DEP and we'll have our landscape architect or engineer meeting with them. I assume Mr. Coleman will also be there but I think really reflects the ideas and the comments from the consultants, from DEP, from Mr. Coleman and from the ideas and concepts from the board itself. We'd basically like to get your consensus to follow through on this plan, come up with a tremendously creative landscape plan, a five-year maintenance plan as requested by Mr. Coleman. We're also fencing in the entire area so that there's no encroachment onto the buffer area or the wetlands. I think that this small **15%** increase in the impervious surfaces versus the **25%** which is permitted by the DEC will be a tremendous improvement to the property and bring the entire property into a situation that I think the Planning Board and the town can be very proud of. So at this time we'd request that we've had public hearing's been on twice. We've had no opposition or no comments from the public so we request that the public hearing be closed so we can finalize the few items that are left with regard to the town engineer's comment letter.

Mr. Robert Foley stated there were comments two meetings ago from neighbors as you recall. You had said there were no comments.

Mr. Joel Greenberg responded well yes, I'm sorry, I meant at the last meeting. The first meeting there were some comments from the neighbors. Unfortunately, they did not have the plan that we actually were presenting at that time and we met with them after the meeting. I think I mentioned this and we showed them the new plan and they seemed to be satisfied. They have not shown up and I believe you had comments with them and they are very satisfied with the new plan.

Mr. Robert Foley stated I had asked Chris at the work session about the CAC.

Mr. Chris Kehoe stated this is a public hearing and someone from the CAC is here.

Ms. Loretta Taylor stated this is a public hearing. If you have any comments that you'd like to make regarding this particular application, please come forward, state your name and your place of residence and make your comment.

Mr. Paul Buckout stated Madame Chairman, fellow board members, my name is Paul Buckout I reside at **40** McGregor Lane. I'm also a member of the Cortlandt Advisory Council. From the site visit and living about a half a mile from this project, my impression from the site visit is that the area where the leech fields are and the proposed four-bay garage – this goes back a little bit before your new statements that you've made. The area is spongy when you walk on it. This indicates water that's saturated and then if you walk in the wetland buffer, you see that there's a stream that runs right along the boundary there. That stream moves in an easterly direction. It joins other streams to become the Hunter Brook which then flows into the Croton Reservoir. So the water in the stream flow potentially becomes New York City drinking water in about **24** hours. If I can quote from Mr. Coleman's report: "The proposed expansion will further encroach within the wetland buffer and result in a loss of functional value provided by the remaining buffer area. In addition, the water quality will likely be compromised due to the amount of proposed impervious cover, lack of planned storm water mitigation and measures in the proximity to the existing water course channel." Mr. Coleman also proposed that the Buttonwood access be eliminated entirely because it brings an impervious road surface in close proximity to the stream going under Buttonwood Road. Moving the garage a few feet and putting in some native plants isn't going to make this project non-polluting. If I can quote from the New York City DEP: "The proposed site is located in the Croton Reservoir drainage basin New York City water supply. The new Croton Reservoir is a phosphorous restricted therefore the water quality impacts to the receiving reservoir from the pollutant-laden runoff must be avoided or mitigated." This is from the company Geomat which is the proposed solution for the four-bay garage. Geomat talking about contaminated wash runoff: "Numerous cases have been documented of what initially appears to be harmless vehicle washing, causing severe surface damage and well water contamination. What actually occurs is the continued cleaning in one area results in the buildup of low-level contaminants and contamination to dangerous levels over a period of time. Over time, this high level will reach ground table and potable water therefore auto-detailing focused industries of the EPA and regulations regarding waste water containment." So, in this case of this project the potable water to be contaminated is right there in the back of the property. The last thing I'd like to talk about is that the area has some new neighbors, they're furry. If you're traveling east on **202**, in between the two billboards, you'll see a large brown mound out in the wetland. This is a fairly newly established beaver colony. The dam is about **40** feet from Handy Rent-All, about **100** feet farther down the road. The dam has already shown some signs of human vandalism. What the beavers have done, and will continue to do is to raise the wetland waters so that they are protected from predators and they will have a sufficient wetland area during times of drought. The net effect of this is to raise the water table in the surrounding area. This includes the Khoury property. The water more or less – more water and less reason for this project to move forward. Thank you. Any questions?

Ms. Loretta Taylor asked do you have any questions anyone?

Mr. Robert Foley stated to make it clear, you're from the Conservation Advisory Council of the town.

Mr. Paul Buckhout responded yes, the CAC.

Mr. Robert Foley stated okay.

Mr. Joel Greenberg stated as the gentleman from the CAC just said, he has not seen the latest plan and just to go over the area where he's talking about with the septic system, it's not muddy. We've been there and it's not mushy or squashed as he has indicated. The encroachments as far as the wetlands are concerned, obviously this will be a tremendous improvement and of course with regard to the phosphorous situation I think Mike can talk to that. We are willing to actually give an easement for the entire wetlands for this East Hudson Authority project to remove the phosphorous situation. So I think if that goes through that will be, obviously, a big improvement. It would seem to me that, again, that whole area where that is going to be planted will be an improvement because right now it is just weeds and trees that are not common to this particular area. So the plantings, based on review and submission by our landscape architect and review by Mr. Coleman will obviously put planting there that will actually improve the situation. As far as the beavers are concerned, they are to the east of our property and again, the more we plant in the planting that are recommended by our landscape architect and approved by Mr. Coleman will actually improve the situation because obviously the plants will be able to absorb any additional water. As far as any streams are concerned, the wetlands were flagged not too long ago by Mr. Jaehnig and I believe, again, we have tremendously improvements planned. Again, go back Chris to the original plan. As you can see, that whole area to the right, which was originally proposed to be impervious is now pervious and I think just to leave the situation the way it is will probably actually be detrimental to the wetlands. What we're doing is actually going to be improving the wetlands. As far as this question about the wash bay, I believe we've given Mike the information on the Geomat. This is completely recycled water, nothing goes out of the building. It is put into tanks and then it is removed by truck out of the site. None of that water will leave the building or have any impact on anything outside the building. So that, I think is something we've taken care of. Again, not to keep repeating myself but I think we've made a tremendous improvement. I think, not doing anything like this will actually be detrimental to the property. And again we ask that we be allowed to pursue this with our landscape architect in meeting. And again, some of the DEP comments too were maybe not **100%** correct because again, they did not have these latest drawings. We're meeting with them to resolve it and again, we would ask that the public hearing be closed.

Mr. Robert Foley stated if I may, at the work session Chris or Mike, someone said something about the latest issue that the CAC has brought up and that you made a contact with the state. Is that what you said about...

Mr. Chris Kehoe asked [indiscernible].

Mr. Robert Foley stated no about the beavers and what to do.

Mr. Michael Preziosi stated New York State Department of Environmental Conservation regulates the removal of beavers from a property. It's the responsibility of the property owner. We have received complaints from neighbors on Granite and Buttonwood pertaining to the beaver population. Our Department of Environmental Services has made sure that the town culverts remain clean and clear to allow storm water roll-through and drain out. The beaver dam is located on private property and it's going to be resolved by that private property owner and the DEC. I hope that addresses your comment. The beavers are not located on this property, on the subject property.

Mr. Thomas Bianchi stated I have just a statement more than a question but in looking at this DEP letter from New York City in reference, in item **9**, the last sentence indicates the clear wish that alternative designs be considered to avoid development in wetland buffer. That's a concern that I've had on this application all along. That further encroachment on a wetland buffer, I don't know if it sets a precedence for us or not but I just have to ask, maybe it is a question, are really all the alternatives have they been considered to avoid any further encroachment?

Mr. Joel Greenberg responded the answer to your question is absolutely yes. If you look at the progression of the original plan which Chris had up on the screen and this, you'll see the progression to the point where – here, look at that plan there. Look at the encroachment. Everything from the left of the four-bay garage over is all impervious surfaces that were encroached upon the wetland. Look at the plan now. There is virtually no encroachment upon the existing wetlands. Again, all that buffer area, I mean existing buffer area, I'm sorry, and the only encroachment is a small area of the four-bay garage. Everything else is remaining on the existing impervious surfaces. Again, look at the landscaping there and look at the improvement to that buffer area, again, with wetland plants that were approved by Mr. Coleman. I can't see how this is not a plus for the town. Here's some small shop owners that want to just continue in business and provide the services that their customers need. How could you not want to see something like this versus nothing?

Mr. Steven Kessler stated but Joel you're comparing one plan to the other not what's there today which is not a garage.

Mr. Joel Greenberg responded that's correct, yes I am comparing it but look at the impervious surfaces that we had on the original plan versus what we have now. Look at the difference. I mean it's like night and day. We have listened to the board to the consultants, and to the DEP and to Mr. Coleman.

Mr. Steven Kessler stated but just the fact remains you're adding a garage that's adding to the impervious surface. You can minimize it but...

Mr. Joel Greenberg stated again, if you read the DEP letter, they recommend nothing more than **25%**. We're less than **15%**.

Mr. Steven Kessler stated but they're also recommending, as Tom said, no new buildings in a wetland buffer.

Mr. Joel Greenberg stated of course the answer is they would like to see nothing of this happen but they said if it does happen it should not be more than **25%**. We have reduced it down to **15%**.

Mr. Michael Preziosi stated the threshold question that the Planning Board is weighing regarding to wetlands disturbances that the entire property is located within a regulated wetland buffer. So what Joel and the property owners are trying to accomplish is allowing some sort of impervious area to be created within the wetland buffer and to mitigate that by enhancing the remaining wetland buffer on site that's been in a state of disrepair, unmaintained over the course of ownership of the property. That's what the board is weighing. There's a variety of different types of wetland mitigations: upland creation, upland enhancements, et cetera, so that's what the board is essentially weighing in. It's the proposed increase in impervious area within the regulated wetland buffer and whether or not the enhancements that are being proposed and the storm water requirements are adequately being addressed to mitigate the extra encroachment of a few thousand square feet of impervious.

Mr. Thomas Bianchi asked in other words do those improvements outweigh the further encroachment into the wetland?

Mr. Michael Preziosi responded correct.

Mr. Thomas Bianchi stated that's really the question I'm struggling with.

Mr. Joel Greenberg stated again, not to repeat myself, look at the enhancement. It would seem to me that – you've been to the site inspection. You see the condition there are. There are plantings and trees there that are not common to this area. That's all going to be removed. Everything there will be common to this area and I can't see how this small encroachment upon the buffer with all the enhancement that's going to happen. It outweighs it seems to me like a hundred to one, but.

Mr. Chris Kehoe stated we did have a meeting with Steve Coleman, our wetland consultant, prior to the creation of this plan and I think part of what Steve said help lead to the creation of this plan. So Steve made suggestions that it be modified. It has been modified. The applicant needs to hire their own landscape architect and wetland expert and then – this is a conceptual plan. There may be different plants that are recommended based on who you hire.

Mr. Joel Greenberg stated at Steve's recommendation we've hired a landscape architect to have him review what plantings would be appropriate for this property.

Mr. Chris Kehoe stated I think what we said too at the work session is that we would recommend that the public hearing be closed. You still have **62** days to make a decision

and plus the applicant, if need be, could extend that time and then that would give time for Steve Coleman to come back with any additional comments.

Mr. Michael Preziosi stated if the board also feels that the upland wetland enhancements aren't sufficient, then there are other means for other enhancements such as going into the actual wetland itself, removing invasives by hand that we can discuss with the DEP and DEC to see if they would allow such work to occur. But ultimately any proposal, any construction or enlargement of the facility is going to occur within the regulated wetland buffer on this subject property.

Mr. Thomas Bianchi stated right now, the entire facility is within a buffer.

Mr. Michael Preziosi responded correct.

Mr. Thomas Bianchi stated so a hundred percent.

Mr. Michael Preziosi responded yes, so whatever they do is going to be a disturbance.

Mr. Joel Greenberg stated actually if you look at the property and look at the wetlands, the wetland buffer goes across to the other side of Crompond Road.

Mr. Michael Preziosi stated as Mr. Greenberg was alluding to, there are certain provisions within the DEP storm water regulations to allow a certain percentage of impervious area to be added within a regulated watershed provided that storm water mitigation is accounted for and designed for within the proposal.

Mr. Joel Greenberg stated and that's what we plan on doing.

Mr. Thomas Bianchi asked what's that dimension that's the closest, I guess it would be the upper right hand corner of the addition to the actual wetlands? How many feet is that corner away – that one there?

Mr. Joel Greenberg responded that closest point is probably about **25** feet.

Mr. Thomas Bianchi stated that's pretty close to wetlands, not the buffer, to the wetlands.

Mr. Joel Greenberg stated no that's the buffer around there.

Mr. Thomas Bianchi asked I know, I know. Is that the line to the buffer or is that the wetland?

Mr. Michael Preziosi responded it's the line of the green to the light teal green...

Mr. Chris Kehoe stated you were right Tom. That's the actual wetland. Those are the wetland flag markings.

Mr. Michael Preziosi stated so the shades of green separate the wetland buffer to the...

Mr. Joel Greenberg stated the lighter green is the wetlands, the darker green with the trees on it is the buffer. And again, if you compare that to what we had originally it's, again, a tremendous difference. And that whole area to the right which was proposed to be impervious is now pervious.

Mr. Thomas Bianchi stated all right, well I just wanted to express my concerns at this point.

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

Ms. Valerie Myers stated I'd like to make a motion to close the public hearing.

Seconded with all in favor saying "aye".

Mr. Chris Kehoe stated this will be back under old business next month to discuss the DEP meeting and any work that your landscape architect has completed that Steve Coleman might have reviewed.

Mr. Joel Greenberg stated we'll get that done before the next meeting. Do you know off hand the final date for that meeting?

Mr. Chris Kehoe responded the meeting is February 4<sup>th</sup>.

Mr. Joel Greenberg stated no, no, no the meeting with the DEP.

Mr. Michael Preziosi responded I think it's next week.

Mr. Chris Kehoe stated I thought it was the week after.

Mr. Joel Greenberg stated it's the week after I believe.

Mr. Michael Preziosi stated it's the week after? Okay.

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

Mr. Michael Preziosi stated it is Joel, it's the 28<sup>th</sup>.

Mr. Joel Greenberg stated whatever the next holiday is, happy holiday.

Mr. Thomas Bianchi stated we need another motion.

Mr. Chris Kehoe stated no I said on the record it would come back under old business.

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

Ms. Loretta Taylor stated good evening.

Mr. Ralph Mastromonaco stated good evening. I don't know if you've had a chance to look at the modification to the proposal. On December 17<sup>th</sup> we wrote to you and we showed you that there would be – there was always an issue with this board about what was going to happen to the back part of lot 3. What we did was we created lot 4 which is not a buildable lot and that land would be kept in the name of my client until someone who wants to purchase it, but whoever purchased it would be purchasing it with the provisory that there's no building permitted on that lot. I don't know maybe we'll put it in the MOD zone and just build apartments. I don't know.

Ms. Loretta Taylor asked are you finished with what you're saying?

Mr. Ralph Mastromonaco responded I don't know if you've seen the plan.

Mr. Steven Kessler stated we discussed it at the work session.

Mr. Ralph Mastromonaco stated oh you did. Is this something that you'd be interested in approving otherwise I'll go back to the other plan and we'll work out – but personally this is something I believe is a way to resolve – in the future, this board was going to put some sort of restriction on the back of the old lot 3. We were a little proactive and we said, why wait for that? We'll just create that for you right now, call it lot 4. It's a non-buildable lot and it would be a preserved lot.

Mr. Michael Cunningham stated so Ralph, we discussed a little at the work session where I think we appreciate you submitting the plan for the fourth lot. I think everyone's on the same page that part of the former lot 3 will be conserved in some way. So I'm going to have to do some research about what the best way to conserve that portion is whether you keep the three lots, do some sort of declaration or a conservation easement or whether you do the fourth lot, but we understand the proposal with what you're doing with this fourth lot.

Mr. Ralph Mastromonaco stated my opinion is, it's the easiest way administratively to protect that back part because if you have an easement, who's the easement going to go to? That's the problem.

Mr. Michael Cunningham stated it's an open question. You're right. It's an open question.



Mr. Ralph Mastromonaco stated an easement would also have a list of restrictions on it. In this case, you just say it's a non-buildable lot. You don't have to go crazy with all kinds of...

Mr. Steven Kessler stated he'll research it.

Mr. Michael Preziosi asked and the Department of Health will approve said subdivision plat with a note or a provision of it not being a buildable lot?

Mr. Ralph Mastromonaco responded it's a good question. I've done it before. We did it for GE down the road. There are – even if they – one of the advantages here is it adjoins Teatown. It's not just in the middle of nowhere here and it has access on Teatown Road. It has the possibility of a well and a septic. It's not impossible to do that. If we had to go through that exercise I'm sure we could do it.

Mr. Chris Kehoe stated I don't necessarily agree when you say that if you encumbered it with a conservation easement there'd be all sorts of restrictions. If you simply call it a no-building lot there would be no restrictions.

Mr. Ralph Mastromonaco stated yes there is.

Mr. Chris Kehoe stated there would still be restrictions.

Mr. Ralph Mastromonaco stated there would be restrictions but you can't build anything. How else can ...

Mr. Chris Kehoe stated that's something our attorney's going to have to look into. If simply calling it a no-build lot with no environmental protection to that lot above and beyond calling it a no-build lot may not get us where we want to go.

Mr. Ralph Mastromonaco stated the advantage is that when you create an easement or an area you dedicate, not dedicate, but if you don't make it a separate lot, no one maintains that portion of the property if anyone is responsible for it. If you make it a separate lot there is an owner to that property and that owner is responsible for that lot **4**.

Mr. Chris Kehoe stated I think that gets...

Mr. Michael Cunningham stated so it's something we're going to look into, and if you do have language used on previous plats where you...

Mr. Ralph Mastromonaco stated not a plat, all this is is a non-buildable lot.

Mr. Michael Cunningham stated if you used similar language in the past was successful with the DOH, you can submit that language. We'd take a look at that.

Mr. Steven Kessler stated but there are uses that could go, even if it's not buildable there's probably, I think to Chris's point, there are uses that you could probably have there.

Mr. Ralph Mastromonaco asked like what?

Mr. Steven Kessler responded could you put a rifle range there?

Mr. Ralph Mastromonaco responded you'd need a building permit.

Mr. Michael Preziosi stated our code does not allow accessory structures without a primary...

Mr. Steven Kessler stated without an accessory structure.

Mr. Michael Preziosi stated it's a residential zone and so to your answer – but that's our lead question is, how do you make the right declaration and the right notation on the plat for it not to become a buildable lot?

Mr. Ralph Mastromonaco stated and at the same time you want to make sure that whoever owns this thing has a right to go in there and maintain it and use it. So you don't want to take it off the planet in a sense.

Mr. Steven Kessler stated use it to walk the property.

Mr. Ralph Mastromonaco stated trails, right?

Mr. Robert Foley stated there's a passive use.

Mr. Steven Kessler stated let's let counsel look into it.

Mr. Ralph Mastromonaco asked how long will that take?

Mr. Michael Cunningham responded before the next meeting.

Mr. Steven Kessler asked are you in a rush?

Mr. Ralph Mastromonaco responded no, my client is.

Mr. Michael Cunningham stated before the next meeting.

Mr. Ralph Mastromonaco asked how much before the – a chance to respond to it?

Mr. Michael Cunningham responded want me to give you the second.

Mr. Ralph Mastromonaco asked would we have it before the next meeting or at this meeting just like this?

Mr. Michael Cunningham responded no, before the next meeting.

Mr. Ralph Mastromonaco stated other than that we're still in a public hearing and I imagine...

Ms. Loretta Taylor asked is there anyone here who wants to comment on this particular application for the Mahlab family application?

Mr. Bruce Kay stated Madame Chairwoman, members of the board.

Ms. Loretta Taylor stated your name and place of residence please.

Mr. Bruce Kay stated my name is Bruce Kay a resident of **130** Teatown Road, literally adjacent to the proposed subdivision application. I've been here, this is probably my fifth time at this point, as a fervent opponent of the application as proposed. I think, clearly everyone other than Ms. Myers have heard my remarks, at times often impassioned but the last time I was here I focused my remarks specifically on the studies that I felt, and my Teatown community feel, are essential for the board to have in hand in order to make an informed objective decision. At the last meeting, we discussed briefly the study that was being done on the historic road. I'm not sure if that had in its limitations in the context of the application. We also discussed the study that was being done on the archeological impact or the conditions of the parcel. I also, personally, requested a formal EIS survey be commissioned and performed. Subsequent to that meeting, I got some insight from Chris as to what previously and what has been precedent as far as the EIS is concerned. What I learned, and it was also at the last meeting, that it is at the board's discretion. Subsequently, I learned that historically, the board has always sorts such type of study for larger planned developments, the smallest of which, if I remember correctly, Chris you said was **7** lots within a subdivision.

Mr. Chris Kehoe stated I think that was Upland Lane where that was pos. decked.

Mr. Bruce Kay stated I understand that. The uniqueness of the area, the environments, the road, I think add an additional element for consideration here that really needs to be understood. The last meeting I also expressed my thanks to the board for taking the time and diligence to understand the potential impact of what such development as proposed would rein havoc somewhat on our Teatown community. Rather than postulating or pontificating or wasting anyone else's time, again, I have confidence that the board will use all reasonable tools and obtain all the reasonable information necessary to make an objective decision. And again, I would request that the board consider a formal EIS and that's really it. Again, I thank you for all your hard work on this particular application.

Ms. Loretta Taylor stated thank you.

Mr. Bruce Kay asked may I just ask have those studies that were requested been received?

Mr. Chris Kehoe responded we did receive a letter from the State Historic Preservation Office where I'm quoting: they "have no concerns regarding the proposed project under SEQRA. Should the project design be changed we recommend further consultation with this office." That's not an unusual comment but the Planning Board did their due diligence by going to the state agency that would require an archeological investigation and the state agency chose to not suggest to the this board that it's required.

Mr. Robert Foley stated but they also said based on the information provided.

Mr. Chris Kehoe stated we told them where it was, sent them the maps. They analyzed their record and this is what they got back to us with.

Mr. Michael Preziosi stated and pertaining to the historic roads, the applicant's engineer did prepare a few alternate layouts for the driveways for lots **2** and **3** to determine if a shared driveway would have less impact than two separate driveways. He's shown to our satisfaction that it's about the same amount of disturbance and their preference was to have two separate driveways to eliminate the need for an easement along those properties. So, we are satisfied with that response.

Mr. Chris Kehoe stated but it's still within the board's purview if they decide to pursue with this to maybe try to figure out a way to require some easements, or protections to not allow large-scale clearing along Teatown Road similar to some things that you've tried to do in the past to make sure that maybe there's limits to clearing for the driveway but not a removal of all of the trees and the stone wall, something like that.

Mr. Bruce Kay stated one last comment. The fourth lot as proposed, in actuality is clearly not buildable. And as far as maintaining and a concern by the applicant's architect engineer, that's somewhat disingenuous. In the **30** or **40** years that they've owned the property, there has been no maintenance whatsoever on the property, not prior to, nor since this application has been presented for consideration. Thank you.

Mr. Larry Provost stated good evening Madame Chairman, members of the board, Larry Provost. I'm the abutting land owner on the west side of this proposal. I've been here a few times and I feel like I just ought to number my comments so that it will save time rather than reiterating them but you know the concept of the archeological importance of this area has been brought up. About **12,000** years ago, to go back a little ways, when the last glacier receded and left behind a lot of large boulders such as the examples shown up here. This picture is from the historic roads study and those boulders were left behind by the glacier. You might remember that I refer to the larger one as Sisyphus and maybe you sort of get the reference. But I did a little research on these boulders and found a reference in a book: History of Westchester County published in **1900** and they say talking about the Croton area: "A prominent features the presence in great profusion of large granite boulders undoubtedly transported by glaciers from Massachusetts and New

Hampshire with an intermingling of boulders of conglomerate from the western side of the Hudson, the latter containing numerous shells and fossils.” That was in **1900** and they said “profusion of these boulders.” I don’t know of any more of these in the area. Maybe you all know of some of them but they’ve all been chopped up and moved from various developments and stuff. Is this something we want to preserve? Obviously, the people, the town did this study thought that that was a pertinent feature and was part of the historic feel of the road that along with the stone walls and now we have a proposal that wants to put a driveway there pretty much right where this picture was taken. That’s the lots **2** and **3** there that one will have a driveway going up and I don’t know what the intent is to get around those boulders but they don’t even show up on the drawings. They’re sort of – the contours are there but the boulders aren’t. I’m just concerned. What’s going to happen to those? What’s going to be changing the character of the road that obviously the Town Board thought it was important enough to do a study and to direct that the legislative intent of these studies be taken into consideration by the Planning Board and the Zoning Board? You know there’s a lot of history back in those woods. I also learned that when they were excavation Route **134** exit for the Taconic which is roughly a mile or so away from this site, they uncovered bones from woolly mammoth. I never knew that they were roaming around this woods but they were. These bones were on display in **1986** they had these bones on display at Teatown Reservation. I have a picture of that that I’ll leave with you to show that there’s a lot of history back there in those woods and we shouldn’t just go plowing it under and wondering what could have been there that we didn’t know about and what we covered up. You know, obviously the Town Board thinks that Teatown Road is worthy of the preservation and they specifically named the stone walls and the road width as things that should be preserved and along with these boulders here. But I don’t see any indication that this is being taken into consideration by the development plans. The Master Plan notes that stone runoff should be limited and controlled and the driveway cuts should be limited and shared driveways would be used. I don’t feel that this is adequately addressed. They even passed a local law requiring the Planning Boards and the Zoning Boards to follow their legislative intent in these studies. They’ve sort of pretty much indicated that they would like these things to be preserved. Now, specifically, I’m asking that the existing driveway number one be utilized to service these other lots. The alternate plans did not do that. They allowed lot one to stand as it is and merge the driveways somewhat into the properties sort of right where that middle boulder is but if lot one driveway was utilized as a common driveway, that eliminates the need to widen the road for driveways two and three. It eliminates the need to remove the stone walls for driveways two and three some 150 feet of stone walls. It eliminates the need to deal with these glacier boulders and it also puts the bulk of the runoff water into the central portion of the three proposed lots where it can be contained and dealt with rather than sort of dumping it back down on the road. These three lots would require about a quarter mile of driveways. If those are paved with impervious material, that’s a lot of runoff. I would like to see that any driveways that are built be of pervious material, gravel or these porous paving blocks, UniBlock or what have you so that as much of the water as possible is absorbed into the ground water and not collected and dealt with as storm runoff. This water belongs in the ground replenishing the water table that we all get our water from. Recently, I was at an Ossining restaurant and I was served tap water and I want to tell you, it smelled foul and it tasted

bad. And this really depressed me because this water started in my backyard. That's my water that goes down into the Ossining water system. It comes through my backyard, goes down into the Indian Brook, goes into the Indian Brook Reservoir and it's part of the Ossining water system. But, somehow we failed to protect our water that we're giving to Ossining and I know those people are downstream from us so what do we care? It's not our water. We're here to protect not only the people that are literally downstream from us but also people that are figuratively downstream from us, our children and our children's children. I don't think that this proposal does that or takes into consideration what mitigating things should be done and must be done to protect the water supply, to protect the wild life. It's encouraging that after a year of deliberating this proposed subdivision, the environmental significance of this property is finally being recognized. It's importance it's not just a watershed but it's a connecting parcel between Glendale wetlands, Teatown Reservation and the New York City watershed. They all come together right there. Teatown Road is like the continental divide where the rivers change direction. One side of the road, the south side of the road goes down into Indian Brook Reservoir and Glendale wetlands, the other side of the road; the north side of the road goes into the New York City watershed. This is an important area and it deserves to be protected. The lot 4 proposal is a step in the right direction because it recognizes that this is an important environmental piece of property but you know I caution the board that just calling lot 4 a no building lot is not a solution. This land needs a steward, it needs a guardian that's knowledgeable in the environment with the resources not only to protect but to improve this natural resource. I understand that Westchester Land Trust has written a letter. I haven't seen that letter. I don't know the content of it but they're one of the organizations in Teatown that have the ability and the knowledge and the staff to oversee a property. Mr. Kay was right, and I've been there 45 years, there's been no maintenance on that property whatsoever, not one bit of cutting back invasive species, cutting down the vines. The lake has gone from something that you could swim in and when the power was out we actually drank from the lake when I first moved there. Now, I wouldn't want to put my toe in that water. It's really foul. It's contaminated with who knows what kind of chemicals but also with water meal and duckweed that looks like Astroturf during the summer months. I just encourage the board to really try to work with the parties here to see what can be done to protect this for the water, for the wild life, for the biodiversity and sustainability. I see a lot of decisions made by well-meaning boards as being reactive to the proposals place before them. I really urge you to be proactive and require that there be some accountability, some stewardship in place before any subdivision proposal such as this be accepted. We owe this to everybody downstream. I really hope that we can all do the right thing and protect this for the people that come after us. Thank you.

Ms. Loretta Taylor asked is there anyone else who would like to comment on this application?

Mr. Ralph Mastromonaco stated two things: Mr. Provost makes a good point. We will take another look at the boulders. I think we can just jiggle the driveways around so that we don't have to disrupt them too much. We've already looked at that. And secondly, I'm just wondering if you wouldn't mind, at this point consider closing the public hearing. I

think that the public has spoken five times at this public hearing. I don't know if there's anything new that can be said.

Ms. Loretta Taylor stated unless there's somebody on the board, do you need to say something?

Mr. Robert Foley stated I don't know if it will have anything to do with closing or keeping the hearing open, but can I just go back to Chris on – because Mr. Provost, I believe is his name, brought it up again and he had presented something artifacts or something to show the board and I had asked in the past. When Mr. Perazio from the State Historic Preservation Office (SHPO) says based on the information provided they had no concerns. So all of the testimony was provided, the minutes or...

Mr. Chris Kehoe stated they were given the map, and the latitude, and the longitude and information about the parcel and they research their records as the state agency in charge and said they do not think an archeological investigation is warranted.

Mr. Robert Foley asked so they didn't really hear any comments from the area residents or what they've observed over the years?

Mr. Chris Kehoe stated I would think that they would know what they were doing.

Mr. Robert Foley stated well I don't know whether they just – I've heard different things, whether they just look at mapping and stuff but don't have any type of evidence. I know what they say they have used, however I've heard the term, at Pace University Courses, they just "boiler plate stuff".

Mr. Chris Kehoe stated I had several pieces of correspondence with them because they could not figure out under what authority they were even reviewing the application because there was no state or federal permit apparently required. So I kept telling them over and over again, the Planning Board wants your advice as to whether you think an archeological investigation is warranted. That's why they specifically referenced SEQRA in there because their only role is providing advice through the SEQRA process because Ralph would know, there were several pieces of correspondence back-and-forth where they kept saying they had no authority in which to review the project.

Mr. Robert Foley stated I just want to make sure that nothing fell between the cracks. They cite the two sections in the law.

Ms. Loretta Taylor stated I think we need to move one.

Mr. Thomas Bianchi stated Madame Chair I'll move that we close the public hearing.

Seconded.

Mr. Chris Kehoe stated I would recommend though that this gets referred back rather than direct staff to prepare any sort of resolution. Refer it back for some further investigation.

Mr. Thomas Bianchi stated and refer the application back to staff.

Seconded with all in favor saying "aye".

Mr. Ralph Mastromonaco asked I'm sorry, what did you just vote on?

Ms. Loretta Taylor responded close the public hearing and sending it back to staff.

Mr. Ralph Mastromonaco stated the public hearing's closed and we can discuss. Mr. Cunningham will give me a call possibly we'll talk about the...

Mr. Michael Cunningham stated yes, I'll research it and we'll be in touch.

Mr. Robert Foley stated so the hearing's closed.

Ms. Loretta Taylor stated the hearing is closed.

Mr. Robert Foley stated I didn't hear it. I'm just asking.

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

Mr. John Lentini stated good evening Madame Chair person, members of the board and the town staff. I just want to ask Chris if you want to make any statements before I start.

Mr. Chris Kehoe stated I could do it at any time but we discussed it at the work session that the supervisor of the town did send you an email stating that she did meet with the applicant and met with staff and another town board member to talk to the applicant about potentially relocating the facility or swapping parcels figuring out some other place to put the facility. But while the meeting was cordial and it was a good discussion there was no resolution to that issue. At this time I do not believe the applicant is proposing to relocate the facility to another place.

Mr. John Lentini stated no, not at this time but we're keeping an active lookout for other properties. To give you a little bit of history for the few times I've said before, Kevin Toohey was here with his wife, and friends and family, purchased the property three years ago on the basis of his belief that the zoning for a CC zone permitted as-of-right a taxi cab business. He proceeded with permission from the town to take trees down and



de-grub the property. There was dumping there and he just cleaned it up and discovered there was wide variations in the grade. He brought gravel on the property to stabilize the driveway going into it and the town was called by somebody who suggested he might be doing more work than he should. He went to the town. He agreed, yes well I would like to go to the next step. So the town suggested at this point, in order to keep working there, you have to file an application. So in compliance with that, we're here with our application. He wasn't just out there on the weekends or midnight moving stuff around. He had been working with the town and somebody had expedited his stop which he would have done anyway. In terms of the zoning, it is a particular wording of the zoning in terms of being a Commercial Community zone just by some definitions only for the people in the community. I'd point out however that there's no business in any area of the CC zone that relies thoroughly and totally. It's not sustainable just as to rely in the people in that community. In fact, Montrose has a very strong **2,700** people but the gas station probably has that many people stop every week, people transient through. A strict interpretation of the zone you'd have to put a sign on the road that nobody that doesn't live in Montrose can stop and take – and go into any of these businesses. It's no enforceable but however, it is confusing because it's clearly what it states. But in fact, this use does cater to areas in Montrose and around and a significant -- the more I'm circulating around I saw a new client today. I discovered that at the end of the block he has a customer who takes advantage of his services. In terms of the statements that were made about alternate uses, there wasn't just one alternate use that was said but I've come to the conclusion on a study of any use that would go there that there's not one sustainable use that would be less traffic or less intrusion but I would agree, anything we do will produce traffic, it'll produce concerns about traffic and circulation and security. This is why I believe we're at the board to iron out and identify these areas and specifically design for them. In terms of a coffee shop that caters to the high school, I don't know that high school. I know that there are prohibitions from the middle school and elementary that the students can't even leave during the day and lunch. I'm not sure if that applies to the high school but I'm not sure that we could start a business that's based on lunch at a high school students who traditionally wouldn't spend a lot of money. Other uses included are a repair shop or a beauty shop, a service shop, any business that attracts people will require a parking lot and the parking will be somewhat similar to what we've reduced our original requirement to. The whole design is a balance between the parking, the building, the septic, the circulation, the code, the highway. As it all gets juggled you're going to end up with a parking lot whatever business goes there and in fact, the code on another section for CC indicates that an auto parking facility by itself is permitted. Somebody could put a parking lot there I believe for rent. I'm not sure who would do it or who would be going to it but even if they didn't have enough parking across the street at the health club people could spill over and pay to park there. As far as the availability of the public our design started out different, more cars. We've met with the town. We've listened to other letters that went to the town and we've arrived at a smaller design and I believe we were putting up a fence and trees to keep people happy. However, it is our intention to be catering to the town and we're going to put a gate. It's just not on this plan but we'll put a big gate inviting people off the street. However, most people call for a cab. They don't walk to a cab standing. They call and we pick them up. In any event, there's nothing that prevents us from catering to Montrose. And in fact, a

large part of our business goes to – I say “our” but Kevin’s Act Now business goes to the VA Hospital. I’m learning more about it. It’s a wonderful thing that if you qualify for this, they’ll take you to – my wife just recently had an operation on her legs in New Jersey and they picked her up, brought her to the hospital, had the operation. She had anesthesia. She couldn’t drive and they took her home. Nobody asked me. I certainly would have taken her but she qualified for it and it allowed this to happen. Other things that I think Kevin should address, but there were concerns almost to the extent of accusations or suspicions that the hours wouldn’t be what we are saying they are. That the amount of cars wouldn’t be what they say they are. And what do we do if there was a loss of his contract? Now what happens to this site which is certainly a big concern of his and it should be a concern. I know the board has concerned itself with the viability of projects before. Certainly we want everybody to be successfully, but one of them is the character of the drivers. Kevin just showed me the application forms that look like you’re applying for a job with the CIA with what they ask you for: fingerprints. And I’d like to have Kevin explain a little bit about how the drivers are vetted because that’s a big concern. But one other thing that I didn’t mention before he says this, the storm water is a very big concern. We know there’s a high ground water table there. We know that there has been flooding in the area. I’ve been on other projects there and made very much aware of this. We are struggling with what criteria to use. I initially used the criteria of the maximum six inches of rain on the parking lot that would have caused an extraordinary amount of disturbance to all the available areas in order to put the detention and retention systems in. We’ve then rolled it back to about two or three inches and I believe the standard is about three and our design ultimately has to satisfy the town. We have to be separated from the ground water and we have to demonstrate that we can contain water. We cannot rely on a state sewer. The state’s drain doesn’t take the water as it is and then one of these **100** or **500** year rainfalls everybody’s on their own. So that is a concern and it’s an applicable or very important concern that one person brought up and we’re working on it. That was one of the more serious ones. In any event, Kevin if you don’t mind?

Mr. Kevin Toohey stated thank you John. Good evening Madame Chairman, members of the board, Chris, Michael. One of the largest concerns that I got out of the last meeting was an application process, the viability of my drivers as far as the wellbeing of the public. And I just wanted to bring attention to the two applications in which each and every one of my drivers have to apply for and of course pass, preliminary as well as annual. Every year thereafter they have to reapply and of course meet the standards, one in which is a Westchester County TLC, Taxi and Limousine Commission. This one here consists of a background check. They need three non-family members to vouch for them as far as references. They have to pass a drug test. There’s checks as far as a criminal background check as well and of course they all must be finger printed. That’s Westchester County. That’s only one of the two licenses that my drivers have to have in their possession. A second one is through the City of Peekskill in which the Hack license for a driver is necessary to drive a Peekskill taxi. That requires very similar requirements as the Westchester County. That has three character references, non-family. It has a drug test and even if you took the one drug test, you still have to take the second. It requires a criminal and background check. It requires a sworn affidavit on behalf of the driver

stating that he has not violated any violent crimes and then of course where to go for the fingerprints. All in which, each and every one of my drivers have to go through each and every year. I want to leave these here for any members that are coming up speaking against me. They're more than welcome to browse through them. I would also like to leave them with the board so you can see them as well. but I'd also like to say that I highly doubt any one of the businesses within a one mile radius of where I'm proposing to put my business, I highly doubt any one of those businesses go through this rigorous process when they put a person whether it be behind a counter at the Montrose Deli, whether it be working down at the Premier Fitness. So I kind of take offense and quite frankly, after speaking to my drivers, they take offense to the fact that members of the community won't feel safe because they're there and yet they have no problem with other businesses not doing the same type of background checks and drug testing. So I just wanted to drive that point home. It's absolutely, absolutely imperative that these drivers have these licenses. I challenge any one of the people here to come to my office. I have a red book, it's a folder about this big with each and every one of my drivers up-to-date licenses, photos, in the book. If you'd like to come to my office, I'd be more than glad to show it to you because I have a zero tolerance for my drivers not having the appropriate licenses, and I have zero tolerances for them not to keep it up-to-date. Once again, I appreciate the time letting me drive that one point home. I'm going to leave these two here. Anybody who wants to take a look at them, feel free and at the end of the night if someone wants to take them home, they're more than welcome. Thank you for your time.

Ms. Loretta Taylor stated this is a public hearing. If you...

Mr. John Lentini stated I have nothing to say at the moment. If you want to invite the public or have any questions.

Ms. Loretta Taylor stated this is a public hearing. Anybody who wants to make a comment can come up. state your name and your place of residence and make your comment.

Mr. Joe Picchianti introduced himself and stated 2139 Albany Post Road, Montrose, obviously. I live right across the street. I see this property every day. I see what a great job he did cleaning it up. Back in the history of it, years ago, it was **40** to **50** piles of concrete, pavement, junk, garbage, trees going on top. He came in and spent a lot of money cleaning this place up. I'm amazed how good he cleaned it up and I walk around my house and I'm like: wow, what a great job he did! Now you have the property next door which is totally opposite. Guy doesn't pay tax, doesn't pay rent, knocked the house down, no tax revenue, right? Junkyard, scrap metal, **540** yards of rock, put everything on the property. Never did anything. So, my question to you guys, you've got to think about it. Would you want a tenant in the town, community member for paying taxes or a guy not paying taxes and keeping it to a junkyard? You understand what I'm saying? So, that's all I got to say. He did a great job. Cleaned it up. So I want to say to you, what do you want? A guy that pays taxes, has an established business or a guy that's going to turn the place into a junkyard and pay no taxes? That's all I've got to say. Thank you.

Ms. Loretta Taylor stated thank you.

Mr. Gus Getsos stated good evening Madame Chairman, board members and to all. My name is Gus Getsos, I live at Travis Avenue, Montrose. Since moving to Montrose, I've never been so invigorated by such a cute dainty hamlet. The hamlet is not just beautiful but has a prestige to it. A big part of that prestige comes from the fact that there is a volunteer ambulance corps, a volunteer fire department and a Veterans hospital, all of which serve and cater to the elderly, the disabled and most of all our Veterans. Act Now Limo does the same serving the public. I have worked at Act Now for about three years. I heard a lot of the opposition. I just want to state a few facts. Kevin Toohey was issued a permit by Cortlandt Town to take the trees down. All of the Act Now drivers go through a thorough background check and drug screening to acquire a TLC license. All of Act Now cars are bought as the most efficient vehicles with the lowest emissions. The cars are always kept pristine. I have heard the public attack his character and it is obvious to me that they just don't know the man. He is an absolute gem and if he's given the opportunity to do what is proposed I would guarantee that the community is going to grow to respect his conviction for his business and his family. I beg the opposition to reconsider once again. Act Now caters to the elderly. This could be somebody's mother, father, or sibling. We cater to the disabled. That could be somebody's child that may need our services, and of course our Veterans. Wow, the freedoms we enjoy are because of our Veterans. Now I can't understand how this can draw this much opposition. How truly inviting is Montrose if it draws this much opposition to a company that takes care of the elderly, the disabled and our Veterans? Thank you.

Ms. Loretta Taylor stated thank you. Anyone else?

Mr. Adam McNeil stated good evening. My name is Adam McNeil. I live at 5 Tommy Thurber Lane in Montrose New York. Madame Chairman, at last month's meeting we heard from Mr. Toohey that his business serves the local community. That is not true. Mr. Toohey's business is contracted to New York State and Westchester County for medical transport. It is Westchester County and New York State that provide the services to our community, not Mr. Toohey. Mr. Toohey provides his service to the state and county. He goes where they tell him to go. This service is paid for by the taxpayers of our state and our county. As a matter-of-fact, it is the local businesses in our CC district that contribute their sales tax revenue to the state and county that help fund the programs that Mr. Toohey benefits from. It is our property tax revenue that pays this service that Mr. Toohey benefits from. Let me be clear in saying that we believe this business does not fit into a Community Commercial zone, not by definition and not by intent. After last month's meeting I emailed Mr. Preziosi so he could clarify his statement that they determine that indeed does. I asked the board to please discuss this with him because I believe there are some serious flaws in his judgment. First, Mr. Preziosi claims that Mr. Toohey's business meets the code by being a taxi cab operation. It does not. According to Miriam Webster's dictionary the definition of a taxi cab is an automobile that carries passengers for a fare usually determined by the distance traveled. This is not how Mr. Toohey has described his business to this board. By the many statements by both Mr. Toohey and his architect, this business is a contracted medical transport car service. He

has tried to spin that this business does provide taxi service but in his statements before this board, **95%** of his business is to provide medical transport not taxicab services. Mr. Toohey also stated at the last meeting that the taxicabs he does own will be remaining in Peekskill and will not be brought to the property. If that is the case, then what vehicles will be on this property? Believe what you will but as I had pointed out as well as many of the others in the community, we watched Mr. Toohey defy orders from Code Enforcement, violate local building codes and even receive a stop work order for his illegal activities. His lack of integrity should carry weight in your decision. Is he telling us the truth now or is he just saying what he needs to say to get approval? I think you are all smart enough to see what's going on here. In his response to me, Mr. Preziosi also claimed this project meets the zoning for Community Commercial under automobile parking facility. Madame Chairman I would like to see where Mr. Preziosi got his definitions from. I asked him, but he did not provide that information. An automobile parking facility, according to lawInsider.com is a parking area or structure having space for more than two vehicles at which motor vehicles are permitted to park in return for an hourly, daily, or periodic fee whether publicly or privately owned. Under Mr. Preziosi's extremely loose interpretation, I would imagine you can make any business fit into that category. We believe that those that drafted our laws would not want a commercial parking lot for **20** plus medical transport vehicles placed in Montrose. According to the Westchester Municipal Planning Federation **2017** Land Use Law institutes report on zoning code interpretations dated May **17, 2017** an appeal to the Zoning Board of Appeals can be made by anyone aggrieved for interpretations and determinations which have been made by officials in charge, in this case Mr. Preziosi. So Madame Chairman, we ask that the Planning Board please consider referring this case to the Zoning Board of Appeals to first review the determination by Mr. Preziosi that a medical transport company does fit in a CC zone. Once that determination has been decided by the ZBA, if needed, the Planning Board could decide on how to move forward. Thank you for your dedication.

Ms. Loretta Taylor stated thank you. Is there anyone else? Listen, if other people are planning to speak, feel free to just come and line up behind that person. I won't have to...

Ms. Susan Pandolfino introduced herself and stated I live at **59** College Hill Road which is right off of Montrose Station Road which that light would be pretty much slightly to the side facing the business that's being proposed there. I have some questions and I know in the building that he had put up last month there were parking spaces underneath the building. What would those parking garage spaces hold? I'm wondering if it would be limos. I'm wondering if somebody's starting a business there and they have cabs and they have medical transport, and you don't start a business without not wanting to grow a business, how he's planning on growing his business. Because there is that lot there and it does seem like when you look through the property where the trees have been cut out and you can see tire marks too that they have been using that area there to access a property as well as the area off of Travis. I was wondering with the two empty lots on either side of that lot that he's cleaned up what his ideas for that would be and how the town would monitor that in the future. I was also wondering since he had mentioned that Montrose was his town as well, where he lived in Montrose and the proximity of where he lived in

Montrose would be to his business and how that would impact where he lives. I have nothing against his business. I really still believe the location is not the location that would benefit the residents of the town. That was an area that many of us had hoped would be developed as a center of town and as a community to bring either people together, to bring small businesses or – when I first saw the Planning Board sign there, the big orange notice, I thought they were building a house there because I couldn't see how they would be building a business there or a few houses. We already have places where he can possibly work out of and use parking lots that are not being utilized on some of those shops that were built along that corridor that have been vacant for quite a while. There's a lot of parking space behind there. There's already an entrance and exit and he could put an office in any one of those shops that might work out for him. There's also property behind the train station that seems like it would be a great place to do what he's proposing to do and that's for sale. And then a little further down in the other direction there's a couple of lots that possibly could, I don't know if they're big enough, but possibly be an alternative location. I was wondering if we got the traffic report yet that they were going to do and that the bus stops – the bus stop is right on that corner. I followed the bus today just by chance. It stops right on that corner. I guess that's really, I don't want to go on and on. We said a lot last week, or last month but I'm unclear as to what the business is actually going to be because sometimes, maybe it's semantics, but sometimes I hear it called a cab company, sometimes I hear it called medical transport, sometimes I hear – I heard limo last month. So I'm not sure what the thinking is behind that and I'm also unclear about the hours because, and the hours of business. I was hearing discrepancies when he was saying what his one business was open until **10** but this would be open until **9** but you could call the business at **10** and no one would be answering because it would be closed. I was unsure where his business in Peekskill is located just out of curiosity. That's my comments and concerns.

Ms. Jacqueline Johnson stated hello, my name is Jacqueline Johnson of **34** College Hill Road. I wasn't able to be at the meeting last time but I have been keeping up on what's going on. I appreciate that he has been clearing out the lot and making it nicer, however, I echo the comments from Susan regarding what are the hours of a business like this? If someone has a doctor's appointment that they need to go to early in the morning, does that mean that **20** cars are going to be going in-and-out of this parking lot at a busy rush hour time when people are going to the train station, when students are standing on the corner ready to grab the bus in the morning? I also question, again, if it will be expanding. There's other lots across the street there that are open that he could expand his business to. Finally, in regards to zoning, I would like to ask: is this really a business that's going to be benefiting Montrose overall and the community there? Is this something that's going to want to encourage people to continue moving to this town? I moved here a year and a half ago and aside from the fact that I moved to a lovely street, there's really nothing about Main Street Montrose that is particularly inviting for someone to come and spend time downtown. So I think if we have the opportunity to create businesses in open lots that are there then let's be building businesses that are going to encourage people to want to come and spend time in Montrose. Thank you.

Ms. Holly Ferris introduced herself and said I live on Kings Ferry Road in Montrose. I agree, Montrose is a gem. It is a very nice hamlet. The area that they want to build in, as we've all been saying, is very congested. It's very stressed traffic area with all the intersections and all the businesses that are already there. What I would like the Town of Cortlandt's board here to consider is to make it a green space. I agree, you can't really have any business there that wouldn't impact the area so the obvious choice is making it a green space. What is the Town of Cortlandt's plan with improving and creating more green space throughout the area instead of just constantly, as I see all these plans going through, building and developing? That's a little teeny area. It would really be nice just to be green space. I would like the application to be denied and I don't think it should be going forward. Thank you.

Mr. Kirk Muldoff stated Madame Chairman, board members, Kirk Muldoff Kings Ferry Road. I'd also like to know, when we look at these applications we talked about not having a larger site plan. I saw that was a little improved. You can see where it fits in in the town but for the hamlet but not the effects. If you drop a stone in the water you see a ripple from it and actually the biggest ripple right now is what's happened with Hendrick Hudson High School and Frank G. Lindsay with the **15** mile an hour change on Trolley Road and on Albany Post Road. People avoid those two roads. If you haven't done a traffic study yet, it should expand way beyond this because you have two bus companies on either end of the hamlet. You have a ton of traffic from the Montrose Deli and between the lights and the congestion there, and people using shortcuts, going up Travis and other side roads to avoid those two intersections [indiscernible] it's dangerous. It's dangerous to walk there. We don't have a lot of sidewalks on the side roads or Kings Ferry and this adds traffic and trips to it. Last time it wasn't pointed out, but that each of those drivers he goes there, he takes his car out, he comes back and he leaves again. That's four trips a day. I don't know if that's been added into a study or if a study's been done. But we had a kid in front of my house that was hit heading to the school bus. Luckily he's okay. We had another fatality on Kings Ferry Road last year. It's not a safe area but it's on its way back. It's looking really good. We just got approved for the business district to be hooked up to the sewer district which should help things. It's our little center of town. It's not really – do we really want to see that and the businesses thriving and the people walking around or do you want right in the center of the town to be kind of a storage yard for cabs, limos, whatever they are? I have a hard time believing work's not going to be done. They're cars. They're going to break down. They're going to change the oil. Is that what that building is going to become? Right next to it, every weekend, Christmas Day, New Year's Day, every Sunday, every time after the building department is off you'll find the person behind him joining him. He may have cleaned up this property but that's being prepped for another looks like parking lot, we don't know. There's no permits built. There's nothing been approved. Houses get torn down and right next to it is a continuation of that lot. I don't exactly get, you could say, well take that up with the building department or the Code Enforcement. They're not around. I could prepare a lot and then go: hey look, it looks just like a parking lot. That's what ought to be here. I would say, couldn't we please look toward the future of Montrose? If it's moving in a positive direction, there's a lot of land in the Town of Cortlandt. This is an enormous town and cannot believe that the center of Montrose is the best place for what

is a decent business, it does a good service. I cannot imagine that he wouldn't interview all of his drivers. Nobody wants their vehicles being driven around by somebody who is irresponsible. That has nothing to do with any of this. It's really what we want for the future of the area, the best thing for the safety of our kids waiting right at that corner for school buses in the morning. Do we want to see coming into something green or something more inviting or do we want to go into see like Brookfield, another long fence going in to hide cabs or whatever's going on behind it? I think what's gone on with those two properties in the past couple of years as they developed kind of with permission or not in anticipation that you're going to approve this. I don't know that that's the right way. If I want to add two feet onto a deck, I get put through the wringer but something like this, it's another story. I would recommend that it be denied and take Ms. Puglisi's advice and try to find a more apt location for it. Thank you for your time.

Ms. Janelle McNeil stated good evening. My name is Janelle McNeil, 5 Tommy Thurber Lane in Montrose. At the last meeting I just wanted to go over some points of some observations that I had thoughts on. At the last meeting, Mr. Lentini had stated that this business is a livery cab service for medical providing, unlike a taxicab, checkered cab or hail cab. So my point is, the application was approved based on a CC zoning for a taxicab operation yet by their own admission, the architect says this is not a taxicab service. Community members cannot walk up to this business and hail a taxicab. Another quote from Mr. Lentini, he's going to consolidate all of his other places he has been renting. My point to this statement, we know the applicant has stated he has a business on Washington Street but at the last meeting it was also brought to the public's attention that his wife has another business with a number of cars and it was also stated at a previous meeting that the applicant also owns an electrical business. How many more vehicles are registered for that business? The revised plan has been downsized from **30** vehicles to **20** vehicles yet at each meeting we keep learning that the applicant has more and more vehicles, way more than the originally **30** that were planned. Is this Planning Board getting an accurate number of vehicles for this space and the true proposed purpose for this lot? A post on line from a neighbor to his current office at Washington Street in Peekskill has said, exclamation point: "they are the worst. Their taxis take up all the street parking causing congestion on our tiny little street and they have a bad reputation for bad driving. In addition, the one time this person called Act Now taxi for an actual cab, they didn't show up." Refer to point number one. This company is not a taxicab operation. It is a commercial automobile fleet of medical transportation vehicles that do not service local customers. The next quote from Mr. Lentini at the last meeting: "Minimum to no signage. We really don't require signage." That's kind of an oxymoron isn't it for a Community in a Commercial business? In the town code, a CC business is designed to provide shopping facilities and services for persons residing in the immediately adjacent areas. If this is supposed to be a business to service persons residing in the immediate area, why is it a gated fortress with no signage and no access to the public? How can you possibly designate this as a Community Commercial business? Refer to point number one. This is not a taxicab operation. This is a contracted commercial fleet of vehicles who gets their manifests at least a week in advance. Next quote from Mr. Lentini: "People, their employees, coming in and out of this site will become very familiar with this site. It's not like you have people coming in off the street



like a coffee shop or a restaurant, or a store. These people will be doing this regularly, will be commuting back-and-forth. There is not expected to be, at least I don't know, a lot of other traffic." My point, the applicant admits that only employees will be users of this Community Commercial property. No people will be coming off the street, like a coffee shop, restaurant, or a store which is as a Community Commercial business should be. Clearly defined in the town code, a CC zone is designed to provide shopping facilities and services for persons residing in immediately adjacent areas not this proposed business. In the town code also, the sizes of businesses are restricted in order to limit traffic volumes to a level appropriate to the character of the districts. A **30** plus commercial fleet of vehicles that doesn't serve any residents is not appropriate at the same exact location as the bus stops during the height of traffic. Quote from Mr. Toohey at the last meeting: "I just want to read **15** different streets within Verplanck and Montrose vicinity, Buchanan as well and I'm sure some of you may even live on these streets. Some of you may even know people which I'm talking about but due to HIPAA laws I can't give the exact number of the streets in which I pick up residents and I cannot give their names. For instance: Meadow Road, Tate Avenue, et cetera, et cetera." The applicant states that these are his local customers, however this is a false statement. This applicant is a contracted vendor with Westchester County Paratransit and the State of New York Department of Health Medicaid. He is paid by these two entities. The local people he listed, they don't pay him. His customers are the county and the state. Where ever the county and the state tell him to go pick up customers is where he goes, including as far away as Binghamton and Niagara Falls as stated at other meetings. In our town code there's a provision called Highway Commercial Districts. HC districts are designed to accommodate automobile oriented commercial facilities serving a wide area. We shouldn't be confused that these pickups listed by Mr. Toohey's statement are his local customers. This business doesn't serve the immediate area. This medical transportation company fits the description exactly of an HC business: an automobile-oriented commercial facility that serves a wide area. I don't think it gets any clearer than that. A quote from one of the board members to Mr. Toohey last month: "How much percentage is the medical transport, **70%** of your business?" The applicant answers: "No **95%** of my business." Refer to point number one. This is not a taxicab operation. The MBA has a meeting with Supervisor Puglisi for the past six years to come up with a revitalization plan for the Montrose area. For the longest time our hamlet was a disgrace with a dilapidated gas station to the south of this property and a half standing house to the north of the property. Here is Montrose's opportunity to come up with a comprehensive long term plan as to these three empty lots and truly plan as to what will benefit the residents. As stated in the last meeting, the vision for this area is a small hamlet with little shops and services that local residents can frequent and walk to and enhance the appeal of the hamlet. We finally had the first phase of the sidewalks put in. The kids are walking after school to practices at Frank G., the deli, the pizza places, the dance studio and Premier. We were saddened that **9A** didn't get paved this summer / fall but our fingers are crossed it's going to happen this spring. The MBA has worked really hard to decorate, beautify our area and hold local events. There's a board resolution to soon add decorative street lamps like every other town surrounding us. The center of Montrose is finally on the right path. This proposed application is not the right fit for the center of our town. The proposed application is not the right fit for the character of our district. What's the

character of our district? Very simple: the dance studio, Cole's Market, Avellino's, Montrose Deli, Fulgum's, Bacci the new hair studio, American Cycle and Tire, Premier, the gas station; all of these businesses that local residents use on a daily basis by walking into their storefronts. The community benefits from these businesses every day by being in our community. You say it's been determined that this application is a permitted right-of-use based on the wording taxicab operation and parking lot, however, that determination needs to be questioned. A CC business attracts residents it doesn't isolate themselves with a six-foot fence. Why should the residents bear the burden for this business when they do not get any benefit from it? The residents will not get a local business to enjoy but we will sure get all the downfalls. We have gotten downfall after downfall along the Route **9A** corridor for years. The residents of the town are begging the board to make the right decision and help us move our town forward. Keep our vision and our hope alive for a true revitalization. Businesses come and go but the residents we're here for the long haul. Please listen to our needs. Please make sure that this decision is the best fit for this location for years to come. With Indian Point closing, we need to have a long term plan that will entice our current residents to stay here and hopefully as new potential residents that drive through the town say: "Oh this is really a cute town. I would love to live here."

Mr. Mattia Marrico stated hi my name is Mattia Marrico. I live at **2135** Albany Post Road right across from Travis Lane. I went through four years of hell with the gas station being dug up. I couldn't even walk out of my house because of the smell. Okay? The American Cycle are down the street. They're very nice people. They work hard. They start at **7** am and at the time I was working nights. But, it's a business that was there and you get used to it. The train tracks are behind us. Across the street the gas station is gone now but that used to be very noisy. A business where the drivers are not going to sit there and hang out, cars are going to leave. Yes, the road is congested. The town is getting a little bigger. The roads are going to be congested. I love the **15** mile an hour speed limit because people drive too fast. **35** is the speed limit on the rest of the street. I think it should be lowered to either **25** or **30**. I walk out and I stand there and I watch people passing school buses and flying. It's not safe but it's not going to get any safer. That's when there's no traffic. When there's people driving and they're all driving **20** miles an hour because they've got to get to the train, or you've got to get to the gym, or they're going to the mall. That's when it's controlled. I love that the troopers are out there now. Sometimes, I admit, sometimes I have to wait **5, 10, 15** minutes to get out of my driveway because I'm right on Albany Post Road. The street light holds up traffic. People are not as considerate as they used to be. They block the driveway even though I'm making a left, I can't get out. I can't see the cars coming the other way. As far as where his – they're professional drivers. I think they're going to be courteous to the area. I think. I would like to see some development in the area. I've been here **23** years. I've seen nothing built; nothing at all. Got rid of the asphalt plant which was – I didn't realize it when I bought the house, how inconvenient that was, the asphalt plant, how many trucks went on the road. Twenty-two years ago I got the Highway Department for the drain across the street. They put the drain on Travis. It's too high on the street, and then despite me they put a drain in my driveway, big storm drain. I didn't mind it because it got rid of the water but over the years, that trench – now I worked for ConEd for **32** years. Every time I dug a hole in that

street it had to be cemented and properly paved. The Highway Department came in, whatever they took out of the hole they threw back in the hole. They threw blacktop on top of it. The first two years they came and filled the trench with blacktop. The pipe's crushing underneath there. That's why the water's not going through. It just started a couple of weeks ago. It started backing up. We're going to have the same issue we had **20** years ago where they're going to start sending the salt truck every night to salt it. I would like to see something – I would like to see... I was happy when they started putting buildings in by the VA. I like growth. Growth keeps the town alive and I don't think we've had any. And I think one house and **20** parking spots, or **30** parking spots; I don't think that's going to kill us. I think it's going to help us in the long run. As far as development of the town, the square of the town, I don't count Montrose Deli and the pizza shop. That's not the town. I don't count any of those things as the town, Fulgum's, American Cycle. Our town is the people in the town. Another green area. We have so many green areas by the river. It's so beautiful down there. I love it. I just wanted to say my point because I wasn't going to say anything. I just came tonight to see what was going on. But, if people from Tommy Thurber and from the other street up on top where they wouldn't let my friend build a house, are going to say stuff. I'm right across the street from there. I'm going to be fine with it. If you lived next door to it, maybe you don't want to see any development but I want to see development. I wish they would put something where the gas station was because now it looks empty there but something nice. Thank you.

Mr. John Lentini stated one of the speakers had made some specious conclusions of things that were said by Kevin and myself and apparently was reading from the minutes of the last meeting. Now I've been to the town four times already, the latest being today and I was told by Chris that the minutes wouldn't be, not necessarily available, I didn't force him. I didn't hold a gun to his head but he couldn't put them out until this board approved the minutes. I was just wondering if the board has approved the minutes of the last meeting and if this young woman was reading from those minutes?

Ms. Loretta Taylor stated we did approve the minutes.

Mr. John Lentini asked you did, so how would she get the minutes before you approved it?

Mr. Steven Kessler stated you can also see it on the video before the minutes come out.

Mr. John Lentini responded so you're suggesting she just...

Mr. Steven Kessler stated I'm not suggesting anything. I'm just saying, the minutes is not the only source of what happens at this meeting. There's a video that comes on line shortly after the meeting. I don't know the exact time.

Mr. Chris Kehoe stated John, I haven't provided the minutes to anybody. I wouldn't tell you no...

Mr. John Lentini stated no I know you didn't. I told – I just don't think everything was said that we said was a kind of specious conclusion.

Mr. Steven Kessler stated but the whole thing is the minutes is not the only source. There is a video of the meeting that's on the town website. When I miss a meeting I watch it. I don't read the minutes. I watch the meeting.

Mr. John Lentini stated I do too but I hate hearing myself speak.

Mr. Steven Kessler stated I hate seeing myself.

Mr. Thomas Bianchi stated you can get a copy of the minutes now.

Mr. John Lentini stated yes I will and I just one other thing before the gentleman wants to speak. At a late hour this afternoon I sent a letter that I prepared December 10<sup>th</sup> about a cursory response to the December 3<sup>rd</sup> meeting and Chris just got it today and I also sent the site plan from Google's map showing a half – well it was actually a mile by a half of a mile area. I don't know if you can get it and you can put it on the screen but it shows all the businesses within a certain distance from the site, but I apologize I sent it so late.

Mr. Robert Foley stated John, a copy of the minutes are here if you want, my copies if you want to take a look at them later.

Mr. Mike Papadacos stated hi guys, I'm Mike Papadacos. I'm also on College Hill Road. I came just to watch today but something that came to mind is that when you're coming off of Montrose Station Road and making that left to head towards the train station is that there is a fair amount of congestion both in the morning and in the afternoon. And if you're coming down that road making that left on a green light, if cars are coming out from the parking lot directly onto Albany Post Road, you're sort of setting yourself up for disaster. I mean if cars come out onto Travis Lane and then exit, I think it's less of an issue but certainly if the cars are coming right out onto Albany Post Road and you're making a left off of Montrose Station because it's a T, it's a blind spot because you have the cars that are heading towards the dance studio blocking your sight line as you're making that left, if you can picture that. So if cars are coming out sort of making their way and somebody's coming at 15-20 miles an hour and making that left, there's a potential for things going bad. Just an observation. Thanks.

Mr. Dominic Pandolfino stated thank you everybody for hanging out. I know you're probably as hungry as I am so I will try to keep this as short as possible. But if you know me that doesn't always hold. I live at 59 College Hill Road and I have been in this area for close to 40 years. I have been taking Metro North for 40 years. There's my ticket by the way. I'm not one of the cool guys who puts it on their phone the way the young kids do. I put it on my phone that way but what I have noticed over the 40 years is that every town along my route, I can look up and know where I am just like that because I've been taking it for this 40 years. Every town has cleaned up. Every railroad station you pull into has become kind of a really nice little go-to place with one exception, our unimaginative

town. And I don't get it. I just don't understand why there isn't more imagination to make this a nicer little community. We're on the Hudson River. It's one of the most gorgeous areas in the country if not the world. I know. I grew up in Buffalo. You don't know how lucky you are to be living here. I have no problem with this gentleman wanting to build a little parking lot and do what he wants to do. I just think we need to be more imaginative and not put it right in the center of what could be our town. You're right. It isn't a nice little town right now. It doesn't have all the amenities a lot of the other towns have but it's certainly not going to be that way if we continue to go along that road. I think that Mrs. Puglisi talked about moving it to a different area. It makes so much sense. Like I said, I'm not here to argue about his business plan or whether he's a taxi service or not. I mean that's probably all valid and viable to argue about. I'm talking about; can't we do something a little bit more imaginative for our town? If you guys don't live where we live in that part of town maybe you should spend a little time over there and maybe you would want to do it for us and help us out to do the right thing. Thank you.

Ms. Holly Ferris stated Holly Ferris, Kings Ferry Road. So my question is, because it's been asked several times and I emailed you guys after the last session about the traffic study. Has there been a traffic study is my question?

Mr. Michael Preziosi responded a traffic study has not been completed to date. It is going to be required as part of this application. The town has engaged our traffic consultant. The applicant is going to be forwarded over the proposal and then they will be responsible for preparing the traffic study in accordance with an approved upon scope.

Ms. Holly Ferris asked what area is being traffic study...

Mr. Michael Preziosi responded the scope has not been established yet. It's going to be a coordinated effort amongst town's traffic consultant and the applicant's traffic consultant to identify the region that needs to be studied.

Ms. Holly Ferris stated well I would just like to say, as I said in my email to you, I think the study should include the from the VA to the Buchanan Hardware and all the tributary roads that are in between because that's the high congestion area. So I'd like to put that on the record and then how long does a traffic study take once you commission it?

Mr. Michael Preziosi responded it depends upon how long the consultant takes to complete the report.

Ms. Holly Ferris asked like an average. A month?

Mr. Michael Preziosi responded it could be three to four weeks give or take. On the good side it could take two months and on the long side.

Ms. Holly Ferris asked and do they go there several times a week, at certain times? How much do they – what is their time period – what does a traffic study include time wise, when they go?

Mr. Michael Preziosi responded a traffic study can be simple as just estimating trip generation to evaluating level of service analyses for a variety of different intersections based upon whether or not it's a traffic light or a stop controlled intersection. That has all to be worked out in the scope.

Ms. Holly Ferris asked but do they go during the peak hour time or low time?

Mr. Michael Preziosi responded during the identified peak hour of the proposed use during school hours, traffic will be collected during school season. So, yes during worst case scenario.

Ms. Holly Ferris stated okay, thank you.

Mr. Robert Foley stated and also, as Mike said, it would be done during the school – when school buses are on the road.

Mr. Kevin Toohey stated good evening again. Once again I just want to let everybody know here, I can appreciate all of the sentiments that are coming forward. As a local member of this Town of Cortlandt for **22** years myself, whether it be Montrose, Cortlandt Manor, it's still Cortlandt. I honestly, I hear everything you're saying. All I can do is come before you right now and ask that you hear everything I'm saying. I just don't think you are. I feel that a lot of the things you hear me say are some way, somehow twisted and I'll just start with the very simple word "taxi car service." I'm befuddled. I stand here and I just don't understand the chaos and the turmoil that some people come to this podium and try to claim that my business is not a taxi, is not a car service. I tried to explain it at the last meeting and I'll attempt to do it again. A car service is typically used, as far as the terminology when I say it anyway, when I'm not referring to a taxi plated or taxi medallion vehicle. For instance, those two applications that I provided here, a WCTL plate which if you ever see a car on the road, a black car typically, it would have a W as the first letter and a C as the last letter of the plate standing for Westchester County. Those are car-for-hire vehicles as per the terminology from the county, not myself. And as part of the scope that I have to submit to Westchester County when I apply for both my base permit as well as vehicle permits, part of the application process is a sheet in which I have to give to them that shows pricing whether it be Montrose to LaGuardia Airport. I'm sure many members and Montrose friends, maybe yourselves have used a car service to travel to an airport. I provide that service. Monies do change hands, sometimes cash, sometimes electronically but monies do change hands. The terminology taxi may not be what you're hearing but in that case it's very specific to what a taxi does. In reference to the terminology, the word limousine, I heard one of the people that came to the podium say they hear the word limousine. Well you have heard the word limousine multiple times because it's part of my name, however, I have zero limousines. The stipulations as far as CC zoning are very clear. I probably understand them better than you think I do which is why I spent the money that I did both purchasing the property as well as investing in some cleanup. The ultimate goal here, as far as I'm concerned, is to work with the Planning Board, and obviously Michael and Chris as well

as the community because I'm very focused on working together not just out for myself. I don't get that feeling from Montrose, that inviting feeling which one of the guys that spoke on my behalf says he feels when he came to this town originally. Listen, it would be nice if I felt a little bit more inviting. I personally don't think I would be opposed to business, a business that I feel suits a zoning the way I see it my company suits this zoning but once again, I respect everybody's opinion so I just want that on the record. I appreciate you coming out here and once again I respect that. I did want to just touch on the meeting with Linda Puglisi quickly. Someone mentioned that, and I know Chris stated a generic version or a watered down version of what was discussed in our private meeting but I was not under the impression that she was asking me to relocate. So I just want that on the record. She was not asking me to relocate. What she was asking me was, as a fellow member of Cortlandt, a resident of Cortlandt, is there a willingness to relocate if there was a viable location, if there was an affordable location. Of course there's a willingness because right from the beginning I'm very flexible. I'm very willing to work with the community to ultimately get what you want and get what I want as well. Whether it be a watered down version or not, either would work for me. I also heard somebody stating that my business is not primarily within Cortlandt or local municipalities or whatever you want to call it. You're right. I fall back on what I said before. I had somebody call me from Meadow, Meadow road right there in Montrose asking me, can you take me to an airport? Of course. You're going on vacation, that's a service I provide for a local community. I take people to an airport. Money transpired so it was a taxi trip. I just can't say it enough that I am servicing the community. Going back to the last meeting, I heard someone mention, oh well he does trips as far as Albany, and Buffalo, and wherever, [indiscernible] whatever. You're right, I do because some people within the Town of Cortlandt require special treatment and whether their payments are paid by the State of New York which would be Medicaid or whether they pay me by credit card because their family didn't qualify for Medicaid and they need me to take them up there, yes I took them from the Town of Cortlandt and to Albany to a medical appointment. That's a good thing isn't it? Isn't that a service that you would want? I'm just, once again, befuddled how when people stand here and try to describe my business people that have absolutely no idea which my business entails, it just – it's crazy. Anyway, not to beat that dead horse but in closing, the last thing I'd like to just touch on real quick are my hours of operation which seem to keep flaring up. I, myself, I'm up 4 o'clock every morning. I'm typically in the office by 5 a.m. My first dispatcher comes rolling in 5ish, 5:30 getting calls ready for the day. We have a proposal for 20 vehicles on this site. Do I have more vehicles? It's no secret. I do. The initial proposal was for 34 vehicles leaving me a little bit of room for growth, but, once again, showing my flexibility I decided to keep a different location and a presence in a different location and downsize this location and have multiple locations. I didn't think that that would defeat my application. I don't think it should. McDonald's has multiple locations right? There's not just one. So anyway the hours of operation, getting back to that, I'm sorry I went off on a tangent. Five a.m. typically is the earliest you'll see a vehicle pulling in. From 5 a.m. to roughly 8 a. m. all 20 drivers will roll in in a staggered type situation, roughly three or four every half hour to an hour. So between the hours 6:00 and 8:00, all 20 drivers, all 20 vehicles would have rolled in, they would have parked those vehicles and they would have left by around 8:00 – 8:30 at the latest, my parking lot, not to be seen again, not to

be roaming around, not to be driving in and out of the parking lot, jeopardizing anybody's children. They will not be rolling back in again until roughly 3 – 4 o'clock in the afternoon when certain shifts end. Like I said, because the shifts are staggered, they'll start rolling in once again in a fashion of three or four vehicles in which they'll come in three or four at 3 o'clock, three or four at 4 o'clock, three or four at 5 – 6 up until 10 p.m. we're open. And obviously the later the hour goes on, the less the traffic would be. That's typically the hours. Now, I also, I use the terminology challenge. I use it a lot. It's not a term that I'm using to be combative, I just want you guys to know that. It's a term I use because I feel that if you're going to say something up here on the record, you really should have the facts at hand. So I'm going to use the word challenge one last time. If you think I'm going to be open past 10 o'clock, please call. Call my service. Anytime 10 after 10, quarter after 10 and you'll get nothing but a ring tone. If you do that, that'll be put to rest, I promise you. Once again, thank you very much. Have a good evening. The two cars in the garage, one of them – I'm 53 years-old. For my 50<sup>th</sup> birthday my wife purchased me my car of my dreams. I'd like to get room in my personal house in my garage and take it to my location because it's my car and I wouldn't mind looking at it every night, every day. It's a challenger SRT challenger and it's my personal vehicle that I want to keep there, in the garage. The other one would be for one of my high-end vehicles whether it be the Lexus that I use for car service, whether it be a minivan that we use for multiple passenger car service. At any rate, those two vehicles, one would be, like I said for my personal storage and the other garage underneath would be just for a high-end vehicle that I can garage. Okay? Thank you.

Ms. Loretta Taylor stated we need to move on. We're going to be adjourning the hearing.

Mr. John Lentini stated I'm finished. I have nothing else to say. I had requested to close the public hearing but it's not going to happen so.

Ms. Loretta Taylor stated it's not going to happen. We are going to be adjourning this hearing but we need to – we still have applications to deal with tonight.

Mr. John Lentini stated understood.

Ms. Loretta Taylor stated since we're adjourning, you can come back next time and make your comments at that point.

Ms. Holly Ferris asked Holly Ferris, Kings Ferry Road. With the traffic study, did I hear you right when you said you don't order it until after you've approved the application?

Mr. Steven Kessler responded no.

Mr. Michael Cunningham responded the scope of the traffic study has to be approved by our consultant. It happens during this process.

Ms. Holly Ferris stated during this process.



Mr. Thomas Bianchi stated and by the Planning Board.

Ms. Holly Ferris asked pardon me?

Mr. Steven Kessler responded you'll get to see the traffic study.

Mr. Robert Foley stated and by us.

Ms. Holly Ferris stated before it's approved.

Mr. Steven Kessler responded yes.

Mr. Robert Foley stated Madame Chairwoman I make a motion that we adjourn this hearing.

Seconded with all in favor saying "aye".

Mr. John Lentini stated thank you for your time.

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### **OLD BUSINESS**

**PB 2019-1 a. Application of Gas Land Petroleum, Inc. for Site Development Plan approval, Tree Removal and Wetland Permits and a Special Permit for a proposed gas station with a canopy and a 2,600 sq. ft. convenience store located on an approximately 1 acre parcel of property at 2051 & 2053 E. Main St. (Cortlandt Boulevard).**

Mr. David Steinmetz stated Madame Chair only because it's Ms. Myers's first meeting I'm going to be really brief and really try to make it efficient. You all must be kind of exhausted.

Ms. Loretta Taylor stated kind of.

Mr. Steven Kessler stated so finish.

Mr. David Steinmetz stated give me a chance Steve. We got the resolution...

Mr. Steven Kessler stated you had three hours out there for your chance.

Mr. David Steinmetz stated it's not easy, not easy. We read the resolution. I think you all know we didn't get the resolution until this evening. So we got the resolution this evening. I just want to raise a few points. I understand from the work session you're not voting on it tonight so there are a couple of things we want to raise we'd love the board

and staff to try to work on and clarify. I will try to move in order. I think I am fine, and my client is fine with conditions **1** through **7**. My first comment, number **8**, which is actually essentially the same comment that I have on number **9**, because this property is on a state highway, we have a number of issues that we have to deal with New York State DOT. It appears to us that we are being asked to both in number **8**: post a performance bond and in number **9**: post an inspection fee which would be redundant of what we're required to do by law with the state DOT. I'm asking staff to reconsider. I don't think you're asking us, I can't imagine you're asking us to double bond improvements and I can't imagine that you're asking us to pay twice for inspections of those improvements. This is an issue I wanted to raise. I'm happy Madame Chairman to deal with staff over the next **30** days so that we can rectify this. My client is concerned that they will be paying government twice to do the exact same thing. I'm happy to go to my next issue unless you want.

Ms. Loretta Taylor stated no, please.

Mr. David Steinmetz stated thank you. My next issue, and I think it's my final issue, and my team will remind me if I'm missing something, is number **20** regarding the lighting under the canopy. While we completely agree that the lighting under the canopy at this gas station should be appropriate and inoffensive we're not quite sure where the maximum of five foot candles comes from. I can tell you that at the Montrose gas station which was approved by the town, is operating, and has received plaques and commendations from the town and from the Business Association, there are three dispensers with **10** lights. Here there will be **6** dispensers with **12** lights. So the number of foot candles that my client and my team is telling me you're asking for at five foot candles, five foot candles would potentially make the site unsafe. You would not be able to actually see what's happening at the dispensers. It would be somewhat difficult to operate the credit card machine. Five is just not the industry standard. We believe that what you approved in Montrose is **19** foot candles. We're not asking for **19** foot candles. We don't need **19** foot candles but I'm asking you to reconsider and let us take a look. I'd like to come back to you. I've asked my team to get a light meter and to go to various gas stations here in the town and I think you're going to find that the gas stations up and down Route **6** are probably between **7** and **14** foot candles. So it just feels like there's an improper assessment here.

Mr. Steven Kessler asked what number is this?

Mr. Robert Foley stated you say condition **20**, there isn't any.

Mr. Steven Kessler stated I go up to **17**.

Mr. Chris Kehoe stated that's my mistake. After you got that in the packet, we had our planning staff meeting and talked about adding some additional conditions so I apologize. So you end at where **17**?

Mr. Thomas Bianchi responded **17**.

Mr. Chris Kehoe stated so number **18** we have: add a bike rack.

Mr. David Steinmetz stated no problem.

Mr. Chris Kehoe stated that's in response to the county. Based on a meeting we had revised the subject landscape plan to show a berm and incidental fencing to block the neighboring property.

Mr. David Steinmetz stated no problem.

Mr. Chris Kehoe stated number **20** is what he's talking about now with foot candles. We have no problem discussing that. There's another planner that I work with. We'll figure out an agreeable number. The main concern that we talked about at the work session is, what I didn't fully understand is that you show no light bleeding off of the site as per the photometric plan which is fine but these gas stations are light and bright and we want to make sure that it is not too light and bright.

Mr. David Steinmetz stated we agree with you Chris, I just don't want the gas station to be lit so that I wouldn't want my mother to go in there pumping gas.

Mr. Chris Kehoe stated so that's fine. We'll talk about that and then number **21** is signage: provide a preliminary sign plan. I guess at this point you may not even know who the proposed tenant is yet but we've been having issues with the Zoning Board with respect to how all the signs are defined.

Mr. David Steinmetz stated got it. So Madame Chair, I think, in summary, we'd like the opportunity over the next **30** days to work with staff on the two issues concerning bonding and inspection fees and this lighting issue. And we have no objection and we genuinely appreciate the time that the board has put into this and staff.

Mr. Michael Preziosi stated Dave, there's a typo in the – it should not say “**5%** for offsite fees” that was a typo.

Mr. David Steinmetz stated got it. That's exactly what we're raising as offsite.

Mr. Michael Preziosi stated it wasn't supposed to be there.

Mr. David Steinmetz stated just so we're all clear, Michael you're in number **9**?

Mr. Michael Preziosi responded yes, it should not say “off site.”

Mr. David Steinmetz stated so number **9** we can strike the word off site.

Mr. Michael Preziosi stated DOT will require you to bond offsite improvements with an inspector.

Mr. David Steinmetz stated so then the only other question would be on number **8**. It's kind of the same concept. I'd ask we look at that.

Mr. Michael Preziosi stated we'll talk it over staff. I'll get back to you.

Mr. David Steinmetz stated sorry it was a late night. I'm not taking the brunt of it though.

Mr. Chris Kehoe stated I don't want to drag this on too long but some people had some concerns and questions at the work sessions.

Mr. David Steinmetz stated we're here to answer all the questions.

Mr. Chris Kehoe stated about number of pump islands. You don't have to finalize it here but...

Mr. David Steinmetz stated we're happy to speak to the number of pump islands.

Mr. Thomas Bianchi stated I wasn't here at the last meeting unfortunately but I know it was brought up. My question is; there are **12** pumps, **6** islands. Do you need that many because by reducing that, you're reducing the traffic and some of the ancillary issues that go along with that.

Mr. David Steinmetz responded actually, Mr. Bianchi, we believe that's an incorrect statement. There are a certain number of people that are going to come to this gas station and they're going to want to buy gas and they're going to drive onto the property. If they can get to a filling port and get to a dispenser, they're going to get gas and they're going to get out of there. If we cut the number of dispensers and fueling stations down then the same people are going to come there – if I need gas and I'm on Route **6** and I'm going eastbound I'm going to pull in but if I can't get to a pump then I'm going to queue somewhere. So what you missed last month was Dr. Grealy explaining to us that having this number of fueling ports allows for a better circulation, less queuing on site and therefore it makes it more efficient and safer. Secondly, this is the newest gas station, potentially, in the Town of Cortlandt. You haven't had a station open in quite some time. If you look and see what's going on, this is now essentially become the industry standard. There are more filling ports to allow for things to happen and function more efficiently. Secondly, we have the land area. The site is big enough. It can safely accommodate it. There's nothing in your code that allows you to limit the size of that. So I would suggest to you, I don't know why you would limit it. I think it will eliminate an attempt at public health safety and welfare. It's not good from a traffic standpoint and the last thing is what research has shows, and Mr. Neshwat owns over a hundred gas station facilities. If you have a convenience store in today's day and age, people go to the convenience store and they're not in and out of there in a minute. There's a number of items that can be purchased. There are bathrooms. People go to these **24** hour gas stations when they're on the Bear Mountain Parkway or somewhere and it's late at night and there's nowhere else to go and they go there. So the issue is people park and they leave their vehicles. He's

had experience where people go, they pull into a space, they sit there and they text in their car for **10** minutes. All I can tell you is we wouldn't be asking to construct that many and put that many in if we didn't think that it would be appropriate.

Mr. Thomas Bianchi stated following that line of thought, the more pumps you have the better traffic is going to be. There's got to be a point which one affects the other.

Mr. David Steinmetz stated nobody's claiming an unlimited amount.

Mr. Thomas Bianchi stated to one of your other points, there's several gas stations very close, the Mobile is one of them I think, that does not have **12** pumps.

Mr. David Steinmetz stated we know that. It was built **20** years ago.

Mr. Thomas Bianchi stated but it's got a convenience store and limited parking and I think that the number of pumps does have some kind of effect on the number of people that go in there. If there are fewer pumps, people don't want to wait, they'll go to another gas station. Yes, unfortunately that's the case.

Mr. David Steinmetz stated so most of your gas stations in the town, and Mitch pointed this out to me, they're gas stations that either had service bays and service areas or they're gas stations like some of the ones on Route **6** that have car washes. To the extent that this is a gas station that would just have gasoline sales and a convenience store, having this number of pumps is from a business standpoint an appropriate number. And I question, and I would ask your counsel to look at this issue. I don't know whether you can regulate the internal business operation.

Mr. Thomas Bianchi stated I'm not sure about that but I think it would be a compromise in terms of addressing the issues that some of the residents had.

Mr. David Steinmetz stated we want to compromise. We want to be a good citizen. Your proposition, Mr. Bianchi is, David I think if your client reduces the number of pumps that it's going to be better from a traffic standpoint, correct?

Mr. Thomas Bianchi responded that was my assumption.

Mr. David Steinmetz stated Dr. Grealy please, because this is not my expertise. This is yours and you testified to this and Mr. Bianchi missed that.

Dr. Phil Grealy stated there is a correlation with the number of pump islands and our trip generation, our analysis is based on the number of fueling positions on this site. The bigger issue in terms of reducing that is people using the convenience stores these days, they go to the pump islands; they don't always park in front of the stores. You end up with some of these locations out of service for a longer period of time. The other reason in terms of queuing, by having them you're not getting as much queuing. The traffic is moving off site. But, our analysis is based on the number of fueling positions on this site.

There is a correlation in terms of the amount of traffic but it's also related to the size of the convenience store itself. I think getting rid of a couple of pump islands is not going to make a drastic change. We found on other sites, whether I have **8** fueling positions or **12**, the traffic generation is similar but it's more efficient in terms of processing the traffic.

Mr. David Steinmetz asked did AKRF comment on this?

Dr. Phil Grealy stated their review of our analysis was based on the number of fueling positions and pump positions.

Mr. Chris Kehoe stated I do believe they were asked to comment on the internal circulation.

Mr. Michael Preziosi stated we did pose a comment to AKRF pertaining to whether or not there was a positive or negative return based upon the number of pumps or if there was a linear relationship **1** pump equals **5** cars, **2** pumps equal **10**, et cetera, et cetera. So if you want to elaborate on that maybe that will clarify some of the comments from Mr. Bianchi.

Dr. Phil Grealy responded I think it's not linear that you're getting for each pump island. Once you reach a certain point, and again it ties to the other portion of the site is the convenience store facility. It's the combination of using both but if I had **8** fueling positions versus **12** fueling positions, the traffic numbers really don't change that drastically but because...

Mr. Thomas Bianchi stated you'd have to [indiscernible] the circulation for that. You can't just keep putting gas pumps, cars would flow right through.

Dr. Phil Grealy responded and we have enough land area here to accommodate that and to move it efficiently. I think that's – this site can accommodate that number of fueling positions.

Mr. Steven Kessler stated but you would agree that fewer fuel positions would give you better circulation as well.

Dr. Phil Grealy responded it helps with the circulation, it doesn't help with parking and people queuing to get to a pump because there's not as many locations – it's like going to a drive-in window years ago...

Mr. Steven Kessler stated when I go to the one on Croton, corner of Riverside, those people wait there and I've sat there waiting for people to leave so to say that people then get up and leave I don't believe it because I see people lined up three cars deep.

Dr. Phil Grealy stated but one of the reasons why having the more fueling positions is so when people come in they can get to the pump instead of having to wait. That's what we've found on some of the other sites that we've done with Mr. Neshwat.

Mr. Robert Foley asked and those other sites, you have examples of **12** pumping...

Dr. Phil Grealy responded in Dutchess County is most of the locations.

Mr. Steven Kessler stated again, if you were the last gas for the next **20** miles I could understand that, but you're not.

Dr. Phil Grealy stated understood. There's plenty of choices along here.

Mr. Steven Kessler stated and also if you question the pricing quite honestly.

Dr. Phil Grealy responded yes.

Mr. Robert Foley stated I have the same concerns that Tom brought up and Steve in the past and I have it in my notes here about the number of pump stations. You've tried to explain it. I don't fully understand it. The other one I have is your hours of operation. You seem to be pretty – you don't want to give that up. It would seem logical if there were less hours of operation, less impact, especially overnight.

Dr. Phil Grealy responded I think we've talked about limiting the deliveries which was important, overnight so we're in agreement with that. But there's also the issue of other facilities along there, **24** hours and the convenience for people. If people come off the highway it's a good location to have accessibility.

Mr. Robert Foley stated but in the other two, the Mobile and maybe you're talking about the Shell or whatever it is on Locust, it's a different neighborhood. I don't know where the closest house is not the way it is on Parkway Drive. And also, it's a controlled longstanding intersection, a four-way that people are used to, Locust and Route **6** as opposed to this problematic intersection with the Bear Mountain traffic coming down. And we're talking about all kinds of analyses you've done. I wonder if Mr. Neshwat runs a hundred gas stations and I'm sure you run them very well, what analysis showed that this is a great location for this gas station?

Mr. Mitch Neshwat responded I want to – cause the **12** positions for cars is **85%** of the customer comes out of the pump and when we have extra pumps, it's like a parking spot. Because we get people coming out of the store. They stay in the car. They start texting. They're waiting so long. They go and play lotto. They stay inside for sandwiches. An average customer stays almost **20** minutes. If you look at the Gulf gas station down the road he put the gas cheap. You see there's cars waiting down on the road and he have four fueling position and he get the cars all the way down there on the left hand side on Route **6**.

Mr. Robert Foley asked the Gulf station where, Locust?

Mr. Mitch Neshwat responded no, over here in this town. He does more gas than the Mobile and the Mobile has **8** fueling positions and he does more gas. It's about the price. I've got some locations where I have **16** fueling positions I do much less gas than a station I have **6** fueling positions. It's not about the [indiscernible] it's the stacking is the most important, stacking you won't get the customer to be frustrated fighting with each other. When the person comes in there, the guy playing the lotto and wait like **20** minutes. The more pumps is more convenient for the customers. The **24** hours, the **24** hours every gas station is safety will lose money. I like to stay closed **12** o'clock and open **5** o'clock in the morning but we having a problem with employees. Nobody will come at **5** o'clock in the morning to open a gas station. All they do is clean up and overlap the customers. Sinclair across the street, they're open **24** hours. Every gas station on Route **6**: open **24** hours. The lights are on. The pumps are on because those pumps – but there's nobody inside because it's a mechanic. The Mobile open **24** hours: there's no business for everybody in my time but it's a matter of safety. People they break the glass, they steal the cigarettes. A pack of cigarettes is **15** dollars. You won't get employees to come out at **5** o'clock and open the station in the morning. The only thing is a burden on me as an owner. If I have a gas station that's not open **24** hours, the employees will not come in the morning to open the site **5** o'clock.

Mr. Robert Foley stated well that's business but let me ask...

Mr. Mitch Neshwat stated but every gas station in this town, include mine is open **24** hours. Basically every one of them from the Bear Mountain all the way to Taconic Parkway not even one gas station closed. Just name one for me. I'd be the only one.

Mr. Robert Foley asked so in other words, even the old Sinclair or whatever it's called...

Mr. Mitch Neshwat responded Sinclair is open **24** hours.

Mr. Robert Foley asked you sure?

Mr. Mitch Neshwat responded I'm positive. Check it tonight.

Mr. Thomas Bianchi stated he closes at **11**. I know.

Mr. Mitch Neshwat stated he closes **11** the shop but the pumps, you can pump gas and the light on on the canopy at **1** o'clock, **2** o'clock in the morning. Go tonight and check it.

Mr. David Steinmetz stated without having a debate Bob, the one thing I want to remind the board and I want to make this statement for the record, during the work session your counsel did say to you that there is no basis to treat this gas station different from other gas stations in the town. They're all operated **24/7** or they're permitted to operate **24/7**. Again, I question whether you have – I understand your concern but I question whether you have the legal authority to do it. And the interesting thing, and I want to make one other comment that I learned from Mitch when I asked the same question you all are asking. Why do you have to be open **24/7**? The Planning Board's not going to be happy



about that. His answer, and I want to make sure you heard it clearly, I'd love to close from **12** to **5**. He's concerned about staffing and keeping it open. And the other thing that he said which kind of resonated with me, if you're one of those people that's on the road at **2** in the morning and you're on the Bear Mountain Parkway and you need to go to the bathroom or worse, you have an emergency and you need to go somewhere, the only thing open in society at **2** or **3** in the morning is a clean, quiet, and efficient gas station. It's where we all go when in the middle of the night, God forbid we're out there in the middle of the night. So he says to me, in terms of safety, it is a safe place. It is a place people go.

Mr. Steven Kessler stated or a diner, or a waffle house.

Mr. David Steinmetz stated there is no diner right there.

Mr. Robert Foley stated you may have to put signage on the BMP to alert people that there is an open gas station.

Mr. Thomas Bianchi stated but the Mobile station's open **24** hours.

Mr. David Steinmetz stated so look, we hear your concern. If you heard, I have no objection. My client has no objection to limiting deliveries from midnight until **6:00** in the morning which you have in your draft resolution. We didn't raise an argument about that. We're more than happy to ensure that the lighting is fair and appropriate, and consistent with industry standards. We are, however, respectfully asking for the **6** fueling stations with the **12** dispensers for the business reasons articulated and we are asking for the **24/7** as everyone else. I don't think you have any basis to say – I would commend you to not do that.

Mr. Thomas Bianchi stated but there is a basis, it's impacts and that's what we're concerned about.

Mr. David Steinmetz asked from midnight to **5** Tom?

Mr. Thomas Bianchi stated I'm talking about the fueling stations. We have no basis to challenge the fact that we would like fewer stations.

Mr. David Steinmetz stated if you had an empirical basis...

Mr. Thomas Bianchi stated that goes to impacts to me.

Mr. David Steinmetz stated but the interesting thing is...

Mr. Thomas Bianchi stated I'm not a lawyer so I can't argue with you.

Mr. David Steinmetz stated Tom, you know I respect your opinion and we don't always agree but the issue here is then let's get Marisa here and let's have the discussion with

Marisa because what you missed when we had your traffic consultant here was that she had absolutely no objection from an impact standpoint if we have this number of fueling stations.

Mr. Michael Cunningham stated so I would suggest that we ask AKRF just to look at the sole issue if we reduced the fueling stations, would that help any sort of safety, health or welfare sort of issues?

Mr. David Steinmetz stated and in particular, queuing on site, because what you missed at the last meeting was a specific question raised by some of the neighbors about what's going to happen on site. There's not a lot of room to queue on site. Well if you eliminate more – and the answer from Dr. Grealy was, there's less queuing if vehicles are actually parked at a fueling pump. Steve's anecdote from Croton's a great one. He's got people sitting around waiting to get to the gas pump because they can't get into a gas pump. Well, the tighter your area and the less fuel pump area you can park your car, you're going to queue, you're going to create an issue. Why would we want to promote that?

Mr. Thomas Bianchi stated it depends on the circulation area and everything. It's not just one impact.

Mr. David Steinmetz stated I hear you, but we do have – how big is the property Chris?

Unidentified speaker stated [indiscernible].

Mr. David Steinmetz stated this is a particularly big site.

Mr. Thomas Bianchi stated I'd like a follow up on what AKRF said.

Mr. Michael Cunningham stated so then we'll know if there's some sort of health or safety – empirical, and then the board will know and they can make their determination after reading, having Marisa look at that one sort of issue about circulation and what would happen with the amount of pumps, if they were reduced.

Mr. Robert Foley stated and without belaboring it, on the hours of operation, you do rightfully say the other stations are open **24** hours. Again, it's a different location and a closer impact to the neighborhood. That was my point. Before I forget, because there was a question, the site in Dutchess or Fishkill you said is similar with **12** pumps, where is it? Was it in Fishkill?

Mr. Mitch Neshwat responded we have one in Toddsville Road in the Town of Lagrange, **12** fueling positions. Noxon Road. And we have one in Highland on 9W, **16** fueling positions.

Mr. Robert Foley asked and then Noxon Road is in Dutchess?

Mr. Mitch Neshwat responded Dutchess County, yes.

Mr. stated the Town of Lagrange.

Mr. Robert Foley stated way over, Lagrange, got it, and that has **12**.

Mr. Mitch Neshwat stated we've got one in Orange County, Crystal Run is **12** positions.

Mr. Chris Kehoe stated now it may not be your station but there's one in Yorktown just across the border with a car wash. How many does that have?

Mr. Mitch Neshwat stated Sunoco station.

Mr. Chris Kehoe asked but does he have **12**?

Mr. Mitch Neshwat responded **12** positions and a car wash and a **3,000** square foot store and he's the one who paid the lawyer to fight me. Just to let you know. I know that for a fact.

Mr. Chris Kehoe stated to save you – so you don't have to go to Lagrangeville. Setting aside who owns that, I think that is a similar situation setting aside the car wash.

Dr. Phil Grealy stated it's a bigger convenience store.

Mr. Mitch Neshwat stated it's a bigger store than us. It used to be a **7/11**.

Mr. Chris Kehoe stated it's got **12** pump isles. You might want to check that.

Mr. Robert Foley stated on **202** in Yorktown over the border.

Mr. Chris Kehoe responded yes.

Mr. Mitch Neswat stated **24** hours.

Mr. Robert Foley stated someday let me know what your analysis was to pick this particular location.

Mr. Mitch Neshwat stated because that's the closest location to the [indiscernible] to Cortlandt. It's up the road.

Mr. David Steinmetz stated and it's zoned for it. Let's just not forget it is zoned for the use.

Mr. Steven Kessler stated I just want to be sure that in number **14** that it's comprehensive enough that it deals with cleaning up the wetlands and all of the things -- more consistent with one of your findings clause on page...

Mr. Chris Kehoe stated what typically happens there is the applicant has to prepare a monitoring plan and then Steve Coleman reviews that monitoring plan and he's the one that has to find it acceptable.

Mr. Steven Kessler stated I'm more worried about the cleanup before the monitoring.

Mr. Chris Kehoe stated but the cleanup is referenced on the landscape and wetland mitigation plan. You've already laid out how you're going to clean it up correct?

Mr. David Steinmetz stated just to remind you, this is off site. This area that – I just want to make sure you know we're doing this...

Mr. Steven Kessler stated that's the price of admission.

Mr. David Steinmetz stated we got it.

Mr. Chris Kehoe stated the plan dictates how that's going to be cleaned up and replanted. That's on the plan. So they have to do that and then this says once they do that, it's monitored every five years.

Mr. Thomas Bianchi asked question on number 6, where it talks about the adaptive traffic signals. Maybe I'm mistaken but I thought we were going to include Westbrook or does it already have one on Westbrook and Lexington?

Mr. Robert Foley stated going back that far, when we asked Marisa, it was a two-part...

Dr. Phil Grealy responded the one that was added was at Locust Avenue and actually on this list it doesn't list the Bear Mountain Parkway eastbound on off ramp and the site access, just, we picked that up. The system, other than Locust Avenue will be fully intact up through Parkway Drive.

Mr. Thomas Bianchi asked what about going in the other direction?

Dr. Phil Grealy responded they're included.

Mr. Robert Foley asked what about going back east. In other words, I thought Marisa had said Locust and as far back as Westbrook unless that was a different component.

Mr. Michael Preziosi responded no, the current adaptive traffic signals that have been installed run from the Lexington border to the intersection Jerome Avenue with the Big Lots entrance. That's where it ends and then they would be putting in an adaptive traffic signals at their site driveway and then we were saying, and Phil just corrected us, but it was supposed to be that intersection with the site driveway, the intersection with Jacob's Hill and then they're also will be adding the adaptive at Locust Avenue with Route 6.

Mr. Chris Kehoe asked you provided me with that information right, which is going to be added to the parts II and III of the EAF?

Dr. Phil Grealy responded correct.

Mr. Chris Kehoe stated all of that has been cut and pasted and put in there so we'll confirm that this matches up with what you sent.

Dr. Phil Grealy responded yes.

Mr. Robert Foley asked and back to the adaptive, I think Mike you said they would be eventually, or Marisa said...

Mr. Michael Preziosi stated it leaves the option to the DOT to coordinate the entire corridor and/or split it into two sections. It's up to DOT.

Ms. Loretta Taylor asked when you say entire corridor, what are you talking about?

Mr. Michael Preziosi responded the entire adaptive corridor which would start in Yorktown and run all the way to the Peekskill border.

Mr. Robert Foley stated Lexington all the way to Conklin basically.

Mr. Michael Preziosi responded yes.

Mr. Thomas Bianchi asked what about widening of the Bear Mountain exit, the third lane? I don't see that in here.

Mr. Chris Kehoe responded it's on the plans.

Dr. Phil Grealy stated it's in the list of improvements that we're doing, yes.

Mr. Michael Preziosi stated it's item number **5**.

Mr. Thomas Bianchi stated then we should add that in number **6**.

Mr. Michael Preziosi stated it's item number **5**: "Applicant shall submit offsite improvement plans for geometric improvements." That's only been conceptualized...

Mr. Thomas Bianchi stated it doesn't say specifically but that includes...

Dr. Phil Grealy stated you could include a reference to the drawing also.

Mr. David Steinmetz asked you're going to reference fully in the resolution aren't they? It is referenced in here.

Mr. Michael Preziosi stated we can strengthen it and add another reference.

Mr. Chris Kehoe asked but is there a drawing that's been prepared within the October drawing set which shows the additional lane coming off of the Bear Mountain Parkway?

Dr. Phil Grealy responded it's on your screen right now.

Mr. Chris Kehoe stated but that's not a drawing in the drawing set.

Mr. Michael Preziosi stated it's not an improvement drawing.

Dr. Phil Grealy stated but it's part of the study plans.

Mr. Michael Preziosi stated we're looking more so [indiscernible] for permit issue. you have to get us the actual. We'll be back-and-forth with the DOT a bunch on getting all that straightened out so we understand the process.

Mr. Steven Kessler stated Madame Chair I move that we refer this back to staff so they can revise and amend the resolution.

Mr. Michael Cunningham stated and also have AKRF take a look at...

Mr. Steven Kessler stated as Mike said, have AKRF look at the traffic issues associated with the potential reduction in the number of pumps.

Seconded.

Mr. Robert Foley stated on the question, so we'll see what Steve just said before the next meeting, with our next packet.

Mr. Michael Preziosi stated we should have the AKRF memo in a week.

With all in favor saying "aye".

Mr. David Steinmetz stated thank you all. We'll see you next month.

\* \* \*

### **NEW BUSINESS**

**PB 2019-21 a. Application of Ronald & Marianne Weinheim and Masao & Eiko Iwahara for a lot line adjustment between two (2) parcels located at **28 Furnace Brook Dr. & 32 Furnace Brook Dr.****

Mr. Michael Preziosi stated it's a minor lot line adjustment. There's three parcels. The third parcel in between is going to be split amongst the two adjoining parcels.

Ms. Loretta Taylor stated we discussed this just a tiny bit at the work session. I suppose you're going to have to follow this through a little bit more, right?

Mr. Michael Preziosi responded we've actually met with the applicant and their engineer probably 6 – 7 months ago. They just finally got around making the application. There's some minor comments that need to be modified on the plans but for the most part they're fairly well put together.

Ms. Loretta Taylor stated we're going to have to then prepare a resolution I suppose.

Ms. Valerie Myers stated I'd like to make a motion to direct the staff to prepare a resolution for the next meeting.

Seconded with all in favor saying "aye".

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### **ADJOURNMENT**

Mr. Steven Kessler stated it's **10:41**. Motion to adjourn.

\* \* \*

**Next Meeting: TUESDAY, FEBRUARY 4, 2020**

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

x 

SYLVIE MADDALENA

Dated: March 4, 2020