

Meeting Minutes

THE REGULAR MEETING of the PLANNING BOARD of the Town of Cortlandt was conducted via Zoom webinar on *Tuesday, October 6th, 2020*. The meeting was called to order, and began with the Pledge of Allegiance.

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

Thomas A. Bianchi, Board Member
Steven Kessler, Board Member
Robert Foley, Board Member
Jeff Rothfeder, Board Member
George Kimmerling, Board Member
Valerie Myers, Board member

ALSO PRESENT:

Michael Preziosi, P.E., Director
Chris Kehoe, AICP, Deputy Director
Michael Cunningham, Assistant Town Attorney

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CHANGES TO THE AGENDA

Ms. Loretta Taylor stated there are a couple of changes to the agenda tonight. We will be adding two town items; one having in reference to the Cortlandt Project and the other the referral to this board, to the Planning Board, of the revised tree ordinance for additional comments if possible or if we feel that we want to do that. So those are the two additional things that we will be adding tonight. And then there's the removal of one of the applications **2020-12** is for that cell tower on Croton Avenue. We will deal with that when we get to it.

Mr. Steven Kessler stated I move that we accept the changes [inaudible].

Seconded with all in favor saying "aye".

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ADOPTION OF THE MINUTES OF THE MEETINGS OF SEPTEMBER 1, 2020

Ms. Loretta Taylor asked the adoption of the minutes. May I have a motion on that?

So moved, seconded.

Mr. Robert Foley stated as usual, I have minor that I will submit to Chris in the box outside Town Hall.

With all in favor saying "aye".

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Mr. Michael Preziosi stated Loretta, I'm just going to interject for one quick second. There're a few attendees that have been using the chat function of Zoom. There is a public hearing tonight for one of the solar applications. The Planning Board are working through their agenda and they will call that public hearing to order when it arrives on the agenda. At such time, anybody wanting to speak will be allowed to via the Zoom 'raise your hand' function so if everyone can just be patient who are waiting for that public hearing.

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CORRESPONDENCE

PB 2019-15 a. Letter dated September 17, 2020 from Annie E. Kline, Esq. withdrawing the application of CVE North America, for the property of Hyman Mendelowitz, for Site Plan Approval and a Special Permit for a proposed solar energy system located on the north side of Cortlandt Boulevard (Route 6), approximately 800 feet east of Baker Street.

Mr. Steven Kessler stated Madame Chair I move that we receive and file the letter that removes this application permanently from our agenda.

Seconded with all in favor saying "aye".

b. Discussion of proposed Zoning Text Amendments to Town Code sections pertaining to lot line realignments, accessory apartments, and changes of use.

Mr. Steven Kessler stated Madame Chair I move that we receive and file the proposed changes.

Seconded.

Mr. Chris Kehoe stated just on the question, these are really coming from sort of a staff

subcommittee. A lot of work is being done out of the attorney's office. This is to streamline some processes in respect to simple changes of use, lot line adjustments, accessory apartments, things of that nature. The Town Board is the lead agent. They'll be having a public hearing on this at their meeting I believe on October 20th. Do you have any comments or concerns about any of these proposals? As we have done in the past, you can either make them now or get them to me and I'll put them in the form of a memo to get back to the Town Board.

Ms. Valerie Myers asked I just have one question Chris, talking about the accessory apartment. So the process is every time you sell the house if you have an accessory apartment you have to get our approval, the board's approval correct? And then you'd have a hearing. Does this circumvent that hearing for the residents in the area?

Mr. Chris Kehoe responded Michael you want to answer?

Mr. Michael Cunningham responded sure. That's correct. You wouldn't need a second public hearing. So no accessory apartment can be formed without an initial public hearing. And then when somebody moves we don't think they necessarily have to come back before the board. We would think, in that case, staff could do its own review for recertification.

Ms. Valerie Myers stated we would need to circumvent like neighbors having complained about an apartment.

Mr. Chris Kehoe stated what we have found is when they make the original application for the accessory apartment, they have to do drawings, maybe architectural changes to the building, another door, they have to make sure the driveway's large enough and that's subject to a public hearing because you're introducing an apartment in several instances to a single-family neighborhood. So, we obviously, in our opinion, think that needs a public hearing. What's been happening though is someone will buy the house with the existing accessory apartment in it, not proposing any changes to that accessory apartment and then they have to go through a two- or three-month process, including a public hearing in front of the Planning Board and we just found that that might not be necessary. But if you have concerns about that, let us know and we'll put it in a memo.

Ms. Valerie Myers responded okay. Thank you Chris.

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Ms. Loretta Taylor stated we have a couple of other items to receive and file. Referral from the Town Board regarding the port Cortlandt application. It's actually a project and they are asking to be lead agent for this particular project.

Mr. Steven Kessler stated Madame Chair I move we receive and file the notice of lead agency by the Town Board.

Seconded with all in favor saying "aye".

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Ms. Loretta Taylor stated another is a referral to us for our opinions, if we should have any -- This is regarding the revised tree ordinance and we would need to receive and file that as well.

Mr. Steven Kessler stated we've already given comments on this. I move that we receive and file the tree ordinance.

Ms. Loretta Taylor stated again, we know as Chris mentioned earlier, if you want to say something about these revisions -- apparently, they had a meeting and this came up at the end of September. If we want to look at whatever they've got now and see if we want to say something then I guess you would forward your comments to Chris.

Mr. Chris Kehoe stated just on the question, just so it's on the record. The main issues are with respect to the removal of less than three trees associated just with normal maintenance of someone's yard if they feel a tree is too close to their house. All that would be handled permit-wise and then some issues with respect to how to handle the proposed environmental restoration fund and where that money should go. Those are the two main items that we're talking about just for the public's edification.

Mr. Robert Foley stated I'm thinking it's covered what had discussed over the past months on it to have a good aggressive comprehensive outreach program to the different public so they're more aware not just the new home owner as to what you can and cannot cut.

Mr. Chris Kehoe stated similar to the last ordinance, we would be sending it to all the tree companies that we contract now. And that's what we did back in **2008**.

Mr. Robert Foley stated our memo expanded on that with my suggestion on the website and everything else: realtors...

With all in favor saying "aye".

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RESOLUTION

PB 2017-3 a. Application of VS Construction Corp., for the property of Roa Hook Road Associates, Inc. for Site Development Plan approval and a

Special Permit rock crushing for an approximately 3.5 acre parcel of property located on the north side of Roa Hook Road. Drawings latest revised June 23, 2020.

Ms. Loretta Taylor asked are there any comments to be made with this? We talked during the work session about the possibility of requiring a condition related to monitoring the noise. Mr. Kimmerling, George, you were the one who kind of was very interested in this so if you wanted to make your case at this particular point it would probably be very good.

Mr. George Kimmerling stated my real concern is whether or not the noise that will be created during the rock crushing operation was sufficiently studied. I noted the memo from the state regarding the potential noise effect on bald eagles. As important, I think would be where the sound might travel across the water to the Peekskill area specifically the downtown area. I know that the noise ordinance that the town has sets certain decibel levels for this kind of work and I think we should have something in the resolution about a noise study to be conducted potentially during the first seven days of operation to ensure that the noise is in compliance with the levels contained in that noise ordinance. I would – I don't think the resolution can go forward without something like that so we can ensure that the noise is actually in compliance and measured across the water actually as opposed to just in the neighboring property.

Mr. Robert Foley stated and also George, I agree. Up above it there's the Monteverde Restaurant, Mike if you could see if the monitor would have to be there. I don't know of any residential neighborhoods in continental village that would be that close but maybe we have to consider Monteverde if it's still in operation, immediately above the site.

Mr. Chris Kehoe stated right, so I think the idea is the condition will be worded in such, as George said, and then we would retain a consultant to be funded by the applicant to undertake such a study and the receptor points, to Bob's comment, would be worked out in consultation with the consultant. My understanding Mike is that the applicant and his representatives are here?

Mr. Michael Preziosi responded they are. Both Dan Ciarcia, the engineer for the application and Armando Santucci, the operator, have been promoted to speak. So, they are here and listening in.

Mr. Dan Ciarcia stated good evening. I guess the sound issue came up this evening and I guess probably the most important thing we want to bring up is that noise isn't new to this site. This is currently been operating by VS Construction for about 11 years and during some of that time they were operating a crusher there. Presently they are – there's a screening plant that operates there. There's a variety of trucks, tri-axels, trailer dumps, there's loaders, loading trucks. This is not something where, as I say, noise is leaving the site. Any new complaints, theoretically, all the receptors around here would have been exposed to the typical noise the site generates now for over a decade. I guess the other point I should make is I guess what precipitated this phone conversation was the

correspondence from the DEC which raised the noise as it relates to certain habitats. And again, I would say we're not clearing anything, we're not grading. We're just continuing the operation that's been there. So any species that's adverse to noise probably wouldn't select this area as a place to nest. You have the existing operations. You have the Metro North diesels coming down as well as with the steep inclines, many of the large trucks coming down Route 202 are using their Jake brakes which are very loud coming down the hill. I just want to just make clear to the board and I would say the DEC's correspondence in some ways I think assume nothing is going on here. This is really the continuation of an ongoing operation and we easily could meet with staff with a noise meter and try and figure out where the concern is. We can certainly do that while crusher's are operating on the site. We're happy to do that. I don't know that we need to hire a consultant to simply just -- I think the concern, or I should say, where is the board concerned with the receptor is -- and then we can measure noise levels at the receptor. Your code speaks to noise at the property line so I guess we could measure noise at the property line while the equipment is operating.

Mr. George Kimmerling stated I think the concern is not that this site is not already in heavy use. I think certainly the additional operation of the rock crusher that is new to the site. My understanding is that's the purpose of this application is to introduce a new kind of operation at this site. It did strike me that this particular site, because of its proximity to the water and the communities across the water, there's potentially a different kind of noise amplification across that kind of landscape than there would be simply across a wooded landscape for example. I think it's worth, at least calling out that the noise in this particular case might be experienced differently by people who are less proximate than we typically think of as neighbors to a site that might be as noisy as this might be.

Mr. Robert Foley stated and also Dan, keeping with George just brought up and I just thought of it now and I'm not sure it's in the DEC letter because I don't have the letter in front of me, up the river a little, north of Monteverde, there's a small island right up against the railroad where bald eagles are known to nest, not that well known now. I don't know if any noise would disturb them. It's up to an expert.

Mr. Dan Ciarcia stated again, I make my point, if they're nesting over there they're obviously not adverse to noise because the diesel trains go by there probably every **10** minutes in the morning. But the one thing I just want to clarify is that part of what we're doing is that this site has been operating for many years and in **2016** the town wanted us to clean up the site plan, special use permit, and get all the necessary approvals. Between approximately **2010** and **2016** a crusher was operating at this site. Again, I would reiterate that if anybody had an issue with the noise that the equipment generates, I think complaints would have come in around that time. And likewise, the crushing or I should say the screening equipment that's presently there which does have a large diesel engine that has a high decibel output has been operating and we're not aware of any complaints for noise. So I understand what you're saying about the noise carrying across the water but the ambient noise levels coming off of this site have been fairly high for a long time.

Ms. Loretta Taylor stated at this point I think we're going to get hung up here on that. I

think that the board was willing to sort of investigate that idea and actually put it in as a condition to the approval because there is a resolution of approval but there's a need to be sure that we are clearing all the bases here. And I think that we want to be sure that we fit in with the rules that govern this kind of a site. I think Mike put – not that was you actually who said something about doing a special test. I don't know what you'd be using but we want to go and do a test to see what the noise level or whether there's an undue amount of noise coming from the rock crushing equipment.

Mr. Michael Preziosi stated what we were talking about Loretta possibly at the work session as we were brainstorming, would be maybe monitoring noise the week prior to the operations occurring on site, the rock crushing, then monitoring within seven days as activities occur seeing if there is a noticeable difference in noise and then potentially maybe piggybacking that on, as Dan was even alluding to, the right location of the monitoring equipment to identify the appropriate receptor which I think in this instance is a little bit hard to pin down but it's more environmental, it's more habitat, etcetera. We would work cooperatively with Dan and the owner and see where we can set up a noise monitor to determine whether or not there's any adverse noise impacts.

Mr. Dan Ciarcia stated what I would suggest if the board is okay with us using the appropriate calibrative equipment to do sound level monitoring. The only change to the protocol Mike just discussed was that what I'd like to do is just – I don't think we have to wait any time. It's equipment that we can turn on and off. So we could run some of the equipment that's running there now, take measurements at a variety of locations and then repeat the process with the crusher operating on the same day. But I don't know if it makes any difference to the wait an amount of time. We can just do it all at once.

Ms. Valerie Myers asked do you think that you'd actually see – you know you're limits are going to be higher than the decibel limit set with the town laws right?

Mr. Dan Ciarcia responded I don't think so. I mean the decibel level is high at the equipment but the sound energy dissipates as you move away from the equipment. I would think that the relevant receptor sites are really not – the state highway or the adjacent industrial uses that I would think that Monteverde and perhaps maybe down by the river, down by the property line, down by the river might be the places.

Mr. Michael Preziosi asked can we look to identify a series of locations?

Mr. George Kimmerling asked maybe across the water.

Mr. Michael Preziosi stated that's what I was going to say George, one of your concerns was if the noise is going to propagate across the water. Maybe, Dan, we can talk about that, setting something up down near the river and then actually at one of the islands.

Mr. Dan Ciarcia stated I understand the concern but we have two different issues at play here: one is the habitat, which I think we've talked about but the other thing is the town code and the town code doesn't say you measure sound across the river. It's at the

property line. I'm not quite sure why we're measuring – I don't even know how you get there. There's another railroad right-of-way over there which is also a noisy – is also a noise-generator. Is that where we're going to go?

Mr. Robert Foley asked George may mean down river towards Peekskill, north of [inaudible] towards Peekskill, Peekskill Bay.

Mr. Dan Ciarcia stated you're talking about Peekskill Bay and not Rockland County.

Mr. Robert Foley stated I don't know, George...

Mr. George Kimmerling stated I'm not a noise expert. I just want to make sure that before we just approve this resolution that we do so mindful of the fact that this may be just a noise issue for bald eagles but it may be a noise issue for neighbors who are not as proximate to the site as we typically think of when we talk about noise. I'm happy for the town to figure out how to put something like this in the resolution in a way that makes sense to everybody and makes sense for the town ordinance. I just think that the noise seemed to be, for me, an unresolved issue at this point.

Mr. Michael Preziosi asked George would you be comfortable, and the board at large, if we were to establish a couple of control points along the perimeter of the property line per the town ordinance? Have them run the tests and if we determine that there is any adverse impacts or an increase in noise during construction then we would evaluate off-site mitigation and off-site monitoring as a second step? That way if we don't have to cross that bridge we don't have to evaluate it.

Mr. George Kimmerling responded right. I just – I guess I'm just trying to avoid the situation when the rock crusher starts operating we have approved it and it starts operating and the noise is just incredibly loud in Peekskill and people are like: "What the heck is going on here?" I suppose at that point there could be complaints and we would figure that out or the town would figure that out from an enforcement perspective but – anyway, I don't mean to prolong the conversation. I just wanted to raise that as for me the one issue that seemed to be a little unresolved.

Mr. Dan Ciarcia stated I guess I just want to go on the record – our concern is that we're going beyond what the town code specifies. We're happy to do these measurements but this is very open-ended. We could be running all around different jurisdictions measuring sound when the town code is clear. It's about what kind of noise are you generating at the property line.

Mr. George Kimmerling stated let's measure that and see what happens. I'm certainly not suggesting we go beyond the town ordinance. But if the resolution had something about sound monitoring at the beginning of the operation I think that would be a real improvement to the resolution.

Mr. Michael Preziosi stated I think I understand where the board's coming from and I

think we'll word the resolution requirements something to the effect that we would be monitoring at the property lines pre and post operation so we'll get a representative sampling in a couple of different spots. And I think Dan, you made a valid point that it doesn't have to be a prolonged study but it should occur across a day at the various locations and then we can hone in on whether or not the operation of the rock crusher exacerbates noise. And if it goes beyond what's allowed in the town code, the operations have to cease. If it's an environmental or a habitat issue then we'll have to come up with another option for evaluation. I'm not a noise expert myself but I think that would be our first step.

Mr. Robert Foley asked how do you address this Loretta now with the resolution before us voting to resolution **18-20**?

Mr. Chris Kehoe stated we would add condition **No. 13** as Mike described.

Mr. Robert Foley stated I add that item? Do you want me to make a motion now?

Ms. Loretta Taylor responded yes.

Mr. Robert Foley stated I make a motion that before we approve the resolution **No. 18-20** by adding condition **No. 13** which will address what we've been talking about, about noise, monitoring noise impacts and then require mitigation.

Seconded with all in favor saying "aye".

Mr. Dan Ciarcia stated thank you very much.

Ms. Loretta Taylor responded you're welcome.

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

Ms. Loretta Taylor stated Mr. Bianchi you have a motion you need to make.

Mr. Thomas Bianchi stated Madame Chair I'll move that we adjourn this case until our November – next month's meeting.

Seconded with all in favor saying "aye".

PB 2020-13 b. Application of Lordae, LLC for approval of a Change of Use to permit the existing Fresh to Go Deli to expand into adjacent vacant tenant spaces for a proposed sit-down restaurant located at Toddville

Plaza, 2141 Crompond Road (Route 202). Drawing dated August 14, 2020 (see prior PB's 18, 2017-17, 2018-11)

Ms. Loretta Taylor stated there is an approving resolution.

Mr. Jeff Rothfeder stated Madame Chair I move that we approve **Resolution 19-20** approving the change of use.

Seconded with all in favor saying "aye".

Mr. Michael Preziosi stated we'll just do our typical disclaimer on that. The Planning Board resolution has been passed but the applicant is on listening, you're still required to obtain your building permit with the Department of Code Enforcement so please make sure you contact them for requirements of the interior fit out.

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PUBLIC HEARINGS (NEW)

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

Ms. Loretta Taylor stated I think that we have an adjournment for that Val?

Mr. Chris Kehoe stated we're going to wait and see. We got a double check. I would assume the applicant or his engineer would be here.

Mr. Michael Preziosi stated I'm promoting him to speak right now. Keith Staudohar from Cronin Engineering and I think Evan from the applicant's side. Evan if you're the individual if you want to raise your hand I'll promote you to a speaker.

Mr. Keith Staudohar asked can anyone hear me?

Members of the board responded yes.

Mr. Keith Staudohar stated this is Keith Staudohar, Cronin Engineering, how are you?

Members of the board responded we're good.

Mr. Keith Staudohar stated we're representing the applicant Dwayne Reith with Custom Marine. This site is 301 6th Street down in Verplanck. It's a five acre site. We were before the board last year in May, May 9th of 2019. Since then, the project's been paired back quite a bit. All the applicant is proposing to do right now is store **12 to 15** boats on the site. There's no repairs. There's no disturbance. There's no construction proposed.

It's just parking **12 to 15** boats on their site. We believe it's diminimus in nature and we're hoping we can seek the approval tonight.

Mr. Steven Kessler asked the last time you said the boats were between **20 and 35** feet long?

Mr. Keith Staudohar responded they range in size – yes up to **30-35** feet. They'd be parked where they are now, in front of the existing garage building and shed, right there what Mike's showing. We're not proposing any improvements, no disturbance, just to park boats there. It's an MD zoning district. It's a five acre site.

Mr. Steven Kessler asked it's just the boats, and just one high? They're not like double-decker?

Mr. Keith Staudohar responded correct.

Mr. George Kimmerling asked are they brought in by a sort of trailer? Is there any kind of crane? There's nothing about pulling up on the river and getting hauled out...

Mr. Keith Staudohar responded last year the project was a little bit larger in scale and scope and last year there was a proposal to upload and on-load boats using a crane, but that is off the table now. We had called for boat repairs last year. That's off the page, off the plate now as well. We're simply just storing boats there. They have a business that's based out of New York City so this is just a storage area for them at this point in time.

Mr. George Kimmerling asked and are they brought in by trailers by you or do customers bring them in and drop them off?

Mr. Keith Staudohar responded they would be bringing them in.

Mr. George Kimmerling asked the owners would be bringing them in?

Mr. Keith Staudohar responded yes. We've provided a business plan. I don't know if anybody had a chance to look at that.

Mr. Chris Kehoe stated yes, that would have been provided to the board in advance of last month's meeting.

Mr. Keith Staudohar stated okay.

Ms. Loretta Taylor asked are there any people who – residents in your audience out there who might have questions or concerns? This is for Mike.

Mr. Michael Preziosi stated this is a public hearing so if there are any citizens or residents on the Zoom meeting that would like to speak and voice a comment, use the 'raise your hand' function on the application and/or if you're dialing in, hit star nine and it will allow

me to authorize you to speak. I do have one resident raising her hand. I'm going to allow her to speak. Her name is indicated as Cindy. Cindy, just un-mute yourself and then you may ask your question related to this application.

Ms. Cindy stated I'm Cindy but the person who's been studying this and asked the question is my husband George.

Mr. Chris Kehoe asked but Cindy are you here for the solar application or the boat application?

Ms. Cindy responded the solar application.

Mr. Chris Kehoe stated that's the next public hearing.

Ms. Cindy asked when is that?

Mr. Chris Kehoe responded the very next, as soon as this one's over. In a couple of minutes.

Ms. Cindy stated I wasn't quite sure of the timing. Thank you.

Mr. Michael Preziosi asked if there anybody else that's on the meeting that would like speak, or voice a concern, or comment pertaining to this application please use the 'raise your hand' function and/or star nine on the dial up phone. I do not see anybody else.

Ms. Loretta Taylor asked are there any other issues from the board?

Ms. Valerie Myers stated Madame Chair I recommend that we close this public hearing and refer this issue back to staff.

Seconded.

Mr. Chris Kehoe stated I think we can have a resolution for next month.

Ms. Loretta Taylor stated Val just add that to your motion.

Ms. Valerie Myers stated I recommend that we close the public hearing, refer back to staff, and have a resolution ready for the next November Planning Board meeting.

Seconded with all in favor saying "aye".

PB 2020-10 b. Public Hearing: Application of Cortlandt CSG, LLC, for the property of 202 Cortlandt, LLC for Site Development Plan approval and a Special Permit and for Tree Removal and Steep Slope permits for a proposed 2.3 MW community solar power system located on an

approximately 33.86 parcel of property located on the north side of Route 202, west of Lexington Avenue. Drawing dated June 19, 2020.

Mr. Chris Kehoe stated just as we're getting to the next public hearing, just so the public knows. Typically what happens is when the board opens the public hearing the applicant would make a brief comment before the public comments.

Ms. Loretta Taylor stated is anyone – the applicant's here?

Mr. Michael Preziosi responded yes. I'm just going to move them up now. I believe it is also Cronin Engineering so I'm looking back for Keith. If there's anybody else from the solar company, please use the 'raise your hand' function. I'm going to promote you to the hearing.

Ms. Loretta Taylor asked is there anybody there?

Mr. Chris Kehoe stated I think you promoted Ben Truitt.

Mr. Michael Preziosi stated yes, Kieran, I think I lost for a second. There you go. Kieran, you're on with us.

Mr. Kieran Siao stated hi, good evening everybody can you all hear me?

Ms. Loretta Taylor responded yes.

Mr. Kieran Siao stated good evening. Thank you for having me back. For anybody here from the public who is listening in for the first time, my name is Kieran Siao. I'm the Project Development Manager for Dimension Energy. We're a community solar developer based in Atlanta and I work out of the New York office, the lead solar development for New York State. Currently, our company has about **400 MW** of project under development across the county, **200** of which are across New York. And of course, our favorite is a project that we already have in the Town of Cortlandt on Croton Avenue which is currently under construction. We're here tonight because our company is proposing to develop a **2.1 MW AC** community solar project on a property along Lexington Avenue just south of Dyckman Road and to the north of Crompond Road. I'll keep my statements brief because I'm interested in hearing everyone's questions and comments but at a high level, if anybody isn't familiar with community solar I like think of it very similar to the way you would consider a traditional residential rooftop PV project where the home owner would work with the developer to have PV panels installed on their roof. The panels would be owned by the developer and effectively leasing out the roof space of the residence and for the next **20** years the resident would subscribe to pay for the electricity generated by the solar panels at a discount less than they would otherwise pay ConEd. Community solar project is very similar to this but simply all of the houses who might have solar panels on their roofs are aggregated to one larger project and while electrically the power generated by the solar facility goes directly back to the grid and not to your homes, from a subscribership perspective it's very much

the same where residents would subscribe to be credited for power generated by the project at a rate that is lower than what you would otherwise pay ConEd. We think this is a really great system and a great way to promote this energy to residents because it is a way to allow residents to receive clean and affordable energy in a way that's accessible to many more people as there are many limitations to why someone would not be able to get solar panels on their house. For example, if they rent their homes instead of own it or perhaps their roof needs to be replaced, or perhaps there's a tree in your front yard that you really like but it's casting shade on your roof. These don't matter with community solar because they're not effectively not on your property. So we think this is a great way to create energy savings for many people. For this project in particular, we expect a system of this size to provide power for around **420** homes which is very exciting and to enroll a wider array of people who would otherwise may not be able to get clean and affordable renewable energy from more traditional routes. In particular we picked this site because it is – I should say just for background, it's around **34** acres in size. It currently is comprised of **15** different parcels which we'd be seeking to consolidate. It's currently zoned as Design Commercial and we really liked this site because we think solar energy is the best commercial use for this site, the reason being that we can use the features of this site to design the project in a way to have no impact to the neighboring characteristics of the neighborhood as compared to more traditional commercial developments like retail, hotels, hospitals, all which are similarly permitted in this zoning district by special use permit. So whereas uses like that would result in substantial amounts of tree clearing and earth disturbance, our project similarly has some of that but substantially less than these more traditional uses. And in a project that creates zero strain on town services so no increases in traffic, no water or sewer use, it doesn't add to additional school-aged children in the town, but is a project that will generate lots of beneficial revenue for the town through our pilot agreement. And further, what we like about the site is that we can design the project in a way, as I mentioned, to essentially minimize and eliminate any impacts to the neighboring community. For example, if you're looking at the plan that Mike is currently showing on the screen, you'll notice that while our site, our parcel is very large, we are limiting our project to the center of the parcel. If anybody's familiar with the solar code, for a project located in a commercial district like this, the zoning setback that needs to be applied is a hundred feet and we're siting this project in a way that allows us, in most cases, to double, triple, in some cases even quadruple the setbacks we maintain from the parcel boundaries to ensure that we're set back as far from the neighboring properties as possible. Further, the topography and existing tree buffer on site is set up in such a way that will minimize any view of the project from neighboring properties. If you look at the Baron De Hirsch properties to the west, what we see here is at closest for those houses, towards the south of the array, that is around **370** feet from the parcel boundary to the first panel and to the north it's even further. It's closer to **500** feet. And further, our project is around between **50** and **70** feet in elevation higher than these homes and between the homes and the solar panels we're maintaining the stick existing vegetative buffer that we'll leave in place which will shield the project from view. The combination of our project being much higher in elevation as well as the large amount of trees that will remain in place to screen the project from view will essentially mitigate any concerns of esthetic impact or impact of the larger neighborhood which is something that we're very careful about when we're looking in

siting a project on a particular parcel or in a particular township. Just for the board really quickly, just a couple updates since our last meeting in September. We've had some additional work completed on site primarily the town's wetland biologist Weston & Sampson engineers has met with our wetland biologist to review the wetland delineation that was previously provide to the town. They were able to confirm and agree on the boundaries of the wetlands on site, and further, the tree inventory which was in progress last time we spoke has now been completed. In speaking with Weston & Sampson they expect a memo for the tree inventory to be done later this week. That said, they have provided us with the raw data of the trees that were tagged and identified on site. The data is real interested, this will be reflected in the memo, but at a high level of the roughly **3,000** trees tagged on site, and I should say those are trees that are tagged not all of which will be removed for the project, around a third of the project's, or rather, around a third of the trees tagged the health condition of the trees are listed as either in poor condition or dead. Further, when considering the species breakdown of the trees tagged on site, almost **40%** of the trees identified are invasive species predominantly Norway, Maple, and Black Locust. I know this is something that has been considered by this Planning Board, the tree clearing that must occur on site, but I think these are helpful data points to understand the quality of the trees and overall, that the trees that would be removed a large substantial amount are either in poor quality or invasive species. And then to go back in comparing this site to other forms or more traditional forms of commercial development, a project like ours will result in less tree clearing, less grading as compared to these other examples I provided: hotel, hospital, retail. So with that, happy to open the floor to questions and comments.

Ms. Loretta Taylor asked are there any persons in the audience who want to address this application?

Mr. Michael Preziosi responded I do see a resident has raised their hand for comment so I'm going to permit them to talk. It is Cindy who jumped on the last public hearing.

Ms. Cindy stated are we un-muted?

Mr. Michael Preziosi responded state your name for the record and then you can voice your comment.

Ms. Cindy Fuhoy stated it's actually my husband George who's right next to me.

Mr. George stated I'm George Fohuy. I live on Baron De Hirsch Road. I read the engineering report. It was mentioned on there, I think they were inverters that were going to emit **70** decibels of sound, I don't know what kind of sound, and I don't know how many of them you would be putting there. I was just wondering if you were planning to put that on the east or the west side of the – in other words, on the Baron De Hirsch side or on the Lexington Avenue side?

Mr. Kieran Siao responded sure George. I appreciate your question. It's a good one, something that came up in our public hearing for the previous project we had reviewed

and approved in town on Croton Avenue. So to answer your question, we would be using a series of string inverters, around **17** in total for this project, and they would be located every few rows throughout the project site. It can be assumed that some will be on the eastern side and some will be on the western side. And you're right, typically the decibel rating for a string inverter is between **65** and **70** decibels. But one thing that's important to note is that that decibel rating is – when you're standing or as experienced standing three feet away from the inverter. As you know, the farther you get away from a sound emitter that noise level degrades with distance. I hear that you live over on Baron De Hirsch Road and, as I mentioned, given the way that we were able to design this project with the setbacks, I don't know which house is yours but I can confidently say that your house is located, or rather I should say, your parcel line is located at least **350** feet from our first panel if not further, perhaps up to **500** feet. Something we did in the first project we had reviewed by the town is we took several members of the Planning Board to an existing and operational solar project where they were able to walk around the site and see these inverters and see the noise generated by the facility. I'm happy to hear comments from members of the board who were there that day but I would say that the grand take away from that site visit were that no noise could really be heard even when you were standing right up against the electrical equipment on site.

Ms. Cindy Fouhy introduced herself and stated his wife. Where can we find – where could we go and get an example of what the sound would be like from our area? Is there someplace that already has a construction like that where we could actually...

Mr. Kieran Siao responded that's a great question. It would be interesting to think of a site that has public access. As I mentioned, our other site is currently under construction. The inverters have not yet been installed but for comparison, **70** decibels is about as loud as your refrigerator or a conversation between two people at normal volume when standing three feet away. So if you were to go look at an equivalent emitter of noise at that level like a dishwasher or a refrigerator, that should give you an idea of the type of humming noise that may be experienced when standing that close to an inverter. But once again, given the distance that the inverters will be from any of the parcel boundaries, I'm confident that no noise will be heard.

Ms. Cindy Fuhoy stated the reason I'm asking this is because we have a lot people who are in the arts in this community and people who are recording music. There are people who are writers. There are people who really need the silence of the parcel of land that they purchased for the purpose of the privacy and the quiet. It does matter a lot what type of sound is going to be emitted from this and how long it's going to be. So that's why I'm asking.

Mr. Kieran Siao stated of course, those are great comments. I'm sorry was there another comment?

Mr. George Fuhoy asked why can't you put the inverters on the Lexington Avenue side and then you avoid the problem with the houses on the Baron De Hirsch side?

Mr. Kieran Siao responded it's all going to be dependent on the ultimate electrical design and wire runs.

Mr. George Fuhoy asked what do you mean design...

Mr. Kieran Siao responded of course, but regardless of which side the array the inverters are located on, given the distance, they're not going to be heard from the parcel boundary or anybody's homes. If there any members of the Planning Board who can speak to that site visit, to that solar farm that we went on, I think that we would all agree that noise is not really an issue here, and especially when considering or comparing solar to other more traditional forms of commercial development that may be proposed at a site like this. Certainly, something like a hotel, or retail which would have a lot more cars and traffic would result in substantially more noise than a solar array like this which will just sit dormant.

Mr. Chris Kehoe stated Kieran, this is Chris, I'm not a Planning Board member but I'm the Planner and I recall when we went up there I thought we filmed the inverters. I can't remember if it was just me or if it was you but we actually turned the phones on and filmed them. I can't remember – that wasn't you though? That's not ringing a bell?

Mr. Kieran Siao responded I can't recall Chris.

Mr. Robert Foley stated when we were there Chris...

Ms. Valerie Myers stated Chris I don't remember that.

Mr. Robert Foley stated I don't remember when we there. What do you mean, with your cell phone?

Mr. Chris Kehoe responded yes. I definitely did it on my cell phone. I don't know if I kept it or sent it to you, or if I sent it to Kieran, but you recall the noise when we were standing there?

Mr. Robert Foley stated the bottom line was that I know Tom was concerned about possible noise and other than the clicking on and the clicking off, it wasn't at all pronounced.

Mr. Thomas Bianchi stated this is Tom. I was there as well and I confirm what Bob said and what Kieran said is that the noise was actually imperceptible.

Mr. Robert Foley stated yes. Again, we're in the hearing but in reference to George's suggestion Kieran about the converter, even though there may not be any kind of disturbing emittance, why not move them to the other side rather Baron De Hirsch to the Lexington side?

Mr. Kieran Siao stated once again, I would have to look at the way the way the strings of the PV panels are configured to see if there's a way we can ensure that all the string inverters can be located on the eastern side. I certainly can't guarantee that but it's certainly something we can look into. Regardless of where the inverters end up being located, I think we can all agree that this noise will not be perceived from the parcel boundary and certainly will not exceed the existing noise standard of the town.

Mr. George Fuhoy stated I would appreciate it if you would look into the locating them on the other side of the property has no, looks to me the way it's the map you drew, it looks to me like there's no residential houses on that side so if there's going to be any noise at all, the idea would be – the thing to do is put this stuff over there.

Mr. Kieran Siao stated George I appreciate the comment and that's something we can look into in further revision of design.

Mr. George Fuhoy stated two more things. The next thing is this is going to be a **2.3 MW** power plant right?

Mr. Kieran Siao responded it will be a **2.3 MW** DC solar facility. That's correct.

Mr. George Barefo asked how are you going to get the power from the solar field, the solar array or whatever it is, how do you get that from there to ConEd?

Mr. Kieran Siao responded that's a great question. If you look at the design that Mike is currently showing, you see that there's a pink line that extends from our array on the eastern side back out to Lexington Avenue. That is our point of interconnection, our wire run back to ConEd. ConEd has a distribution line that runs along Lexington Avenue which we would tap and interconnect into. We're currently working with Con Edison to perform what's called a CESIR study. That stands for Coordinated Electrical System Interconnection Review where ConEd looks at the existing capacity on the line and the additional capacity from the solar system to confirm and identify that the power from the solar array can feed onto ConEd's existing distribution grid.

Mr. George Fuhoy asked and this is going to be buried? It's not going to be above ground, is that what I understand?

Mr. Kieran Siao responded the majority of the wiring on site will be underground. I don't know if it's – it does look like it's detailed on this, oh perhaps it's not, on the sheet but what you see is, that pink line, the majority of it would be underground but then right as it's approaching Lexington Avenue, there'd be perhaps four to five new utility poles that would be located in that corridor some of which will host Dimension equipment, some of which will have ConEd's equipment. So really, very little of the wiring on site would be above ground and it would be on the Lexington Avenue side where we're interconnecting to ConEd's grid.

Mr. George Fuhoy asked the other thing is, you're talking about some sort of a community power source. Is this a community power source – does this reduce my ConEd bill at all?

Mr. Kieran Siao responded it can absolutely. The off-take for this project will be residence just like you and your neighbors and essentially once this project is constructed we'll be looking for residents to subscribe to the power that's generated by the solar project. I should say, electrically that doesn't mean the electrons from this solar facility will go to your house but you'll be subscribed for a certain amount and you'll be credited for your share of the power that's produced by the solar array. Essentially what that means is you'd be buying power from us instead of ConEd and at a rate that is less than what you are currently paying ConEd, typically, a **10%** discount beneath ConEd is market standard.

Ms. Cindy Fuhoy asked so that means if there's a power outage that involves ConEd we would still be effected by this right?

Mr. Kieran Siao responded you would. If there was a blackout from ConEd's distribution grid you would still lose power. However, for all the time that the grid is up and you're using power if you were to subscribe to this project, you would receive a discount on your electric bill month over month. And the nice thing about this community solar setup is that the standard term for this is **25** years but residents can subscribe and pay month-to-month and unsubscribe at any time without penalty. One thing else that I'll say is that is once this project is constructed, one thing that we have already talked to the Planning Board about and something we are doing with our other project in the town, is that we'll host a series of events with our subscriber manager who's responsible for subscribing residents to the solar array to educate people about the project as well as teach people how they could subscribe to receiving those savings.

Mr. Steven Kessler asked Kieran, you mentioned a **10%** discount from ConEd, is your business model that as ConEd's rates go up you're always pegging the cost at **10%** below ConEd?

Mr. Kieran Siao responded interesting. I'd have to check the subscriber agreement. There's some models where it stays flat. There are others where it's tethered to ConEd's rate. I do not know off the top of my head what the agreement would be in a project like this. But guaranteed it would always be lower than ConEd.

Mr. George Fuhoy asked Con Ed is still responsible for maintaining the power line into my house?

Mr. Kieran Siao responded yes.

Mr. Steven Kessler asked correct me if I'm wrong, and ConEd continues to charge a distribution fee also every month to the residents?

Mr. Kieran Siao responded no, I don't believe that's correct. Given the way the system is credited, they aren't strange breakouts to the way the power bill is set up. It's very straightforward where if your ConEd bill is X, under the subscriber agreement, your agreement with us would be X discounted by **10%**.

Mr. Steven Kessler stated I'd check that.

Mr. Michael Preziosi stated we do have other individuals that are trying to voice some comments and concerns so if there aren't any additional comments from Cindy and George, I'd like to promote another speaker.

Mr. George stated okay.

Mr. Kieran Siao stated thank you George and Cindy.

Mr. Michael Preziosi stated state your name for the record.

Mr. Mikey Francesco introduced himself and stated this is Joe Joe, Mikey Francesco. My question to you is; how are these construction vehicles going to be entering? What street are they going to be using?

Mr. Kieran Siao responded that's a great question. That's still something that we're working through. As you could see here on this plan set, we currently have an access road running off of Lexington Avenue from the east. The other option that we are considering is extending – if you were to look at a subdivision of the area. As I mentioned this **35** acre property is currently comprised of **15** parcels. In the subdivision there is a paper road, so a road that was designed and somewhat actually graded but not actually built, that runs south from Dyckman Road into the project area. So we are currently considering these two options: one where we come off of Lexington Avenue, the other one where we potentially come down from Dyckman Road. That's not currently been finalized. We are currently working with the Code Enforcement Officer to discuss what would be the best option here but it's something that will be reflected in the future of the designs sets we provide to the town.

Mr. Mikey Francesco asked so you mean to tell me the quiet little street, Dyckman Drive, was going to be a construction hub while this thing is being built? If you go that way?

Mr. Kieran Siao responded let's say this, if we were to use that access, we would be upgrading that gravel paper road to an access road that can support emergency vehicles and for a short period of time that would be used as a construction access. That said, once the project is operational, one great benefit of solar over other more traditional form of commercial development is that on a day-to-day basis there is no traffic to the site. there are no employees on site. It is very rare once the project is built that that road will be used and when it is used it would be, you know, one guy in a pickup truck coming every four 'ish months to mow the lawn, the grass underneath the panels as well as do some minor electrical maintenance on site.

Mr. Mikey Francesco asked I understand that but there's kids on the street. It's a quiet street and how long is this going to take to build?

Mr. Kieran Siao responded the full length of construction is between four and six months. That said, the heavy-duty part of construction I think you're thinking about: grading, tree clearing, is substantially short; a handful of weeks and after that it's a lot of just electrical bracketing these panels to the racking equipment.

Mr. Mikey Francesco stated you're making me laugh here because you're so nonchalant about it but you don't live here.

Mr. Kieran Siao stated Mike I understand and I understand that construction in a neighborhood is not ideal but given a project like this, and once again I keep using this comparison to other more traditional forms of commercial development, the construction term here is substantially shorter than...

Mr. Mikey Francesco stated I understand that but you keep bringing up this hotel, no one's putting a hotel there.

Mr. Kieran Siao responded well what I can tell you sir is that prior to us, at one point this project was – this site was being considered for the Home Depot that ultimately went to the Cortlandt Town Center.

Mr. Mikey Francesco stated you mentioned a hotel.

Mr. Kieran Siao stated that's fine, that's fine. In both cases, construction would be longer, impact to the area would be longer and more severe and on an operational standpoint, day-to-day traffic in the neighborhood would be much more busy than a use like this.

Mr. Chris Kehoe stated Kieran, this is Chris, the planner, and this is also for the resident as well. The public hearings are typically not debates back-and-forth between the applicant and the residents. So, I would continue to express your concerns and they'll get on the record and Kieran will have to address them. The key thing Kieran is the plan as proposed, which is what the Planning Board is reviewing does not show access off of Dyckman Road. If there is going to be access off of Dyckman that is a whole different issue that would cause other concerns for the Planning Board, I think ultimately the Town Board.

Mr. Mikey Francesco responded Chris, I didn't think I was debating him, first of all, and second of all I simply asked him a question and he brought up Dyckman, not me. If he would have said "Oh, Dyckman is not involved in his currently proposal" I lower my hand and I go about my business.

Mr. Chris Kehoe stated I'm not accusing anybody.

Mr. Robert Foley stated Chris and the resident, I'm a board member, Bob Foley, if I could interject. When we were at the site, sir I guess you live on Dyckman Road, we, at least I did and some others brought it up about your road, how quiet it was and there is that deep decline as you get down at the bottom which would be dangerous if there was any kind of heavy equipment during the construction phase being brought in. So at least I recommended at some point during that site visit that it was hopeful that any construction traffic would come in a different way rather than in that dead-end, Dyckman Road. Just so you know sir, at least I and I'm sure some other board members had a concern about your road there, the use of your road for construction phase.

Mr. Mikey Francesco stated that's nice to hear. Thank you. I appreciate it. I don't have an answer to that.

Mr. Kieran Siao stated thanks Mike and I also appreciate your question. This is something we'll definitely take back to look at.

Mr. Mikey Francesco stated okay. Have a good night. Thank you for your time.

Mr. Kieran Siao responded you as well.

Mr. Michael Preziosi stated there is another speaker, actually two more speakers. I'm going to allow and promote Marylou. Just state your name and address for the record.

Mr. Larry Provost stated hi this is Larry Provost. I'm using Marylou's computer because my computer is too defunct to work with Zoom. Larry Provost. I live on Teatown Road. You folks probably know me from other meetings. First of all, on the ConEd bill that Mr. Kessler asked about, you know the ConEd bill charges for power and delivery, and other charges separately and from what I've seen from other alternate energy supplier's promotional material they only discount or charge separately for the power portion of the bill. So Con Edison would still be getting their distribution fees per kilowatt hour which in my bill is about twice what the power portion of the bill is. So the savings – I pay about **8** cents a kilowatt/hour so my savings under this scenario would be about **8** tenths of a cent per kilowatt/hour per month so it's not as great a savings as one might think by the **10%** number given. My main concern though with this project and with other projects like it is noise and not the acoustic noise that the first citizen speaking was worried about. My concern is electrical noise. These inverters are essentially little radiofrequency generators that chop the DC power and then re-rectify and then re-invert it back to **60** cycle to interface with ConEd. There's a lot of room for electrical noise to be generated in that and there's a lot of concern with the amount of electrical noise that is not **60** cycle power that's generated. Most inverters designed for string solar panel use have a limit of **3%** total harmonic distortion which sort of means that **3%** of the energy is something else other than **60** cycle. If you've got **2 MW** of power it means you have the capability of generating **60,000** watts of radiofrequency noise. Now the FCC regulates all emissions and the radiofrequency range and they have a series of rules, **47 CFR Part 15** and I've written the board a letter about this that specifies the amount of RF energy,

radiofrequency energy that can be emitted by any sort of device known as an unintentional radiator. These devices are not designed to generate radiofrequencies but they do it as a byproduct of their functioning. I would like to see the board require that the developers of solar panels certify that they are going to use equipment that has the FCC certification for Part B in this case emissions which are for residential areas, that's a more stringent limit of the amount of radiofrequency energy that can be generated. There's also a Part A which is for industrial that is somewhat less stringent. This particular installation is near to homes and so I think the more stringent specification should be required. Also, I would encourage the board require that signage be posted by the developer appointing someone who is responsible for fielding complaints so that somebody who suddenly finds that perhaps their key fob doesn't work or that their Wi-Fi suddenly goes out, has someone to interface with to see if the equipment is at fault, is faulty, or poorly maintained and get the problem solved rather than being put in the endless loop of trying to get someone down in Washington to field the complaint. So those are my concerns. You know that radiofrequency is around us all the time. There's anecdotal evidence – I sent the board a link where a farmer's old TV set in Whales wiped out a village's Wi-Fi every morning at **7:00 am** when he turned his TV on to get the crop reports. There're also stories about an area of Yonkers where the key fobs wouldn't work for a square mile radius around the pizzeria that had a bad transformer in their neon sign. So, there's a lot of potential for interference and there are rules that the FCC has and I would like to see the board require that all of the equipment be FCC certified and that the public knows where they can field complaints with the operator of this facility. That's all.

Mr. Kieran Siao stated Larry I received your letter and I appreciate the questions. Just for some background here, the FCC Part **15** as Larry mentioned regulates radio noise or what in the industry call EMI, electromagnetic interference. And all digital devices emit EMI: your laptop, your cell phone, your TV, your microwave. To Larry's point, the FCC breaks this down, these devices into two different classes: Class A are devices for commercial use which is what these inverters that we're proposing on site are and then Class B are for small home consumer devices, so again, your personal laptop, your cell phone, the TV in your living room. To Larry's point, the standards for Class B devices are more stringent, quite frankly not by much, but they are more stringent than Class A devices and the reason for that is because these consumer devices that are in your home have a, based on distance to radio receivers, have more of a chance to interfere because of proximity. Your cell phone is located close to your TV which is located close to your laptop. Because these are all in such close proximity they have potential to interfere with each other which is why the FCC regulates these on a more strict standard. The way we've designed the system and the way we sited the system on the parcel, as we discussed with the first resident who was concerned about the inverter actual audible noise, these inverters will be located hundreds, and hundreds of feet away from neighboring parcels and even further away from these devices where interference is possible. So one thing I will say and what I can confirm Larry is that our inverters have been tested and we can verify that they are compliant under FCC Part **15** as a Class A device. That data has been provided back to the board and we can also confirm that on our gate for access to the site we will include some small signage that provides contact information to our asset management team if there are concerns.

Mr. Robert Foley asked can I interject? It's Bob Foley, a member. I know there may be another public speaker but I was going to address this. We have Mr. Provost's letter here. In fact, I think there were two letters and I have a concern also about EMI. Although I don't know Mr. Provost, I remember you from another hearing, there are other examples in the area, maybe I'm wrong and maybe Chairman or Mr. Provost can address because they have the electronic background. When you go up Heady Street to Town Hall there's a ConEd substation there. You immediately get radio interference from your car radio. Another example up at Tinker Hill in Put Valley where my daughter lives where there's a giant cell tower from Reliable Communications, you get radio interference within a few blocks of it. I call it more annoying, an annoying static. I'm concerned about whether any of your equipment Kieran, like Mr. Provost said, that could radiate unintentionally anything like this that would make the lifestyle of anyone nearby miserable as far as radio TV, Wi-Fi interference, that type of thing. That kind of real life go to another site and see how it interferes, the same type of electronic setup. That's what my question is.

Mr. Kieran Siao responded let's break down that question into two pieces: the first is, is there electromagnetic or radio waves that are emitted as part of the inverters? Yes, much like the cell phone in your pocket and the laptop that we're all using for this public hearing. Is it at a level of the transformer or the cell tower you mentioned? No, absolutely not. These projects, these devices are compliant under FCC Part **15** as Class A device and they'll be sited and located far internal to the property that it will not interfere with neighboring properties.

Ms. Valerie Myers asked so are you saying that – Larry Provost's letter said that he suggested that we put into the resolution that you use a qualified inverter. So you're saying you are -- you're going to be using qualified inverters, is that correct?

Mr. Kieran Siao responded yes, the inverters we're proposing are [solar] inverters. I believe I provided [inaudible] to the board. We have now provided the testing sheet that shows that they are compliant with FCC Part **15**.

Ms. Valerie Myers stated okay.

Mr. Robert Foley asked past history, Kieran, none of your other facilities you haven't had problems there from neighbors? The one we saw in Millbrook there were no neighbors. It was in a farmer's field.

Mr. Kieran Siao responded correct. I cannot think of an instance when there were issues that Mr. Provost is mentioning and I should say that the inverter that we're proposing here are very similar if not the same model of inverter we're using on Croton Avenue.

Mr. Robert Foley asked and the Croton Avenue is not in operation yet? It's still under construction, correct?

Mr. Kieran Siao responded correct but has been approved by the board.

Mr. Robert Foley stated I know, I know. So if there is, we find out later there is unintended interference, we'll hear about it from those neighbors I guess, if that's the case. But I appreciate Mr. Provost's letter and I was going to bring this up earlier when the first resident spoke but I didn't want to interfere with the public hearing. Thank you.

Mr. Steven Kessler stated we still have public to go...

Mr. Larry Provost stated I would just like to add one more comment in that the FCC requirements require that if harmful interference is caused by something under Part **15** certification they have to stop using it. I just hope that the developer realizes that if there is a problem they get turned off under FCC rules.

Mr. Kieran Siao stated fair enough.

Mr. Michael Preziosi stated we do have a few other speakers wanting to voice an opinion and comment so I'm going to promote Cora as a speaker. Cora, just state your name and address for the record.

Ms. Laura Morelli introduced herself and stated and I live on Baron De Hirsch Road. My comment – if you can hear me Kieran, how many residents do you expect this project to power?

Mr. Kieran Siao responded I'm using rough math here but I'm estimating around **400**, 420.

Ms. Morelli asked would that meet **100%** of those residents or would it just be supplemental to help offset the cost of energy for them?

Mr. Kieran Siao responded it's an interesting question. I cannot guarantee that will offset full electrical use all year round but it would be substantial, in the amount of electricity from ConEd it would supplement. It's all dependent on the production of the system over the course of the year.

Ms. Morelli stated I know for my property, we love our trees but we have too many to make solar panels a possibility for my house but I'm just concerned at the size of this project and we're not even sure if it can even fully power **400** homes. Probably on Crompond alone, not even including the Yorktown area by Lexington, what are there like **800** households? I don't know if the impact would be really worth just partially powering **400** homes?

Mr. Steven Kessler asked Kieran, you can check my math, but I'm sitting here what this woman is saying and my math says that **420** homes you can power **15** kilowatt/hours a day and I...

Mr. Kieran Siao responded my general math here is the site at the AC level is **2.1 MW** which is **2,100 KW**. Your average is around **5 KW** of capacity so **2,100** divided by **5** is how I'm getting **420**.

Mr. Steven Kessler stated all I'm saying is that if people want to check what their electrical usage is, they'll find out it's more than **15 KW/hrs** a day.

Ms. Morelli stated yes, I would agree with that.

Mr. Steven Kessler stated especially in the summer.

Ms. Valerie Myers stated that being said, it's not full time. It's only when the sun's out because we don't have batteries on this so it's not full time.

Mr. Kieran Siao stated there are no batteries proposed. We feel this is a more straightforward project to propose to the town rather than having battery storage which comes with its own questions and concerns. Ms. Myers, we've spoken about this in the past couple of meetings, and yes you're right throughout the year the level of solar array radiance is – it varies based on soiling which can be everything from snow load to cloudiness to some parts of the country dust on the PV panels, but that is all calculated into our modeling of what the system can produce and the off-take of that will be appropriately sized based on the production of the system.

Mr. Michael Preziosi stated I do have another resident with their hand raised so Cora if you have any other comments otherwise...

Ms. Morelli stated just one quick one. I noticed that, this is just in general, that your orange notice sign for town meetings like this are always placed parallel to the road making it very difficult to read them and get any information on them. Is there any way we can put them perpendicular to the road so that anyone driving by could actually read the notice?

Mr. Chris Kehoe responded it's funny you should ask that. The signs were originally printed double sided so for five to ten years they were always perpendicular to the road and then the last batch of signs we got in I guess we weren't clear enough into the sign manufacturer, he only put the information on one side so that's why within the past two or three years they've been going parallel to the road. That was an issue. We always used to have them perpendicular. All I can say is next time we order the signs we'll make sure we go back to perpendicular.

Ms. Morelli stated okay good. Thank you.

Mr. Michael Preziosi stated I have one additional speaker I believe it's Cindy and George one additional time. I'm going to promote them to speaker. Just state your name and address one additional time and voice your comment.

Mr. Fuhoy stated we didn't realize that our hand was up.

Mr. Michael Preziosi stated okay, no problem. I will disable speaking. That appears to be everybody at the moment. Is there any additional resident that would like to voice concerns or comments pertaining to this application?

Mr. Steven Kessler stated I think we should note that this public hearing will be continued because we don't have all the information we need to have to do a full review here. If people could wait until we get that information they'll have another opportunity at the next meeting to speak again.

Mr. Jeff Rothfeder stated right, and just to note also for the record that the September 25th letter from the Westchester County Planning Board raised those same issues of getting more information, particularly about the trees that are going to be cut down as well as, I don't think it's actually in this letter but there's also issues of animal habitat and migration paths and so on and the wetlands of course. So we've got a lot more information to get before we're going to close the public hearing.

Mr. Robert Foley asked that's the Norma letter, the commissioner also watershed.

Mr. Jeff Rothfeder stated correct.

Mr. Chris Kehoe stated with respect to the watershed reference, Kieran, I believe has Cynthia Garcia or staff already been to the site?

Mr. Kieran Siao responded yes. The New York City DEP has it on site and concurs on our wetland delineation boundary.

Mr. Chris Kehoe stated which is one component, obviously as you mentioned, your consultant and our consultant, they're still working on wetlands.

Mr. Michael Preziosi stated DEP, DEC, and the town's consultants have to all approve and observe the wetlands delineations. It's a multi-agency review.

Mr. Kieran Siao stated that's correct and at this point DEP and town consultants complete DEC is pending. Very quickly, Mr. Rothfeder you mentioned biodiversity and I heard some discussion about this during the workshop, just wanted to state Dimension's position is a biodiversity study on this site should not be necessary. There is no regulatory requirement which would motivate it. In doing our due diligence we have already consulted the New York Heritage program's environmental resource mapper which is a public mapper administered by the DEC and the site is not flagged for protected species. I've heard points about the DEC wetlands on site and of course that's correct, there are DEC wetlands present on the property the boundary of which will be verified by the DEC during their own site visit. As we currently propose our system, there is no proposed impact to either DEC or town-regulated wetlands or their hundred foot buffers. So there'll be no impact there. And then further, earlier in this process the town has

circulated our SEQRA packet to the DEC and has received no response. In our view, there are no protected species on site. There is no known protected species habitat in the vicinity and therefore no biodiversity study should be required.

Mr. Chris Kehoe stated to that point, we're awaiting to hear back from our environmental consultant. In addition to doing the trees, they provide us a narrative and a report and that's town, and Kieran have been waiting for that for a while and as Kieran mentioned, it should be coming very shortly.

Mr. George Kimmerling stated Madame Chair I'd like to make a motion, if we have no further public speakers in the public hearing, I would like to move that we adjourn the public hearing. I believe we discussed in the work session adjourning this to December but I'm not sure my notes are correct pending the...

Ms. Loretta Taylor stated that's correct, December 1.

Mr. Kieran Siao stated so very quickly, and I know I've taken up enough of your time, is there any reason why we can't continue in November? As Chris mentioned, we expect to have the memo this week. I don't see any reason why we wouldn't be able to update plans over the next month.

Mr. Chris Kehoe stated it's not a question of updating the plans over the next month. It's the case of updating the plans within two weeks, getting them back to our consultants for them to do a follow up report and getting it back into the Planning Board fast enough for them to be able to digest it and then also for your engineer to develop some sort of engineering drawings. I mean it was our opinion that most likely is not going to be done by Wednesday, November 4th and we'll be here again on Wednesday, November 4th knowing full well that the hearing is just going to have to be again adjourned until December. That was the thought process.

Mr. Kieran Siao stated okay, fair enough.

Mr. George Kimmerling stated again, the motion is on the table to adjourn the public hearing to the December meeting.

Seconded with all in favor saying "aye".

Ms. Loretta Taylor stated very good.

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OLD BUSINESS

PB 2020-3 a. Application of Heike Schneider, R.A., on behalf of 3451 Lexington Avenue, LLC, for Site Development Plan approval and for Steep Slope,

Wetland and Tree Removal permits for a proposed 56,000 sq. ft., 2-story classic car storage facility, a 4,900 sq. ft. showroom and a 3,528 sq. ft. storage building on a 16.3-acre parcel of property located at 3451 Lexington Avenue. Drawings latest revised August 18, 2020.

Ms. Heike Schneider stated good evening. Here's Heike Schneider. I'm the architect and I'm representing Jack and Larry Ahearn for the classic car storage facility. So we're here because we also submitted a wetlands finding statement and a wetlands mitigation plan. We would like to answer questions that the board might have. I would like to call on Ben Truitt first because he's the landscape architect and he prepared the wetlands mitigation plan and also the detail plan. Later on, I would also like to call on Thomas Kerrigan who prepared the wetlands finding statement. Ben are you around?

Mr. Ben Truitt responded I am here yes.

Ms. Heike Schneider stated good.

Mr. Ben Truitt stated the board will see on the updated landscape planting and mitigation plan we have addressed the mitigation of the impact to the wetlands buffer and the existing town wetlands as shown on the lower left of the drawing and in the upper center of the drawing. In addition, we've revised the plantings around the rest of the property to be appropriate for this scope of a project. Are there questions relating to this plan as it's shown?

Mr. Chris Kehoe responded it was discussed briefly at the work session but this plan was referred to our wetland consultant, Paul Jaehnig and he responded generally favorably. He did point out the issue with respect to the finding statement. That was my fault. I just did not send him the finding statement that you provided and had previously sent to the Planning Board. And that language of the finding statement would ultimately get included in a resolution of approval if the board gets that far.

Mr. Ben Truitt stated understood.

Ms. Heike Schneider asked does the board have questions regarding the wetlands finding statement? Concerns? Questions?

Mr. Robert Foley responded we discussed it at the work session. I think Jeff brought up something.

Mr. Jeff Rothfeder stated no, not really. I thought Jaehnig's report was good and Chris mentioned what needs to be added. All I said was that I felt the applicant's been really cooperative and I appreciate that.

Ms. Loretta Taylor asked are there any concerns from board members at all?

Mr. Robert Foley responded unrelated to wetlands but you do have landscape up there also. I know we discussed it at previous meetings but I really wish there was more frontage on Lexington. You have a nice little landscaping thing there where you first pull in alongside of the road but it doesn't leave any room for possible widening of the road and that's a concern I have because of the traffic concern. I just wanted to say it again. Thank you.

Ms. Loretta Taylor asked what about staff? Are there any concerns that you have to address at this point?

Mr. Chris Kehoe responded I differ to Mike on the technical components but with respect to the process and the wetland mitigation, and the landscape plan, we're recommending a resolution of approval for next month.

Mr. Michael Preziosi stated the plans are fairly developed. As we mentioned at the work session, it's about **90%** complete. We'll have some technical comments pertaining to details at construction accessibility and then long-term maintenance and survivability of some of the plantings which will all be wrapped up in comments pertaining to the mitigation finding statements and the five-year monitoring protocol. For the most part, I think we're comfortable on the efforts that were made. The mitigation areas were up for town standards which would be two to one under wetland impacts and the substantial mitigation that's being made within the wetland buffers to improve understory and remove invasive. I think the applicant's done a good job in addressing most of the Planning Board's concerns.

Mr. Chris Kehoe stated one other thing, Heike, I can't remember and I don't have all my paperwork at home but I believe the Architectural Advisory Council signed off on the elevations as well?

Ms. Heike Schneider responded yes, they did. I had resubmitted everything that was requested and the way I understood it they did sign off on it.

Mr. Chris Kehoe stated okay, I'll confirm that.

Ms. Heike Schneider stated thank you.

Mr. Steven Kessler stated Madame Chair, if there are no further issues I move that we have staff prepare an approving resolution for the next meeting.

Seconded.

Mr. Robert Foley stated on the question Loretta, and I think maybe it was answered, I brought up in the past as other – and I saw Holly Haight's memo, is that tantamount Chris as a Fire Advisory Board, look see and review of this building and what would be in it, Mike?

Mr. Chris Kehoe responded Holly is the staff person of the Fire Advisory Board.

Mr. Michael Preziosi stated we do have regular Fire Advisory Board meetings. With COVID it has sort of shifted to just more email correspondence. But we do refer these applications to the Fire Department. They do evaluate and provide comments to Holly Haight who then forwards it to Chris and I for incorporation into the Planning Board [memo].

Mr. Robert Foley stated so they know that this building could have a few hundred cars in it, some of which may have gasoline in them and so forth.

Mr. Michael Preziosi stated yes, that's all going to be part of the resolution. We have items during the code review; the building is going to have to be sprinklered. There are fire suppression requirements, fire separation requirements, indoor fuel storage which all has to be addressed during code review. But the general aspect of the fire review right now is to make sure that the building is designed and the site designed it in a manner in which a fire apparatus truck can facilitate and turn into the site and also be able to have a hose pulled in order to accommodate in a – suppress a fire.

Mr. Robert Foley stated okay. Thank you.

Mr. Michael Preziosi stated you're welcome. Still on the question.

Ms. Loretta Taylor asked are there any other concerns, statements?

With all in favor saying "aye".

Mr. Michael Preziosi stated just saying good night to the team. We're going to disable them from speaking.

Ms. Heike Schneider stated thank you.

PB 2020-6 b. Application of Palisades Enterprises, LLC for Site Plan Approval, a Special Permit and for Tree Removal and Steep Slope permits for a proposed 2,940 sq. ft. gas station and convenience store with six fuel pumps on an approximately 1.7-acre parcel of property located at 2058 East Main Street (Cortlandt Boulevard). Drawings dated August 19, 2020.

Ms. Loretta Taylor stated we were there this past weekend and I guess – staff do you have anything that you want to say before the board or...

Mr. Chris Kehoe responded no, I think we're waiting for the applicant and really specifically John Canning to make their presentation regarding the traffic report.

Ms. Loretta Taylor asked are they here?

Mr. Chris Kehoe responded yes. And then we have our traffic consultant Marisa here as well.

Mr. Michael Preziosi stated Ralph Mastromonaco, John Canning representing the applicant and Marisa Tarallo representing the town as a traffic consultant are all on.

Ms. Loretta Taylor asked who's going first?

Mr. Ralph Mastromonaco responded hi this is Ralph Mastromonaco, good evening.

Ms. Loretta Taylor stated okay, very good.

Mr. Ralph Mastromonaco stated yes, we did have a site visit. There didn't seem to be too many comments. I think it's pretty obvious what we're doing here. We're taking down two structures and modernizing that site. Probably the most important impact or discussion needs to be over the traffic and to that my client has engaged Mr. John Canning. He's a very good traffic engineer. I've known him for many years. If he's on with us, I believe he has a lot more to say about this right now, more relevant material than I have. I can answer questions after he does his presentation if you'd like but if Mr. Canning is on I think you'd want to hear from him first.

Mr. John Canning stated thank you Ralph. Good evening Madame Chair, members of the board. First, for the record this is John Canning with Kimberly Horne and I want to apologize for completely forgetting about your site walk on Sunday morning. I'm rather embarrassed by that but it just completely went by me so I apologize. We conducted a detailed traffic study which was consistent with the scope that was discussed by your staff and we submitted it and it was reviewed by your consultant who is also involved in the scoping process. The study was based on the Gasland gas station application that's on Route 6, was recently approved by your board on the other side of the Bear Mountain Parkway and was based on that for the obvious reason that it would be impossible to go out today and count the volume of traffic going through that intersection and use it and say that it is representative of normal conditions, whatever that means. Obviously, traffic levels are considerably down from where they were before. We're not entirely sure of whether they are going to come back to the levels they were at but the assumption, that was used for our traffic study is that they will come to the levels that they were at and that's why we used the Gasland's traffic study volumes. The traffic volumes were projected through the year **2022** so we grew the existing traffic volumes and we added traffic from all of the other vicinity developments that were identified by your staff and that were included in the Gasland traffic study including traffic from the Gasland project itself. I might add that if this development is approved, some of the traffic that would ultimately go to this project would likely come from Gasland so we haven't accounted for that but that would help make things a little bit better. Traffic was added for this project generally using the same methodology that was used in the Gasland's study. So how they projected their traffic volumes was how we projected the traffic volumes. An accident

analysis was performed for the two ramp intersections with US Route 6 and a signal warrant analysis was performed for the un-signalized intersection which is where the westbound Bear Mountain Parkway ramp touches down at Route 6 opposite the proposed site driveway. The study findings, no surprise to anybody, intersection currently operates at level of service **F** during the peak hours which basically means that anybody that's getting off the ramp, especially if you have to make a left turn has to wait an inordinate amount of time for a gap to appear in the traffic stream on Route 6 before you can make the left turn. And what happens then is when you get two, or three, or four cars backed up it becomes difficult to make the right turn as well because you get caught up behind the left turning cars and the same problem persists for the existing gas station which is very evident in the turning movements into and out of the site. So basically, the easy movements into and out of the site are right in and right out and they constitute over **75%** of the activity at this site. So that's **25%** or either making a left in, left out, or going straight across or back from the Bear Mountain Parkway. This demonstrates how the level of traffic activity on Route 6 limits the ability of this site to generate business because it's difficult to turn in and out of in its present form. The intersection has experienced **16** accidents in the last three years. And while that's not a terribly high amount, it's higher than we would like and it's also higher than the expected average. This is an intersection that could use some improvement. A review of the traffic volumes indicate that delays accessing Route 6 at this intersection from the westbound ramp are so great that many motorists are actually getting off and using Locust Avenue and then they get down to Locust Avenue, they turn left and they come back this way if they want to get to some businesses in between or they're going up to Conklin Avenue and they're making a right turn there and coming back to go to businesses and residences in between Conklin Avenue and this site. That's evident from two things: one if you look at the volumes of traffic getting on this ramp and you compare them to the volumes of traffic getting off this ramp, the volumes getting on are probably two, or three, or five times more than the volumes getting off. So, there's an imbalance there and you normally expect to see about the same level of the "get ons" as the "get offs", the people that get on and get off. It's also very evident when you compare the volume of traffic getting off, the westbound ramp at this location to the volume of traffic getting off the eastbound ramp where there is a signal. And I would say that the discrepancy's even greater there, it may be eight to ten times more people get off at the eastbound ramp than get off at the westbound ramp. Certainly, some of that is possibly attributable to more people wanting to go from the west on the Bear Mountain Parkway to the east on Route 6 but the disparity is so great that it's not all attributable to that. I know it's a long evening for you but this is an important project and this is an important intersection. If a traffic signal were installed at this intersection, it would dramatically improve the performance of the westbound off ramp which in turn would encourage those motorists, some of those motorists that currently go to Conklin Avenue and Locust Avenue to avoid this intersection to come back and use the ramps so there would be a growth of traffic on the westbound off ramp. We have considered that. And if a traffic signal were installed at this intersection, this project as proposed with a drive-through or a convenience and twelve vehicle fueling positions, could be expected to add a **170** more new trips to the surrounding roadway network in the peak hours. Now with the addition of these trips, both the return of traffic from Locust Avenue and Conklin Avenue as well as the traffic

generated by the project including traffic getting off the ramp and going across to the site and returning from the site going across to the ramp, which doesn't happen today. Only two or three trips during the peak. If these trips, or with the addition of these trips, we did signal warrants and they demonstrate that a signal would definitely be warranted at this intersection. The only reason the signal is not warranted at this intersection today is because it's so hard to get onto Route 6, people avoid it and they go other locations and so there's very low volumes on the ramp so the warrant is not met. With the installation of a traffic signal, the project's traffic impact will be mitigated and the applicant could be required to pay for his share of the contribution of the cost of the signal. The resolution of approval for the Gasland includes a condition, condition **No. 7** which is that Gasland, and I quote, "shall install an additional traffic signal with adaptive controls at the westbound Bear Mountain Parkway ramp and its intersection with Route 6/Cortlandt Boulevard if warranted" end quote. If for some reason the parties can't agree to install a traffic signal at this intersection, the existing turning movements at the site indicate that the proposed project will generate less than a third of the traffic it would generate with the installation of a signal and consequently there'll be so little traffic that it won't have a significant impact. Basically, what it says is that this intersection performs so poorly without a signal that two thirds of the people that might go to this gas station won't go there because purchasing gas is a convenience activity. When I go home and I say I need gas, I make sure I do it on my somewhere else, if I'm going home, and I make sure I do it in the easiest manner possible. Price is always a function but I know where the gas stations are and I know the prices, and I'm sure not going to make a left turn into a gas station and then try and make a left turn out of the gas station when I can make a right and right, much easier. In summary, with the cooperation of all of the parties involved: the Town, the state, the owner of the Gasland property and my client, there's an opportunity to fix this problem intersection when installing a traffic signal. If a traffic signal is not installed on Route 6, the volumes are such that not enough traffic will visit the project for it to have an impact. And just in summary or to conclude, before I open up for questions, we have reached out to the DOT and asked for a meeting to discuss the traffic study. I have not heard back from them but when this meeting concludes tomorrow I will reach out to them again and I will also forward them the comments that we have received from your consultant. We've reviewed the consultant's comments and much of what's in there is request for some clarification, provide some figures, and explanations for how we projected the traffic volumes. And we would be happy to respond to all of those. That's basically what we have determined so far in this analysis. We're looking forward to discussing it with you further. Thank you.

Mr. Thomas Bianchi stated John, this is Tom. Based on what you said and what I read in the report, a basic assumption that pervades the report is that if the traffic signal on the westbound ramp is not installed, the traffic to the convenience store would be about half of what you said third, I read half in here, half of what it would take and therefore there would not be an impact. Now, where did that come from? Where did that assumption come from?

Mr. John Canning responded sure, hold on I actually have that on a spreadsheet which if I can find it. I can't find it. Okay.

Mr. Thomas Bianchi stated just describe it. That's all.

Mr. John Canning stated just describe it? So basically, what we did is we looked at the easy movements into and out of the gas station. So that's the right in and the right out. You're driving along Route 6, you're going westbound. You want to go into the gas station. You come up to it. You don't have to yield to anybody. You just turn right in. it's really easy. You get your gas then you want to leave. I'm going to Peekskill to work. So you want to leave. You go to turn right out. All you have to do is yield to traffic going westbound on Route 6. Not so bad. So when you compare those volumes to the volumes for the other movements, for example, if I decide that I'm westbound on the parkway and I want to stop and get gas. I come down the ramp. First I've got to cross four lanes of traffic and wait for gaps in traffic going both direction to get in and then I've got to do – min that instance I've got to do the right turn to get out but if I'm going westbound on the ramp I've got to cross those two lanes again. So when you look at those more difficult movements, or the left turn out to go east on Route 6, you will find that the more difficult movements, the non right in, right out movements constitute **26%** of the AM traffic, **37%** of the PM traffic, and **25%** of the Saturday traffic. Excluding the right ins, right outs, all of the other movements constitute **37%** or less of the existing traffic. And the reason is, it's a terribly difficult thing to do and people couldn't be bothered with it. If you approve this project and we don't get a signal and we're subject to the intersection that's there now, people aren't going to turn left in. They're not going to turn left out. That's how we got it.

Mr. Thomas Bianchi stated that explains it because it is a real important assumption here. It leads me to think – your conclusion indicates that with or without the signal, the project will not have a significant impact on the study, on the traffic but my take on it is that without a signal there this project is not viable. You want to comment on that, that's fine.

Mr. John Canning responded well, I would say that there is capacity there it's just that fewer people are going to use the site. If the site is not viable, it's operating now and there are people going in and out of it.

Mr. Thomas Bianchi stated yes, but my point is that I see people making a left going towards – coming from Peekskill, making a left into that site across three lanes of traffic. I know that the accident level there has been pretty high according to the statistics that you cited, and coming off of the westbound ramp going into the site is impossible now. If you don't have any control over that, if you don't put a sign that says “no left turn” or “no through traffic” or whatever, you're going to continue to have a lot of accidents there and people trying to make ridiculous kinds of maneuvers to get into that place from the wrong direction.

Mr. John Canning stated Tom, Steve I know you had a comment, but before I forget, number one, I think the optimal solution here is to get a traffic signal.

Mr. Thomas Bianchi stated I agree.

Mr. John Canning stated and number two, if a traffic signal can't be installed, we're subject to your board and the DOT as to the control of access to this site and we'll discuss left turn prohibitions would be required to improve the safety of the site but to allow the site to function. Left turns out is probably going to be one of those things, but it's certainly something that we're waiting to discuss with DOT. I'm sorry Steve, your question.

Mr. Steven Kessler asked my point is, if I were to do this – I would say: “oh my goodness. If I put a traffic light in here I will double my business.” Why would I even think about doing this without a traffic light?

Mr. John Canning responded I agree except that I'm not sure this business can carry the cost of a **\$200,000** traffic signal. That's a pretty big ask for a pretty small project, certainly with some help from Gasland with some help with some other projects in the area, I think it's doable. That's why I said, there's four parties involved, at least: the Town, the state, the client and Gasland which has a condition of its approval to install a traffic signal. It was either to contribute to the installation or to install an additional traffic signal with adaptive controls if it is warranted.

Mr. Robert Foley asked John, you're saying this project is small and earlier you said that even without the light people are going in and out as they can safely. What Ralph and the applicant is proposing is not – the rationale is that there's already a gas station there and a garage there but now you're going to add a convenience store so that's another reason that someone may want to pull across Route 6, coming off that ramp or go in and make a left turn going eastbound. So the project, as we're addressing, the application we're addressing is more than just what's there already.

Mr. John Canning stated I agree. I will note that part of the word “convenience store” is convenience and if it's not convenient you're not going to do it.

Mr. Robert Foley stated and also there'd be more gas pumps, I believe, than what...

Mr. John Canning responded yes there will.

Mr. Robert Foley stated so it's bigger than what's there.

Mr. John Canning responded yes.

Mr. Robert Foley stated I think to Bob's point, I think it's a really good point that the conditions there right now are already concerning and then once your – just under the current conditions if you don't get the light, once you're adding a much more attractive site that just by itself is definitely going to attract more people than what's there right now which is basically a rundown little gas station. There's no way that you're not going to make the conditions worse. I think we all like the idea of the traffic light but as Tom

said before, it just doesn't feel viable without it, to create a site that's more attractive to people that will probably generate more accidents.

Mr. John Canning stated I hear what you're saying and I think what's most important at this stage is we get DOT to the table and see if they will entertain the prospect of it. I think they should but I think and what DOT thinks are two different things. And once we have that answer then we'll either be dealing with a signal or not a signal. I think it's a little premature to try and commit to one another.

Mr. Michael Preziosi stated just for the board's clarification, I believe the condition of the Gasland approval was that after the implementation of the construction and a post implementation traffic study, if a signal was warranted on the westbound ramp, then Gasland would be responsible for the installation of such. I don't think it was outright requiring them to install a signal if another development warranted it. Just as clarification.

Mr. John Canning stated I read the resolution.

Mr. Michael Preziosi stated Chris and I will go back and check the minutes. I don't know Chris you recall differently but I don't think it was outright requirement of a single applicant to fund the traffic signal.

Mr. Robert Foley stated I think Dr. Grealy for Gasland said that if something happened at Sinclair that they would be a contributor if it warranted a signal. That's the way I understood it back in December.

Mr. Michael Preziosi stated we'll double check that but I just wanted to make it clear I don't think it was just one or the other. I think it was something we needed to check into.

Mr. Chris Kehoe asked can we hear from Marisa?

Ms. Marisa Tarallo asked can you hear me?

Mr. Chris Kehoe responded yes.

Ms. Marisa Tarallo stated hi guys. Marisa, from AKRF. Just to summarize our response rather than reading the comments. To John's point, our comments are mostly looking for clarifications on certain items so that we can verify them. I think how the study was done, the methodology, everything matches the scope. It matches what we had discussed: the no-build, all of those items – they checked all the boxes. I just want to caution with, and we support, and I would also say we support that a traffic signal is the better solution here given the traffic safety issues, given what we've heard when we were given the Gasland site and what we've seen. I think we all agree on that. I just want to caution on saying that there are no significant traffic impacts with the traffic signal or without it. First, as far as with the traffic signal, the ramps are really bad today. As John pointed out, they have extensive delay. With a traffic signal, those ramps can be made better but they're

still going to be at capacity so that you're not going to be seeing a level of service **C** suddenly on the ramp with this project. Also, one of the key points in why this p needs to go in front of DOT since they'll approve this traffic signal or not, is that the eastbound and westbound movements on Route 6, which is what DOT is concerned with are currently not restricted. When you put in a traffic signal, they're going to be required to stop for some amount of time for the ramp, which is good for the ramp but it's not good for the state's roadway. So, the findings of this traffic study show that that's going to be level of service **E** for the turning movements on the main line. That's not **F** but it's also generally considered over capacity. And it's technically considered an impact in the terms of impact criteria because it is a level of service **C** or better in no-build primarily because there's no traffic signal there, not that it's an easy movement to make but now it's going to level service **E**. In terms of a traffic study, I wouldn't say there's no significant impact. I'd prefer to not – I think depending on what the board would like to do, I'd prefer to not delve too far into the alternative analysis especially without DOT's input because ultimately, they need a highway work permit from DOT and the trip generation that was done for the traffic signal is to DOT's requirements which we know are very conservative and very in the box. They don't let you take a lot of credits. Going about a study that's saying that half of the trips won't come here if there's no signal; I agree with the rationale that less cars will come here if they can't get into the site and there's a lot of gas stations on this roadway but that level of a credit, DOT is highly unlikely going to consider in their review of this site and the traffic study. I wouldn't want to go too far down the road of whether it's rational now if they won't even let this site have permits because they won't accept it.

Mr. Robert Foley asked Marisa, are you saying that the DOT, what you just said, with both roads, not only 6 as the state road but even the Bear Mountain Parkway also a state road? So, you were saying that the ramp wouldn't be as important in the view of the DOT as the Route 6 traffic back-and-forth, the flow.

Ms. Marisa Tarallo responded I say it just depends. It's definitely a benefit that both are state roadways, to your point Bob, it's just a matter of what they consider – right now the ramp is very bad so it's an existing bad condition but they should be looking to make better. But to in turn trade off US Route 6 having extensive backups near an underpass that may have visibility issues if cars are stopped waiting at a light, and they may view it as contributing to rear-end crashes for example. I can't speak on their behalf. I just caution in saying that the signal makes it so there are no traffic impacts here with this project because I don't think that's the case and I caution considering the site without the traffic signal until we have heard from DOT as to whether or not they will consider the traffic signal because I think it is the lesser of two evils.

Mr. Thomas Bianchi asked Marisa, you're saying it's not a sure thing and definitely a possibility that the state is not going to agree with a traffic signal there? That's what you're saying basically?

Ms. Marisa Tarallo responded I mean it's possible they may but I still would say that the traffic study should conclude that this is a significant impact but that overall there's an

improvement with the traffic signal and that there are safety improvements. They should make some other statement but the reality is this isn't impact under the criteria of an impacting going from C to E. I would like to see, and John does mention it in his study, I would like to see an eastbound left turn lane here and unfortunately it doesn't look like there's a space for it even if it was a short pocket. That's inherently part of the problem with the signal here is that there can't be a left turn lane so there can't be dedicated time to getting vehicles in on a left turn movement. So, you're still going to have difficulty maneuvering this even with a traffic signal.

Mr. Robert Foley stated and then you'd have to widen the road. I have another question but I don't know if it goes to John or Marisa, or both of you. When they're meeting with the DOT and the town also, in John's report on the pedestrian traffic, pedestrian walkway on page 8, page 9, there are sidewalks under the tunnel so-to-speak, under the overpass on both sides north and south?

Mr. John Canning responded that's correct. I'm not sure if I would call them sidewalks but yes they don't meet the current standard for width but they are sidewalks and the one on the east side, so on the eastbound lanes there's a sidewalk to nowhere at both ends.

Mr. Robert Foley stated that's very dangerous and if you are standing or walking on them and then you have the visibility if you're under that little tunnel and then also when you're driving west at a certain time of the day, the sun's interfering for the drivers. It's so dangerous under that overpass right along the road. Also, John, the fact that on your accident on page 10, the crashes and safety assessment, the fact that that amount of crashes and accidents during that three-year period, 2016 to last year, and the fact that one of those was a really bad fatality, doesn't that weigh heavily with the DOT?

Mr. John Canning responded it does. Interestingly, just going back quickly, none of the accidents involved a pedestrian thankfully, perhaps because there aren't that many pedestrians there. We looked at the accidents, basically, there are a number of warrants you can do to justify the installation of a signal and traffic safety or lack of traffic safety is one of them. And for that warrant, the DOT requires five accidents in a twelve-month period that could be corrected by a traffic signal. So typically, an accident that's corrected by a traffic study is a right-angle accident. I'm turning left out of the site to go east on Route 6 and I'm hit by somebody traveling east or west on Route 6. There were three accidents in a twelve-month period that rose to that or met that criteria. It wasn't quite enough from the safety perspective but it certainly indicates that those type of accidents would be corrected and it would be – the intersection would be improved in that regard with the installation of a traffic signal. I think we all understand what the issue is and I think there are some potential solutions here, a number of solutions but I think the first thing we need to do is to get the DOT to start communicating to see how they feel about the installation of a traffic signal at this location.

Mr. Thomas Bianchi asked have they been contacted yet as to this application? When can we expect that to happen if not?

Mr. John Canning responded so I reached out to them already. I should have looked up when it was. It was probably two weeks ago. I will reach out to them again tomorrow. I basically told them by the way that the town had – I took the liberty to say that the town had requested that I reach out to them. I'm presuming they're more interested in you as representatives of the town than they are of me. I will reach out to them again tomorrow and try and set up a meeting. Michael did I cc you when I sent that email? I think I should have.

Mr. Michael Preziosi responded I don't recall seeing it John but if you reach out to traffic and signals again tomorrow, feel free to copy Chris and I on the email. Thank you.

Mr. John Canning stated okay super. Thank you. Any questions on the site plan?

Mr. Robert Foley asked on the site plan, no. You drive around the back of the convenience store, I don't know, I think that causes more, where it comes out. I know you can't come out right by the tunnel because then there'd be three curb cuts in a row. That convenience store gives me a problem.

Mr. Ralph Mastromonaco stated Mr. Foley, it's Ralph. In the original submittal we did not have the drive around lane. I believe that Mr. Preziosi asked us to put that in. I may now speak to my client, it may be something that he doesn't particularly need.

Mr. Robert Foley stated I know it's the signs of the times, everyone doesn't want to go into restaurants. They just go and pick up. They feel safer. It's just a bad location where it comes out.

Mr. Ralph Mastromonaco responded it's workable. We've done the studies.

Mr. Robert Foley stated anything is workable in engineering.

Mr. Michael Preziosi stated I just want to clarify the statement Ralph. It's not that we were requesting a drive through lane. I think the request of the Planning Board in the past was whether or not an escape lane could be included or wide enough to drive through to allow a vehicle to leave if they decided not to go to the drive through.

Mr. Ralph Mastromonaco stated oh yes, you're absolutely right. I apologize. That made the lane a little wider and it made it look a little more difficult as Bob Foley was noting.

Mr. Michael Preziosi stated I'm not sure if that that was trying to address a Planning Board comment. I put the plan back on the screen if everybody sees. So the drive through lane was widened to I think **18** feet Ralph if that's correct.

Mr. Ralph Mastromonaco responded yes but also Mike, generally we do have to have access, vehicle access to the back of the store, so whether or not there's some sort of a window there to buy a soda or something like that, that's another story, but we do have to

have – if there's no window there, there would be no traffic there really, but you have to have access anyway.

Mr. Robert Foley asked when you look at what's on the screen now, and first you want to just go to the convenience store. They're going to come around in front of those fuel pumps where a car could come out in the lane for waiting and the car's pulling in to go to the convenience store. I wish there was another way to bring that around but it's just by focusing everything between the front door, the convenience store and those few places to park and then where the people are getting gas will be going out in one of those six pump spaces.

Mr. Michael Preziosi asked Ralph, is there a way, I think you're showing a **30-foot** aisle between the gas pumps and the front parking, and a **36-foot-wide** aisle to the east of the site to the retaining walls. Could you maybe shift the pumps by a few feet to more equally distribute the aisles?

Mr. Ralph Mastromonaco responded yes, we could do that. It has to do with the turning radius and movements of the trucks. We've submitted that information but you have to remember also that if you're heading west, there's a second way in and that takes you right to the convenience store.

Mr. Robert Foley stated that space to the right or east, like Mike said, for example now you see the fuel trucks would have to come in and turn...

Mr. Ralph Mastromonaco stated I'm losing you...

Mr. Michael Preziosi stated there's a turning radius Ralph.

Mr. Ralph Mastromonaco stated there you go. That's one of them, yes. We did a little of different trials on that matter. Those are very large trucks.

Mr. Michael Preziosi stated I do think **30** feet is a fairly generous turning aisle.

Mr. Robert Foley stated I think that would help. I have another question but it's referenced to what was brought up at the site visit. It's not really – I guess it is site plan. It's not traffic. The possible historical significance of Popeye's, the old stone building that's there. I mentioned at the work session that, not me, but someone mentioned to the historical society one of our former president and current secretary. He's aware of it now because he's been watching the meeting. He said that that Popeye's, as far as he knows from previous research, was at one time was an old school house or school and that's all they had to date. I asked Chris, the town's – what is it called Chris? The town's historical preservation advisory committee of which this gentleman remembered, whether they could look into it. I think Ralph at the site visit when you said you didn't think that there was historical significance. It could be true. I asked if – is it SHPO, State Historic something or other, Preservation whether they actually – what research did they do or did they just look at some old paperwork? Did they really do an onsite look which they don't

always do. Again, it may not be anything but if has any historical significance it should be looked into.

Mr. Ralph Mastromonaco responded Mr. Foley, I had heard that comment a while ago and I did a fairly extensive Google search to see if there was any information about that old building and I didn't really come up with anything. Maybe a historical society can do that.

Mr. Robert Foley stated yes, let's see. My other question was – I guess I'm okay. Someone else can go.

Ms. Loretta Taylor stated I'm kind of thinking, I hope I'm not wrong in this is we have gone as far as we can go this evening.

Mr. Robert Foley stated yes.

Ms. Loretta Taylor stated and we're looking to schedule a public hearing at which time other issues may come up from residents or whoever. If everybody on the board is in agreement we can probably shut this down for tonight and move onto the other items on the agenda.

Mr. Thomas Bianchi stated I'm not sure if we should move again to a public hearing unless we find out what the status is with the state, DOT.

Ms. Loretta Taylor stated that's my point. I agree with you. I think that we need to give the applicant time to get all of their ducks in a row because I think we're all a little tired of public hearings where too much of...

Mr. Robert Foley stated I would agree that December would be better.

Mr. Thomas Bianchi stated Loretta, you're muted.

Mr. Michael Preziosi stated Loretta, if you could just un-mute yourself.

Ms. Loretta Taylor stated one second.

Mr. Michael Preziosi stated we can hear you.

Mr. Thomas Bianchi stated you're muted again.

Mr. Michael Preziosi stated you just muted yourself again. Just un-mute.

Ms. Loretta Taylor asked am I un-muted at this point?

Mr. Michael Preziosi responded you're good.

Ms. Loretta Taylor stated believe it or not guys, this is where I was talking from before and I thought somebody had heard me because I thought I heard my name but anyway. I'm just making a point that we're going to have a public hearing but I think we should schedule that hearing for maybe as far out as December because the applicant needs time to get materials together and I think we're all kind of a little tired of getting all the materials just short before we have to have them for the hearing or the meeting. I think it would be better if we just shut it down for tonight because there's not much else I think people can say and that would be actionable.

Mr. Steven Kessler stated rather than schedule a date, why don't we refer it back and let staff decide when it should come back onto the agenda?

Ms. Loretta Taylor stated and I would just like to make sure that I'm putting my two cents in, maybe three cents. I really want to make sure that most, almost every document that they need will be in evidence before we actually schedule the date.

Mr. Michael Preziosi stated I think John can be successful in getting DOT to schedule a meeting then we would be able to schedule the public hearing in December at the November meeting.

Mr. Chris Kehoe stated right, so don't schedule a hearing. We just have to wait and see what happens. Refer it back.

Mr. Michael Preziosi stated we hear you Steve and we hear you Loretta. We understand.

Mr. Robert Foley stated I agree. I have that Loretta right?

Ms. Loretta Taylor responded yes you do.

Mr. Robert Foley stated before I make the motion, I'm looking at the screen and the little bit of one second levity. The logo for Sinclair Oil is a brontosaurus? Which is huge and it's a dinosaur but anyway I make a motion that we refer this back.

Seconded with all in favor saying "aye".

Mr. Ralph Mastromonaco stated thank you.

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

Ms. Loretta Taylor stated now I don't know, staff you said we last spoke you didn't have additional information from the applicant. We were there this weekend and we sort of looked it over. We have, some of us, varying feelings about it. Did you want to preface the application or the discussion with anything you want to bring up to staff? Anything you want to bring up at this point? If not, then I'll ask the board members to discuss their sense of what went on at the site visit.

Mr. Chris Kehoe stated I know Loretta, the applicant and the engineer who were at the site inspection are on the call. The only thing that I did is based on the site inspection and the comments that you had made, I did ask the applicant to at least begin to investigate whether there's an accessible path out of the back of the parking lot, sort of up where we were standing. Obviously, I don't think they've been able to complete that analysis yet but the applicant is here. If the board members don't have any questions the applicant can make a presentation.

Ms. Loretta Taylor asked why don't we let the applicant make their presentation and then the board will follow with whatever concerns they have?

Mr. Chris Laporta introduced himself and stated with the Chazen Companies representing NewYork-Presbyterian, Tom Breglia with NewYork-Presbyterian is also on line here. The quick chronology, we started here back in June. Conceptually we've addressed the first round of comments, had preliminary talk with DOT back in August and made a full submittal towards the end of August, presented here last month. We met on the 4th which was two days ago, on Sunday morning, at the site and I think had a productive discussion and got to really feel the site and how the project is going to lay out. I think that we could speak to some of the comments that were discussed. First, the sidewalk along the DOT right-of-way I heard in the pre-meeting discussion about snow storage. Between the sidewalk and the parking lot there is about five feet of open space and then between the sidewalk and the edge of pavement on Crompond Road, I believe is close to **11** feet at the nearest point. One of the topics that we discussed was why is the sidewalk ending where it ends at the emergency access drive? We have responded to a comment that we're requesting that we bring it along the frontage of somebody else's property to the next adjacent intersection which we disagreed with but looking at this closer, we don't see any reason that we couldn't extend the sidewalk along the right-of-way to the northwest up to our property line. We're prepared to do that. That was a good point that somebody brought up on the site walk. We looked into that and don't see a reason of why we wouldn't be willing to do that. I think the big point of discussion was the access way through the hospital. On the proposed Citron parcel is at a higher elevation than the hospital, probably **20** feet or so. The way that we're making the site work so that the parking is manageable is we graded it out so that it would not exceed the **5%** slope in the parking areas. In order to do that we're proposing, and I guess the highest point on the Citron parcel, we're cutting it down about **7** feet. To get down to the parking lot below to the east there's a drive aisle that's going to be graded at **10%** in order to make up the grade. You could see that we're proposing to repave some of the parking lots to the east. That's not just repaving, we're actually – we found a clean place along the edge of the parking spaces, we cut out the pavement, and we're slightly from that point sloping the

grade upwards to help us make the grade up. We'll be filling a bit on the low end and quite a bit on the high end of the parking lot. What the end product of that is, is a **5%** parking lot with a **10%** drive aisle connecting it to. The conversation evolved to the pedestrian accesses. If there was a better way so that patrons that were at the far north area of the proposed parking lot could get down there via sidewalk without needing to walk all the way down to the southeast sidewalk and follow that around. We're looking into that actively right now but it presents a challenge. Yes, you could walk down the drive aisle but the exiting drive there. It's fairly steep. I would say at least **10%** in grade and there's a guiderail along the edge of it so the north side of it, there's a guiderails right along the edge of it and that entire driveway pitches the other way. There's an S fault drainage channel that runs along the other side of it. It's steep and it would be a real challenge to get on any sort of walkway along that corridor.

Mr. Michael Preziosi stated Chris, this is Mike. I wasn't at the site visit. If you have one path being ADA accessible towards the Route 202 side, then the second path could conceivably be steps for pedestrians and employees of the hospital. I think that should also be evaluated not necessarily a walkway but a combination of steps and a walkway leading to a sidewalk.

Mr. Chris Laporta stated okay. Just to clarify, the ADA parking you're supposed to provide that as close to the building as possible so with our last submittal we did provide an ADA improvement plan which the hospital would like to implement after this parking lot is installed because – to make with the ADA improvements you'd obviously lose some parking spaces, just sequentially it makes sense to get this lot up first. A **10%** walk down the ramp isn't ADA compliant. There's a proposed handrail there which I'm looking into that. That's probably a residential building code thing to have a rail of a sidewalk that's steep. But we're not proposing ADA parking spaces up there but we would certainly entertain – we'll take a closer look, maybe there is an opportunity that we could put a staircase to get down to the hospital, make a shorter walk for folks on the northern side of the parking lot. Looking at the plan here I'm thinking maybe a staircase along that entire drive might not be the most efficient way to do it. Maybe we could find a better place on the hill by where our bio retention pond is. Yes, right where you're drawing that line there, might present a good opportunity to get a more direct staircase walk back down towards the hospital. That's something that we could consider and look at. This is two days ago we had this discussion so we haven't talked completely and vetted out from an engineering standpoint. It's about a **20** foot drop in grade there, how a staircase would lay out, but it's definitely something that we're going to be taking a look at.

Ms. Loretta Taylor stated I certainly would be happy to see that happen. I think it's important for people to be as safe as possible when they have to negotiate these terrains that are very steep and then they have to be in a hurry sometimes. People come to work and they're not necessarily walking slowly or casually. They're in a hurry. When that roadway gets slippery from rain, or snow, or ice, or the lot I should say gets really nasty then we're going to have accidents from people hurrying to work. So I do think that trying to find a way to get them into the main campus as safely as possible is warranted.

Mr. Chris Laporta stated okay, and we agree with that. We will take a look. I think there could be an opportunity if those parking spaces by the bio retention pond move slightly to the northwest that we could make that a sidewalk access to get to a staircase to get down there. That will be one of our next steps is investigate the capability of that. I think that was the biggest concern. It's a pretty straightforward project other than that, the grading issue and the pedestrian connectivity. I think those were the two major concerns if I'm missing anything we're here to discuss but other than that we're still going to work with Mike...

Mr. Steven Kessler stated just one other issue, I think there should be some striping to connect, on the lower part here, one walkway to the other walkway so somebody can go from the outer walkway to the end of the walkway.

Mr. Chris Laporta stated right. Thank you for reminding me. That would be on the **10%** drive aisle where we have – yep, right where you're drawing that line there. We were going to investigate potentially putting in a crosswalk there. I asked our landscape architect group to take a look at it. Where it's drawn right there is **10%**, if we go a little bit lower, the grades transition to **5%**. I'm thinking to minimize the cross slope. I know that typically when you're doing an ADA compliant crosswalk it's supposed to be a **2%** cross slope maximum. This isn't an ADA pathway because we have a **10%** drop with a handrail here. I asked my group to look a little more into the code, the residential code and see – it would be a nice feature to delineate the pedestrian travel way and alert vehicles. So, if we can get it in there, that's absolutely no problem. We'll put that there.

Mr. Michael Preziosi stated Chris, we'll talk off line. We have some suggestions too you may want to look into such as putting a little level landing spots along the sidewalk that may necessitate some lower retaining walls but it could help cut the grade of the walkway.

Mr. Chris Laporta stated okay. I anticipate Mike that we responded to the last round of comments and we're awaiting our response and we'll have a little more back-and-forth to work out these technical issues. I think the big picture issue is just the configuration of the lot, the site planning. I think we're getting to a good point here. We look forward to working through these issues with you and hoping the project can move forward. If there was anything else anybody else would like to discuss, I think that on our end the next thing would be the next step discussion. If there's any other technical discussion to be had, you can discuss that if not we could discuss the next steps.

Mr. Robert Foley asked from the site plan again, I said it at the site visit and at the work session, Mike answered it, on the sidewalk. My concern was enough setback from 202 to make it safe. Perhaps the elevation of the sidewalk, and second when you said you would extend the sidewalk to your property line on the western end, and then my concern would be if it ends there, a person is on the sidewalk – does it end at the entrance to the birthing center? Is that what you mean?

Mr. Chris Laporta responded right now we're showing it ending at the entrance to the birthing center. The discussion that we had on Sunday was to extend it out where we have those three trees there on the northwest side, but ending it at our property line before we get to the veterinarian's property. We are going to be going to the state DOT so they're going to need to approve proximity to the roadway and all of that. We'll go through all that. They also want to take ownership of the sidewalks so there'll be a land donation process. That's part of the reason we weren't too fond of going in front of somebody else's property because there's a long list of items that include a phase I environmental review and a lot of legal documents for the land donation. We're really only interested in extending it along our frontage which we are willing to do.

Mr. Robert Foley asked from a safety standpoint, so it would end at the driveway that goes into the birthing – the driveway that EMT vehicles are now using to go to the birthing center where they're temporarily housed, right there?

Mr. Chris Laporta responded that's as proposed right now. We were, just based on the commentary at the site walk we were saying we would be willing to extend the sidewalk a little bit further to the other side of the driveway along our property frontage if the town desires that.

Mr. Robert Foley stated my concern would be if someone ends up going in that direction, thinking they go down Dayton Lane at the shopping center which is a walk and a half, that they're not be trapped just at the end of the sidewalk. At least that they could walk into the driveway at the birthing center as an escape so-to-speak – you know what I mean.

Mr. Chris Laporta asked are you saying that you'd prefer that we didn't extend a dead end sidewalk?

Mr. Robert Foley responded I don't know. I wish it could be extended all along 202 but it's not your property beyond that. It's the animal hospital now, the SPCA or something?

Mr. Chris Laporta responded yes.

Mr. Robert Foley asked and that's not your property not your future property or you don't know? Or maybe signage that the sidewalk ends. There's no access further west.

Mr. Chris Laporta stated signage in a temporary manner so if the sidewalk ever does extend in the future that sign could be pulled.

Mr. Robert Foley stated okay, just a heads up anyone that thinks they can walk further west on the sidewalk. Thank you.

Mr. Chris Laporta stated that's a good comment.

Mr. Thomas Bianchi asked want me to take it?

Ms. Loretta Taylor responded yes.

Mr. Thomas Bianchi stated Madame Chair I'll move that we refer this back to staff and the applicant for further development.

Seconded with all in favor saying "aye".

Ms. Loretta Taylor stated thank you all.

Mr. Chris Laporta stated just to understand procedurally our next steps we'll go back to technical services and I guess at that point when we address those comments we'll be closer to a point that we'd get a conditional approval based on DOT whatever final comments are left and we'd appear in front of the board again? Is that how...

Mr. Michael Preziosi asked did we want to discuss with the board? Did the board want to entertain an approving resolution for November or move for next steps which would be...

Ms. Loretta Taylor responded I wouldn't have a problem with it as long as we got some drawings to show what modifications have been made and then if we all agree then the approving resolution can take place on that day but if not then it's back to the drawing board.

Mr. Chris Kehoe stated but Chris, the issue with that would be you need to meet with us, satisfy the technical comments and revise the drawings and have them to us two weeks from tomorrow. If you don't think you can meet that deadline than we'll refer it back. That's up to you.

Mr. Chris Laporta stated I'm hoping that we can address the big comments and if there's any lingering comments that a conditional approval just to be based on hashing them out between the technical services department.

Mr. Chris Kehoe stated the board could direct staff to prepare a resolution and hold it in abeyance and we'll see how it goes.

Ms. Loretta Taylor stated yes. Well Tom's got that.

Mr. Thomas Bianchi stated I'll amend my motion for that.

Seconded with all in favor saying "aye".

Mr. Chris Laporta stated thank you.

PB 2018-23 d. Application of Mahlab Family Realty, LLC for Final Plat approval 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. Plat dated June 26, 2020, Improvement Drawings dated September 23, 2020.

Ms. Loretta Taylor asked do we have anybody here from Teatown? I'm sorry, from Mahlab?

Mr. Steven Kessler stated I'm sure Ralph's there.

Ms. Loretta Taylor asked is Mastromonaco...

Mr. Michael Preziosi stated Ralph is still on. He's going to be promoted to a speaker.

Mr. Ralph Mastromonaco stated good evening again. If I may take a minute? Your board approved their preliminary approval about six months ago. In that approval there were **15** conditions. On September 23rd of this year, we submitted a report and a final plat where we addressed all those **15** conditions. We are here tonight for final approval of that plat which we hope to file soon. My client would like to file that map as quickly as he can. What we're hoping is that you will have looked at our submission and have found that we have completed those **15** conditions. As such, we would then go to final approval. Thank you.

Ms. Loretta Taylor asked as far as staff is concerned, are we ready? Mike?

Mr. Chris Kehoe responded yes. Technically speaking, not technically speaking, the final plat is in substantial compliance with the preliminary plat. There's no reason for additional public hearing. There were two sort of separate comment memos that Ralph submitted. As he mentioned, there was the response to Planning Board conditions and then I believe there was a response to an engineering memo. The response to the engineering memo had all of those comments that will be addressed at the time of building permit. As long as Mike is okay with that, a lot of those can be addressed at the time of building permit. I would have no problem approving the final plat next month.

Mr. Michael Preziosi stated we were sort of discussing this at the work session that the general thought would be that any shared improvement would need to be shown on the improvement drawings for the subdivision and then the individual improvement that's associated to the lot could be handled at the time of filing for building permit. As we were mentioning, I believe that the Planning Board had reviewed the environmental impacts and approved certain limits of disturbance as part of the preliminary approval for the individual lots. I would just say that any shared improvement would need to be worked out now and then I will just go through with Chris the **15** conditions and make sure Ralph checks all the boxes.

Mr. Jeff Rothfeder asked are the shared improvements not worked out yet?

Mr. Michael Preziosi responded I haven't fully reviewed this application yet. We should be able to look at it within a few weeks.

Ms. Loretta Taylor asked I have a question about this, I think you called it a memo regarding the engineering. I didn't quite hear everything you were saying. This was Chris who was talking about it. This one that has the same response for almost every statement.

Mr. Ralph Mastromonaco stated I can respond to that Ms. Taylor. I can respond to that.

Ms. Loretta Taylor stated please.

Mr. Ralph Mastromonaco stated if you remember – can you hear me?

Ms. Loretta Taylor responded yes.

Mr. Ralph Mastromonaco stated if you remember back in March when you gave this project preliminary approval, there was an odd sort of procedure that we went through, which I'd never seen before, and I don't think the board had seen before, where Mr. Preziosi asks you to attach what would be sort of standard review memo to the resolution. In going over that resolution we realized that there were mostly things on there that would be subject to a building permit, not necessarily at this time because the way this subdivision was designed, each lot stands on its own. The only common improvement was a little strip right at the beginning of the two close lots where we needed to widen the road a few feet to make turning movements and that was something that, I believe Mike agreed that that would be constructed by the first person to get a building permit on either lot 2 or 3. So, generally the comments that Mike has were fine comments but we always pick those comments up whenever somebody gets a building permit. That was the reason for our responses and I hope Mike agrees that when we go for a building permit we spend months and months ironing these details out and it's not something that you can really do now particularly because we don't have a house plan. We don't know what people want there, whether they want a little house or a big house. So those things are some things that we do later.

Ms. Loretta Taylor asked but Mr. Mastromonaco, I personally felt wounded when I read this. It was – I think that you were over making, overstating your point. Whatever point you thought you were making there it became somewhat offensive. I think you probably could have talked to Michael off line and just said to him: "I want to do this as part of a building permit". And you guys are professionals. You would have worked something out. One paragraph saying whatever you needed to say and then it would all be over. You don't need to give me three or four pages with the same response for every single question. It's just, it doesn't create the right response in the reader, if I'm the reader, because I'm on the Planning Board and I'm looking at this and thinking it sounds less than nice, or kind, or professional.

Mr. Jeff Rothfeder stated it sounds uncooperative to me.

Ms. Loretta Taylor stated that's a good word. It just was overdone and I really wish that in the future if you're having this difficulty, work it out. You both are professionals. I don't want to read that. I really felt very wounded as I was reading it. What the heck is going on? What's going on here? What is this? So, please, in the future make your point and be done with it. We don't need to have three pages of that – four pages.

Mr. Ralph Mastromonaco responded it was only meant to go point-by-point.

Ms. Loretta Taylor stated I understand that. I'm going to give you the benefit of the doubt. Say, in a paragraph, what I was just saying. You want to take all these issues up. You read his memo and as far as you're concerned you would rather take this up as each lot is developed and take them up as part of a building permit. If you can't resolve that in a paragraph or two then I don't know what you're going to do because nobody wants to read this. Find a way to work it out. You two are professional people and I'm sure you could be reasonable about this. A paragraph or two with that response, all of these things would be done as respect to a building permit. Excuse me, my throat is really to burn. And I think it would be fine at that point. Mike would probably agree to that and you would be dealing with it in a way that you want to deal with it not as part of this engineering memo but as part of a building permit. Please. That's all I want to say. I don't want to be preachy but I felt really hurt by that.

Mr. Michael Preziosi stated I appreciate your comments Loretta. I appreciate you standing up for staff. I think what we were trying to get at with the memo Ralph and for the applicant is the global issues for each of the individual lots should be addressed now at time of final plat, meaning, the minimum standards that would need to be required vis-à-vis the landscape requirements on each individual lot should be clearly identified now so that there isn't an issue or discrepancy at the time of filing of building permits. Trees are an example. If one lot needs to have **50** trees, lot **2** needs to have **70** trees, and lot **3** needs to have **30** trees there needs to be notes on the plat, notes on the final drawings indicating that. And the specifics of the planting plan can be submitted at the time of the building permit.

Mr. Jeff Rothfeder stated right because the way I read it also, it seemed uncooperative and it felt like, so if we're saying that all trees need to be native species tolerant, and you're saying, well we'll decide that when we go for a building permit. That's just not acceptable. And Loretta's absolutely right. There's a better way to have that discussion. And so, one of the things I brought up that we would like to have in the approving resolution is that when these places are built and you say they will never be built, the landscape plan and all of these issues that you say will be a requirement of the building permit, be sent back to the Planning Board and the CAC at least for our advice on it.

Mr. Steven Kessler asked Ralph, are you now saying that your clients are planning to proceed with the subdivision developments?

Mr. Ralph Mastromonaco responded yes. We passed that point a while ago when we made lot **4** when we created lot **4** that was the park, so-to-speak, or the conserved area.

Mr. Steven Kessler stated I must have missed that somewhere.

Mr. Jeff Rothfeder stated I missed that too.

Mr. Ralph Mastromonaco stated well you approved it.

Mr. Steven Kessler stated I know we approved it but you know for the two years now you've been saying this was not going to be built, it was not going to be built and now all of a sudden, we're arguing over exactly what gets built so I'm just wondering when the left turn occurred.

Mr. Ralph Mastromonaco stated that was only one year of me saying that. The last year was me not saying that because what we tried...

Mr. Steven Kessler stated you never unsaid it. Let's put it that way.

Mr. Ralph Mastromonaco stated I think we unsaid it by the preliminary plat that these would be three lots. Steve there's absolutely still a chance, because I know my client's been talking to people about this, that the property would be purchased, all four lots. They are in negotiation or were two weeks ago, three weeks ago when I talked to my client in trying to get this property, make a deal with I guess it's the Land Trust. The jury's out but we can't wait for the money or the finances from Land Trust to – we can't wait for that. If somebody comes along and wants to buy a lot and put a house well my client will make that decision. If he has a better offer from Land Trust, the whole property would then be conserved. This was the agreement that you and the board and I had back around the time of the preliminary approval. But getting back, if I might, just switch back? Again, when we write memos we're very careful that everything we were asked to do we respond to. Whether – I don't think you can have a global response to Mr. Preziosi's memo. There was nothing intended other than the fact that we go down – just like the memo you have from us on the subdivision plat. We go down every condition and here's your answer: we did it. We didn't do it. So you have a record and we have a record of what exactly we did in order to respond to any comments that we got from the town. There was nothing other than that involved in this.

Ms. Loretta Taylor stated it doesn't appear that way.

Mr. Chris Kehoe stated I just want to briefly say that in the Planning Board resolution of preliminary approval, specifically with respect to the trees, this is to Jeff's point. It says: "The applicant is advised that the Planning Board has reviewed trees to be preserved and trees to be removed. At the time of the building permit application the applicant shall submit a reforestation plan for each individual lot to the satisfaction of the proctor and subject to the review and comments of the CAC". To Jeff's point, we're going to get the Planning Board back involved to review and comment as well.

Mr. Jeff Rothfeder stated correct.

Mr. Ralph Mastromonaco stated if I may speak. When we have those requests, we're not sure whether this board wants to know how many daffodils we're going to plant. My client, one of these home owners was going to plant in front of their house and how many tulips. I'm not sure whether this is for trees or for landscaping but in any case, we do show where the trees are going to go on our improvement plan. We already show where they're going and they're going along the long driveways. That's where the trees are going.

Mr. Chris Kehoe stated but that was the whole point. We agreed that the common reforestation plan associated with the driveway was approved by the Planning Board but we were spinning with respect to how each individual lot was going to be treated partially because the houses were never going to be built, partially because there's so little common infrastructure that you were telling us that: Oh we got to wait to see who's going to buy the lots. That's where that condition was born out of.

Mr. Ralph Mastromonaco stated your condition doesn't ask us to go back for site plan approval of the Planning Board for each lot does it?

Mr. Chris Kehoe responded it says that it's subject to the review and comments of the CAC and I believe based on tonight's discussion there will be a condition added to the final approving resolution having it run back by the Planning Board.

Mr. Ralph Mastromonaco asked what approval would that be? The Planning Board can approve subdivisions and site plans. What approval would that be?

Mr. Chris Kehoe responded it's going to be run by them for their comments similar to the way it's run by the CAC for their comments.

Mr. Jeff Rothfeder stated we're not asking to give final approval. It's just going to be run by us.

Mr. Ralph Mastromonaco asked I don't understand. What exactly would you be judging, the landscaping?

Mr. Jeff Rothfeder responded yes.

Mr. Chris Kehoe responded I think they would be judging if you plan non-native species, if you didn't have the right mixture of trees, similar to the way the CAC will review the planting plan for any individual lot. In this particular case, the Planning Board wants to be involved.

Mr. Ralph Mastromonaco asked so this is only in terms of the tree law, you're not asking any builder here to submit a landscape plan showing how many bushes they're going to put in front of the house. This is not what we're talking about?

Mr. Chris Kehoe responded it talks about – the specific language is a “reforestation plan”. It doesn’t talk about tulips or daffodils.

Mr. Ralph Mastromonaco stated okay, as long as that’s the case. If that’s what you want to do.

Mr. Chris Kehoe stated Ralph, as you know, that’s what happens now. When you go for a building permit it is referred to the CAC for their comments. Obviously, I guess you weren’t involved in the recent single lots we’ve been dealing with. That’s a common occurrence and I think the Planning Board wants to be involved in this one.

Mr. Ralph Mastromonaco stated well I don’t know what being involved by the Planning Board means but if it means a three-month public hearing and everything else that would not be fair.

Mr. Jeff Rothfeder stated we didn’t say that.

Mr. Michael Preziosi stated I don’t think that was the intent Ralph. I think the intent was the referral by correspondence and the Planning Board, I believe as well as staff is concerned that what’s approved as far as reforestation is actually what’s installed at the end of construction. And there’s not a hood pulled over everyone’s eyes that we’re supposed to plant **90** trees and only **5** go back on site. I think that’s what the concern is.

Mr. Ralph Mastromonaco stated this is you have to make – if we have to wait for Planning Board meetings – you don’t even have a meeting in August.

Mr. Jeff Rothfeder stated Ralph we haven’t said you have to wait for Planning Board meetings. He just said it will be a correspondence among the Planning Board.

Mr. Ralph Mastromonaco stated okay, maybe I don’t understand but the...

Mr. Michael Preziosi stated the code requires a notice to the CAC already and it’s a **21** day notification period so within that same time frame we would correspond with the Planning Board and also refer the landscaping plan reforestation plan to them via correspondence.

Mr. Ralph Mastromonaco stated if it’s within that **21** day that the CAC gets to look at it we have no objection.

Mr. Michael Preziosi stated that’s our intent. We’re not trying to delay an application any further than the code prescribes.

Mr. Ralph Mastromonaco stated thank you.

Mr. Jeff Rothfeder asked should we move on?

Ms. Loretta Taylor responded yes Jeff, go ahead.

Mr. Jeff Rothfeder stated Madame Chair I move that we direct staff to prepare an approving resolution for the next meeting getting the appropriate language as we've just discussed.

Seconded.

Mr. George Kimmerling asked just on the question, will we be receiving anything additional from the applicant in that meantime? I'm just confused – the resolution will just be based on this plan that we have now. We're not expecting more information or anything else from the applicant or new responses.

Mr. Chris Kehoe responded correct, there will be a new condition added to codify this discussion of the landscaping.

Mr. George Kimmerling stated all right. Thanks.

Mr. Michael Preziosi stated the standards for a final subdivision plat have been provided: the easement descriptions, the signed plat by the DOH. It's more of a matter of dotting Is and crossing Ts.

Mr. George Kimmerling asked and then Chris, I'm sorry Mike maybe you would have it. The vote for the approval of the preliminary plan; that was back in the summer or that was back in February?

Mr. Chris Kehoe responded March.

Mr. George Kimmerling asked and do you know what that vote was?

Mr. Steven Kessler responded I do. The vote was **5** to **1**. You voted against it.

Mr. George Kimmerling stated thanks for clarifying.

Mr. Robert Foley stated I had a similar question Chris, but now okay. I still have some qualms about this project. I know I voted in the preliminary as a yes but...

Mr. Chris Kehoe stated are you saying if you voted yes in preliminary can you vote no on final?

Mr. Robert Foley asked I can't vote no [inaudible].

Mr. Chris Kehoe stated that would be a question for Michael Cunningham.

Mr. Michael Cunningham responded I guess you can vote however you wanted to but if somehow it got challenged – it sounds like they're going to have the votes to approve it

anyway. If you voted yes the first time or no the second time, it might be total [inaudible] and capricious.

Mr. Jeff Rothfeder stated if you vote yes now, we're voting on the resolution next month anyway.

Mr. Steven Kessler stated we're just directing the staff.

With all in favor saying "aye".

Mr. Ralph Mastromonaco stated thank God.

Ms. Loretta Taylor stated thank the Planning Board.

Mr. Ralph Mastromonaco stated both.

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NEW BUSINESS

PB 2020-14 a. Application of Teatown Lake Reservation Inc. for renewal of a Special Permit for a Private Nature Preserve to conduct a summer camp program and a weekday public program and for amended site plan approval for tree removal and wall removal at Cliffdale Farm for the purposes of improving wildlife movement for property located on the north side of Teatown Road, approximately 3,000 feet east of Quaker Ridge Road. (see prior PB's 10-10, 5-15)

Mr. Michael Preziosi asked can the applicant just raised their hands using the Zoom function?

Mr. Michael Cunningham stated or hit star nine if you called in.

Ms. Loretta Taylor asked what?

Mr. Chris Kehoe stated we're just helping the applicants get on.

Ms. Loretta Taylor stated okay.

Mr. Michael Preziosi stated just un-mute yourself and introduce yourself and your address.

Mr. Robert Foley stated you have to un-mute.

Mr. Michael Preziosi stated the **2912** number if you could just un-mute yourself and introduce yourself.

Mr. Michael Cunningham stated you can hit star six. You're un-muted.

Ms. Diane Baron introduced herself and stated managing director at Teatown Lake Reservation and my address is 1600 Spring Valley Road, Ossining, New York.

Mr. Chris Kehoe stated Diane we talked about this at the work session. There're two components to this; one of which is the renewal of your special permit that comes up every five years for your programming. What you explained to me and if you could explain to the board is that you're proposing no changes to that programming?

Ms. Diane Baron responded that's correct. So, the permit that was originally approved I think in **2005** and we renewed it several times, we're just asking for another renewal with no changes.

Mr. Steven Kessler asked have there been any issues all these years?

Ms. Diane Baron responded none that I know of.

Mr. Chris Kehoe stated we can confirm with Code Enforcement. I do believe the language of the special permit – it definitely requires a public hearing and it may require us to reach out to confirm with Code Enforcement whether there have been any complaints but I haven't heard of any complaints. And that's one half of the request this time and the other half of the request has to do with some – an environmental grant to improve wildlife movement which one of Diane's colleagues is been involved with.

Ms. Diane Baron asked is Danielle here?

Mr. Michael Preziosi stated I have another telephone number that may be her if she wants to hit star nine and then I can promote her to speaker. There's a **7255** extension if that's who you're referring to.

Ms. Diane Baron responded no, I don't know.

Mr. Chris Kehoe stated but with respect to that second – here someone comes.

Mr. Michael Preziosi stated just hit star six to un-mute yourself. State your name for the record. I guess not. Okay just Diane you're still on.

Ms. Diane Baron responded okay.

Mr. Chris Kehoe stated I provided the information that Danielle provided to me to the Planning Board with respect to tree removals and rock wall removals with respect to

improving the habitat for the ground level birds to be protected from the predator birds. I guess that can be discussed in more detail at the public hearing.

Ms. Diane Baron responded yes but she gave you a pretty good narrative, correct?

Mr. Chris Kehoe responded yes and I forwarded that onto the Planning Board.

Ms. Diane Baron responded okay good. Any other questions?

Ms. Loretta Taylor asked Ms. Baron, what we would like you to do under the new business, is simply tell us what it is you want us to know and then we will refer you back so that you can work with staff on this.

Ms. Diane Baron stated I think I already stated it but I can say it again. I want to renew our five-year special use permit to operate programs at Cliffdale Farm and we are making no changes to the permit that exists. We're not adding. We're not deleting. We're leaving it as is.

Mr. Steven Kessler asked what about the removal of the...

Mr. George Kimmerling asked the other part?

Ms. Diane Baron responded the other part I would prefer not to speak to. It's not my project. I'm not really involved in it but as Chris said, he did give Danielle put it in a narrative and I think at the public hearing she can speak to it in greater detail. But it involves just two areas where some trees need to be taken down and some rock walls removed to expand the meadows that are there.

Mr. Chris Kehoe stated originally when this was first talked about with the Code Enforcement office, there was concern, given its impact to Teatown Road, similar to your concerns with the Mahlab subdivision, we believe that the rock walls were maybe parallel to Teatown Road and it would greatly change the character of the road. So the Code Office referred them to Planning. We've had several conversations with them and it's more internal to their property and funded by this environmental grant. But it's another staff person, Danielle, that knows much more of the details.

Ms. Diane Baron responded correct. But the stone walls are all interior to the property. They're not on the road.

Mr. George Kimmerling stated I would imagine this kind of tree removal, it's something like 83 trees, we would get those trees tagged. Is that correct? Would that be the process here?

Mr. Michael Preziosi responded yes. We had a staff meeting with Teatown residents or Teatown representatives, Diane and Danielle I believe. They went over the requirements. What we had discussed with them was, I believe, their concern was some of the trees lead

to predatory species and they're trying to re-pollinate and repopulate fields with native flower mixes to help repopulate pollinating species, etcetera. What we explained and expressed was that they would have to discuss with the Planning Board at large the ecological benefit of the removal of the trees and then potentially offset some of the removal per our code, etcetera. That's really, I think Danielle's project so we would hope she was going to be here today to explain the need to remove the trees and to open up the migratory passages for these species.

Mr. Chris Kehoe stated George, to your point, it's up to the board. We leave it up to the applicant, and this may not be the right way to phrase, but if they can convince you of the environmental benefit of the project that they're proposing and some grasses that they're planting, and some -- how they're going to reuse the wood or however they explain, it would be up to the board to determine whether you require any other tree mitigation.

Mr. George Kimmerling stated I guess the question was whether or not we would get a tree survey to understand what these trees are that would be removed.

Mr. Chris Kehoe stated you should have that.

Ms. Diane Baron stated I think she already gave you that.

Mr. George Kimmerling stated I'm sorry.

Mr. Michael Preziosi stated I think Danielle and her staff prepared it and we went over the requirements that we typically have for an arborist but since this is an environmentally sensitive site, they have environmental specialists working there. We were going to assess their submittal and then potentially accept it as opposed to having an arborist go out there and do a consulting inventory. That's again something the board could request but staff felt that since it's a non-for-profit, it is an environmental center, there could be a little bit of a leeway given to that effect.

Mr. George Kimmerling asked I'm sorry is this document the Cliffdale Farm habitat restoration? I don't actually see a tree survey.

Mr. Chris Kehoe stated there should be a spreadsheet.

Mr. George Kimmerling stated okay. I'll find it. Sorry.

Mr. Chris Kehoe stated and if you don't let me know and I'll send it again. As you know, there's a ton of stuff going on so maybe I missed something so just let me know.

Mr. George Kimmerling stated okay. I see the pictures and the narrative but I didn't see the spreadsheet so I apologize if I missed that.

Mr. Jeff Rothfeder stated I didn't see it either George.

Ms. Loretta Taylor stated nor did I.

Mr. George Kimmerling stated no I don't think there was one sent. I'm not saying it doesn't exist but.

Mr. Michael Preziosi stated Chris, I don't think we sent that.

Mr. Chris Kehoe stated okay.

Mr. George Kimmerling stated okay, thanks.

Mr. Michael Preziosi stated the submittal for the board's knowledge contains the narrative, a few descriptions of underlying soil conditions, a site map, and photographic evidence of the stone wall and the trees proposed for removal but not an inventory.

Ms. Loretta Taylor asked are we pretty much done here at this point?

Mr. Jeff Rothfeder responded yes.

Ms. Loretta Taylor stated then Valerie could you please move to schedule a hearing.

Mr. Chris Kehoe stated you're muted.

Ms. Valerie Myers responded sorry. I'd like to recommend that we schedule a public hearing for November 4th.

Seconded with all in favor saying "aye".

Ms. Loretta Taylor stated thank you.

Ms. Diane Baron stated thank you.

PB 2019-15 b. Application of Richard R. Ryan Jr. and Laurie Ryan and Kathleen Ryan and Maribeth Ryan Zatet for Planning Board approval of a Lot Line Adjustment between 10 Sniffen Mountain Road and 12 Sniffen Mountain Road. Drawing dated August 31, 2020.

Mr. Michael Preziosi stated the applicant and their design professional, Jim Annichiarico are on the call.

Mr. Jim Annichiarico stated good evening.

Ms. Loretta Taylor stated good evening.

Mr. Jim Annichiarico stated really quick, we are looking to just adjust the lot line between these two lots. This lot was one lot at one time. House **No. 12**, the lot on the right was the original house and it was subdivided for the children. Richard and Laurie Ryan live in the house at 10. Sniffen Mountain Road now on the left and the parents have since passed away. The siblings are looking to sell the house and we just want to slightly adjust the lot line so it's not on so much of an angle just in case the future owners of the lot on the right want to put up a fence or something along the property line, it's not an odd configuration. It's actually – the lots aren't really changing by more than **35** feet. The one thing I do have to do here is go to the Health Department and get their approval. I've spoken to them [inaudible] to show an expansion area for the original house on the right which turned out okay. They have to shown an outline of the septic area for the newer house on the left, and put that information on the plat and that should do it for the Health Department.

Ms. Loretta Taylor asked staff did you have anything you want to say at this point?

Mr. Michael Preziosi responded we have a resolution of approval. [inaudible] we think you were very brief. Just Jim outlined the requirements to pretty much show the location of the septic [inaudible].

Ms. Loretta Taylor stated George, that's you.

Mr. George Kimmerling stated Madame Chair I move that we adopt resolution, I believe it's **20-20** granting the lot line adjustment.

Ms. Loretta Taylor stated thank you.

Seconded.

Ms. Loretta Taylor stated thank you.

With all in favor saying "aye".

Mr. Jim Annichiarico stated thank you very much.

Ms. Ryan stated the Ryan's' say thank you very much also. Thank you. Have a lovely evening.

Ms. Loretta Taylor stated yeah right, what's left of it.

Ms. Ryan stated you guys have been awfully busy this evening with this thing.

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ADJOURNMENT

Mr. George Kimmerling stated Madame Chair it's 10:17 pm. We stand adjourned.

Ms. Loretta Taylor stated thank you guys.

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Next Meeting: WEDNESDAY, NOVEMBER 4, 2020

