

Meeting Minutes

THE REGULAR MEETING of the PLANNING BOARD of the Town of Cortlandt was conducted at the Town Hall, 1 Heady St., Cortlandt Manor, NY on ***Tuesday, November 6th, 2019***. The meeting was called to order, and began with the Pledge of Allegiance.

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

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

ALSO PRESENT:

Chris Kehoe, Deputy Director, DOTS
Michael Cunningham, Assistant Town Attorney
Michael Preziosi, Director, DOTS

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CHANGES TO THE AGENDA

Ms. Loretta Taylor stated we do have a couple of changes to the agenda tonight. We will be pulling **PB19-3**; the Todd Young application for an accessory apartment.

Mr. Steven Kessler stated we're not pulling it.

Mr. Chris Kehoe stated they requested the adjournment but I think you wanted to discuss that still.

Mr. Steven Kessler stated yes.

Mr. Chris Kehoe stated they're not going to be present I don't believe but it still wanted to be discussed because the board had some comments they wanted to make.

Ms. Loretta Taylor stated I'm sorry. I thought we had discussed that we would talk about that in December.

Mr. Robert Foley stated that's what I thought too.

Ms. Loretta Taylor stated we won't pull it. We'll just leave it. The other one that is going to be pulled tonight is the cell tower: **PB 2019-5**. That is the tower that is going to be

located on Montrose Station Road. That should do it for tonight in terms of the changes, or the change.

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ADOPTION OF THE MINUTES OF THE MEETINGS OF OCTOBER 10, 2019

Ms. Loretta Taylor asked can I have a motion please to adopt the minutes from last month?

So moved, seconded

Mr. Robert Foley stated on the question, I'm submitting a few to Chris.

With all in favor saying "aye".

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CORRESPONDENCE:

PB 13-05 a. Letter dated October 18, 2019 from Brad Schwartz requesting the 14th 90-day time extension of Final Plat approval for the Mill Court Crossing Subdivision located at the south end of Mill Court.

Mr. Steven Kessler stated Madame Chair I move that we adopt **Resolution 24-19** approving the time extension.

Seconded.

Mr. Chris Kehoe stated at the work session there was some discussion about making sure the applicant can provide some additional information on the need for the time extension so their counsel is here.

Mr. David Steinmetz stated you have a motion to second. I don't need to speak unless you want me to.

Mr. Steven Kessler stated please.

Mr. David Steinmetz stated David Steinmetz from the Law Firm of Zarin & Steinmetz here representing Kirquel in connection with the Mill Street Crossing subdivision. As Chris indicated, we were notified that you wanted an explanation. You all know we spend a great deal of time working through this proposed residential subdivision. The good news is that our client has entered into a contract with a solar energy provider. I believe the town is aware of that. Mr. Sheber has indicated to me that he has received two different option payments. They are still considering the potential purchaser. He's

evaluating wetland, slopes, angle of sun, etc. There is an indication that they intend to proceed but it has not gone in contention as of yet and therefore we would simply would like to keep the residential subdivision rights in place. There's no change circumstances in the area that really justify taking that away or denying the extension so we're simply asking for an extension at this time. We have no present intention of pursuing subdivision if everything proceeds as planned.

Mr. Steven Kessler asked has any work at all been done in terms of meeting any of the conditions that were approved for the subdivision?

Mr. David Steinmetz responded I can't speak to that Mr. Kessler. I haven't been involved other than to secure the extension. I've had no contact with staff on any of those conditions.

Mr. Chris Kehoe stated I'm not aware if the question that we haven't been meeting with Mr. Sheber or haven't had a lot of discussions, no.

Mr. Steven Kessler stated and I think we were also going to check on when the taxes were paid up.

Mr. Chris Kehoe responded yes, they're up-to-date.

Mr. David Steinmetz stated yes they have been paid.

Mr. Robert Foley asked David, you just said something about you see nothing in the area that would preclude this subdivision? What did you just say a few minutes ago?

Mr. David Steinmetz responded there have been no change circumstances that would justify taking away those approval rights.

Mr. Robert Foley asked by no change, you're talking about that site-specific, not in the general area?

Mr. David Steinmetz responded correct.

Mr. Robert Foley asked as far as any impacts from other developments environmentally or otherwise?

Mr. David Steinmetz responded correct and any development that's gone on in that area, as this board knows, has been evaluated subsequent to this approval so you made sure that any of those applicants studied this subdivision as part of their baseline or background data.

Mr. Robert Foley asked when you just said about solar and you ticked off two or three things that were being considered but you left out trees.

Mr. David Steinmetz stated I guess I said slopes and slopes and angle of the sun so the trees are somewhat implicit. I apologize I didn't specifically indicate trees.

Mr. Robert Foley stated because that would be a concern.

Mr. David Steinmetz stated without question.

Mr. Jeff Rothfeder asked what do you think the timetable is on...

Mr. David Steinmetz responded some time presumably in the first quarter of **2020** we should have a better idea but don't hold me to that. I don't represent the applicant – I don't represent the solar provider.

Mr. Jeff Rothfeder asked so they're doing their due diligence?

Mr. David Steinmetz responded yes, that is exactly right. They're doing their due diligence. As your board knows, you have dissuaded another solar provider. The town has dissuaded another solar provider from another location so presumably it might be appropriate for this location to now be evaluated as a possible additional location.

Mr. Robert Foley asked did staff say that you are aware of solar discussions or the company they're talking about?

Mr. Chris Kehoe responded I only became aware in my conversations with Mr. Sheber. We are aware of the particular solar company. They have been talking to us about a variety of properties in the town but we weren't particularly aware of option payments on this property. I think they look at numerous parcels. They talk to us in general terms but there's been no application on this one.

Mr. Robert Foley asked so within the first quarter coming up, you would know?

Mr. David Steinmetz responded I would hope we would know. Again, as I said, I'll reiterate, I don't represent the contract vendees so I really don't want to speak for them in terms of their time schedule but I know that they're obviously interested because they've got money into this deal at this point.

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

Mr. Robert Foley stated on the question, I was about to vote no but I didn't know about the seriousness of these discussions.

Mr. David Steinmetz stated well that's why I shared them with you Bob.

Mr. Robert Foley stated I appreciate it. I'm glad you're here.

Mr. David Steinmetz stated thank you.

Mr. Robert Foley stated I don't know how the rest of the board feels. Steve, I don't know. This has been going on for so long. It seems like some of the explanations, other than solar tonight, seem...

Mr. David Steinmetz stated I think you guys have a record on another one of the projects that's a lot longer than this so I would love to say I hold the record in the town Bob I don't.

Mr. Robert Foley stated I didn't say anything about holding the record. You did, not me.

With all in favor saying "aye".

Mr. David Steinmetz stated thank you all.

Ms. Loretta Taylor asked would you let Brad know that the next time he should just send a note, a letter detailing a bit more what the reason for asking for the extension?

Mr. David Steinmetz stated understood.

Ms. Loretta Taylor stated thank you very much.

PB 23-08 b. Letter dated October 22, 2019 from Maria Cipriano requesting the release of the remaining \$35,000 performance security being held for the Mountainview Estates Subdivision located on Joseph Wallace Dr. E.

Mr. Robert Foley stated Madame Chairwoman I make a motion that we accept **Resolution #25-19** with the five conditions.

Seconded with all in favor saying "aye".

PB 2018-27 c. Memo dated October 22, 2019 from Ken Hoch, Code Enforcement Division, e-mail dated October 25, 2019 from Holly Haight, Fire Inspector and a letter dated October 24, 2019 from David Steinmetz, Esq. as required by Condition #2 of Planning Board Resolution 4-19 to provide an update to the Planning Board on the operation of the site and any substantial code violations for Yeshiva Ohr Hameir located at 141 Furnace Woods Road.

Mr. George Kimmerling stated Madame Chair I move that we receive and file the correspondence as noted.

Seconded with all in favor saying "aye".

d. Receive and file the Notice of Completion of the Medical Oriented District (MOD) Draft Generic Environmental Impact Statement (DGEIS) and MOD Development Plan Draft Environmental Impact Statement (DEIS).

Mr. Thomas Bianchi stated Madame Chair I'll move that we receive and file the notice of completion and the development plan.

Seconded with all in favor saying "aye".

PB 2019-18 e. Receive and file Town Board Resolution 293-19 regarding the proposed Matrix Solar Energy System to be located at 300 Furnace Dock Road

Mr. Jeff Rothfeder stated Madame Chair I move that we receive and file this document.

Seconded with all in favor saying "aye".

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RESOLUTIONS

PB 2019-3 a. Application of Andrew Young and Susan Todd for a Special Permit for an accessory apartment in an existing accessory building located at 48 Pond Meadow Road as shown on a 3 page set of drawings entitled "Todd Young Residence" prepared by James J. Moorhead, R.A. dated February 19, 2019.

Mr. Steven Kessler stated Madame Chair the applicant wrote us a letter wishing to adjourn our vote on this matter. As we discussed at the work session last week, we should have staff inform the applicant that it's the intent of the board at the December 3rd meeting that we will have a formal vote on this regardless of whether the applicant wishes to adjourn it again or not.

Mr. Chris Kehoe stated yes, and we've had those conversations with the applicant's attorney already.

Mr. Robert Foley asked can I ask, because we did discuss it a little in the work session. Steve said we're calling for a vote or the majority of the board is and I totally agree, in December, and you said that consultation with the attorney, they're aware of that. Will they be here in December?

Mr. Chris Kehoe responded I thought they might be here tonight but he's definitely aware of that, Mr. Brodnick. He's had conversations with myself and our attorney.

Mr. Michael Cunningham stated he'll be here in December. He confirmed with me on the phone today.

Mr. Robert Foley stated it appears that if the thing is a deadlock and it's therefore a no go, does that then all the due diligence that was done on both sides is negated, correct? Meaning that the applicant can't resubmit in any form in the future? I don't know. I'm asking.

Mr. Michael Cunningham responded only if there was some sort of change to their application, then they could resubmit.

Mr. Steven Kessler stated I move that we adjourn this issue to the next meeting and schedule a vote at the next meeting.

Seconded with all in favor saying "aye".

PB 2019-14 b. Application of Two Bayview Road, LLC for Amended Site Development Plan approval for a proposed 8,000 sq. ft. mechanic shop for property located at 2 Bayview Road as shown on a 4 page set of drawings entitled "Amended Site Plan for Two Bayview Road, LLC" prepared by Cronin Engineering, P.E., P.C. latest revision dated August 28, 2019 (see prior PB's 11-11 & 2018-1)

Mr. Robert Foley stated I make a motion...

Ms. Loretta Taylor stated you're moving that we adopt.

Mr. Robert Foley stated **Resolution #26-19.**

Seconded, with all in favor saying "aye".

PB 2019-16 c. Application of Henio Bastys for Preliminary Plat approval for a 2 lot major subdivision of a 10.98 acre parcel of property that is developed with nine (9) multi-family apartment buildings located on the south side of Scenic Drive approximately 500 ft. north of Baltic Place as shown on a drawing entitled "Preliminary Plat for Nida Associates, Inc." prepared by Ralph G. Mastromonaco, P.E. dated March 20, 2019.

Mr. Ralph Mastromonaco stated good evening. Do you have a Resolution here?

Mr. Chris Kehoe responded no.

Ms. Loretta Taylor responded no. We're referring this back.

Mr. Michael Preziosi stated it's going to be referred back but I did have some conversations with our Code Enforcement Officer and myself determining the next course of action for this property. We'll have a separate conversation with the applicant but ultimately what will be requiring is just an updated zoning table for our dimensional bulk zoning regulation showing compliance to today's current setbacks for the front and side yard as proposed. There's a question pertaining to the rear of the property of the building. It's an existing condition and since the applicant isn't proposing to worsen that condition, we feel that it's sufficient to leave it as is but we do want to make sure that the proposed subdivision line is compliant with our other dimensional bulk zoning regulations for the district. We'll discuss this with the applicant off line. I don't know if he can provide that information but we would recommend the applicant to get a resolution at an upcoming meeting.

Mr. Ralph Mastro Monaco asked Mike, would you give us a call or write me an email to let me know what you...

Mr. Michael Preziosi responded yes, we'll probably be able to meet with you some time early next week to go over everything.

Mr. Ralph Mastro Monaco stated thank you.

Mr. George Kimmerling stated Madame Chair I move that we refer this back to staff and direct them to prepare a Resolution for the December meeting.

Seconded with all in favor saying "aye".

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PUBLIC HEARING (ADJOURNED FROM LAST MEETING)

PB 2018-23 a. Public Hearing - Application of Mahlab Family Realty, LLC for Preliminary Plat approval and for Wetland, Steep Slope and Tree Removal permits for a proposed 3 lot major subdivision 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, as shown on a 3 page set of drawings entitled "Preliminary Plat" latest revision dated July 1, 2019, a 2 page set of drawings entitled "Existing Tree Survey" latest revision dated April 8, 2019 and a drawing entitled "Access Study/Preliminary Plat" dated September 26, 2019 all prepared by Ralph G. Mastro Monaco, P.E.

Mr. Ralph Mastromonaco stated thank you. Ralph Mastromonaco again. Chris, I guess you did get the...

Mr. Chris Kehoe asked which one do you want up?

Mr. Ralph Mastromonaco responded that one's good. There was a question raised by Mr. Preziosi on sight distance. We produced a modification to the original plan where we took the driveway and flipped it to the other side of the house. Originally it was in an area where there was already a driveway but Mr. Preziosi brought up an issue of sight distance. We were using **150** feet based on a **20** mile an hour speed on the road, and if you've ever been there it's a **20** mile an hour but I do agree that it is probably, legally a **30** mile an hour speed limit and so at **30** miles an hour we've changed the sight distance to match the published **200** foot sight distance that the town uses for driveways and I understand there may even be some – a few percentage up and down on that number that Mr. Preziosi was looking for but the only published value we could find was **200** feet for a residential driveway. I now have a plan with this minor modification of just sliding the driveway over a little bit that I believe meets all of the zoning code's sight distance codes. I believe there's still a public hearing on-going and I just want to keep talking. I can keep talking. You can ask me questions or if you want to maintain the public hearing.

Ms. Loretta Taylor stated we'd like to invite the public up to see if they want to say something.

Mr. Chris Kehoe stated just for the record, the members do not have this drawing. This was emailed to us today. We've only seen it a little while ago as well.

Mr. Ralph Mastromonaco stated responded that's right. When we looked over the record we realized that we could submit something today just so we would have something to talk about, otherwise we'd be talking about last month's plan.

Ms. Loretta Taylor stated I want to extend an invitation to the public. If you are here to address this application, pro or con, please come up to the podium and identify yourself and state your residence.

Mr. Larry Provost stated good evening Madame Chairman, members of the board, Larry Provost. I'm the abutting property owner just to the west of this. I'm just here to make an appearance to tell you that the neighborhood still opposes much of this application. I notice that there's been some discussion as to storm water pollution and prevention and the plan to that. I have not seen any storm water plan and I'm interested in seeing it. But I would urge the board in evaluating the plan to assign responsibility to some party for the implementation of a long term operation and maintenance post construction to make sure that any storm water issues are taken care of and whatever maintenance has to be done is done and is not just something that is approved and then everybody walks away from it and the water's still going to come down. I understand that there are various criteria in terms of the storm frequency. I would suggest that due to the environmentally sensitive nature of this area that any evaluations be done at the hundred year storm level which

means a lot of water coming down over a short period of time. Aside from that, I know the neighbor on the other side is not available to come to tonight's meeting and he will have pertinent comment so I understand that this public hearing will be continued until next month. Am I correct and understand that?

Ms. Loretta Taylor responded yes.

Mr. Larry Provost stated again, thank you for your time and your consideration.

Ms. Loretta Taylor stated thank you. Is there anyone else who wishes to speak?

Mr. Chris Kehoe stated just one thing for the record, Mr. Mahlab did bring up the Historic Preservation component so it has been referred to the State Historic Preservation Office. I had some conversations with them about process and procedure but they haven't submitted any comments back to me yet.

Mr. Michael Preziosi stated and just pertaining to the relocation of the driveway and the sight distance, we have not had an opportunity to thoroughly vet this, it just came in this afternoon which we will be doing over the next week or so, but I just wanted to clarify a couple of points pertaining to this. I believe the board at a previous meeting requested lots **2** and **3** to have a combined driveway entrance. The applicant responded with the cul-de-sac layout which was submitted last month. We still have not received that plan as far as combining lots **2** and **3** with their driveway and the other recommendation or suggestion that I would make at the discretion of the Planning Board would be to forego the spot speed study that was performed. I feel **30** miles an hour is the adequate speed to design a driveway in this residential area. Doing a speed study is not going to significantly adjust the sight line requirements. I would say require the **200** foot stopping sight distance.

Mr. Ralph Mastromonaco asked excuse me Mike, you didn't see the cul-de-sac plan?

Mr. Michael Preziosi responded we did but that's not what the Planning Board had requested. They were looking to combine the two driveways at the entrance lots **2** and **3** into a shared driveway and then split it or branch it off. What that shows is just a cul-de-sac which is not exactly what the board was requesting.

Mr. Ralph Mastromonaco asked I'm not sure how else you would combine it but...

Mr. Michael Preziosi stated combine the entrance to do a shared driveway and then branch it off to each lot as you have designed.

Mr. Ralph Mastromonaco stated part of that road would be public.

Mr. Michael Preziosi stated no, it would be a shared driveway for two single family residential homes.

Mr. Ralph Mastromonaco stated that's public.

Mr. Michael Preziosi stated not town public but shared easement for one or the other.

Mr. Ralph Mastromonaco stated well that's the way we do public roads.

Mr. Michael Preziosi stated we're not talking a public road. We're talking about a single driveway entrance to service two residential lots and then branching each driveway to each garage.

Mr. Ralph Mastromonaco asked so there's no turnaround?

Mr. Michael Preziosi responded no turnarounds required.

Mr. Ralph Mastromonaco stated so it's the same road.

Mr. Michael Preziosi stated it's not – it would not be a fire apparatus access road. It would be a driveway and under the state building code, you could service two driveways, two homes with a single driveway.

Mr. Ralph Mastromonaco stated and I think the reason we're not doing that is because huge problems develop when you have two people sharing a driveway. You can see just among our own neighbors what kind of problems there are. They're not even sharing a driveway. When you kind of put two neighbors in the same box like that you're just asking for trouble. It's been my experience not to do things like that, keep people separate. Keep people private in this type of road. In this type of setting I don't think we're really saving anything by combining the driveways.

Mr. Michael Preziosi stated I think that was the question that was posed by the Planning Board is: is there less sight disturbance with one common entrance as opposed to two?

Mr. Ralph Mastromonaco responded let me just explain it to the board. When you have two separate driveways, you actually have an area between those two driveways that is landscaped. When you combine the driveways, now you have one basically airport, runway leading back into the woods here. If you look at our plan with the two separate driveways there's a wide landscaped aisle between those two driveways and that's something that you can't get when you combine the driveways. My understanding is that this would be the best solution. Not combining it would create ownership issues, maintenance issues, privacy issues and you wouldn't be able to landscape it. We did what we would ordinarily do. To drag this down – we don't want to combine the driveways. It's not our application.

Mr. Steven Kessler asked you say a combined driveway would be equal in width as two driveways?

Mr. Ralph Mastromonaco responded yes or two **12s** would be **24**.

Mr. Steven Kessler asked why does it have to be two twelfths?

Mr. Michael Preziosi responded it does not need to be **24** feet. It can start at 18 feet and taper down to **12** once it branches to one house.

Mr. Ralph Mastromonaco asked but isn't it true you would not have the landscaped aisle in the middle?

Mr. Michael Preziosi responded but you can leave existing grade...

Mr. Ralph Mastromonaco stated this is **12** feet landscaped aisle, **12** feet pavement. That's what it would be. The alternative would be a road – you're asking me now to build a road. We didn't come here to build a road.

Mr. Michael Preziosi stated no, we are not asking for a road. We are asking for a shared driveway under the residential building code.

Mr. Ralph Mastromonaco asked how wide would it be?

Mr. Michael Preziosi responded **18** feet and then you could taper it down to **12** feet once it branches to service the first lot.

Mr. Ralph Mastromonaco asked but that would be a road wouldn't it?

Mr. Michael Preziosi responded no, it would be a driveway, shared residential driveway. It would not need to meet the definition of a fire apparatus...

Mr. Ralph Mastromonaco asked are you recommending that because...

Mr. Michael Preziosi responded I believe the board asked for it a couple of months back.

Mr. Ralph Mastromonaco asked are you recommend it?

Mr. Michael Preziosi responded no, we're asking you to provide the exercise to show if there's less disturbance with the shared driveway to mitigate storm water, tree removal, and steep slope disturbance.

Mr. Ralph Mastromonaco stated again, it's not our application. I submitted what I thought was what the board asked for. I'm not sure what good it would do. If you want me to keep drawing pictures I'll keep drawing pictures but it is not our application.

Mr. Thomas Bianchi stated I think more discussion needs to take place as indicated that staff just received this. There's got to be a lot more discussion between you and staff.

Mr. Ralph Mastromonaco stated I just want to know what to do.

Mr. Thomas Bianchi stated before the next meeting for you to resolve that.

Mr. Ralph Mastromonaco stated I want some reason about what I should do next.

Mr. Thomas Bianchi stated I think you need to have a meeting with staff.

Mr. Chris Kehoe stated but I think what happened last time was we said the same thing and then we received a drawing with no conversation with you showing the road with the cul-de-sac. I think we would like to meet with you and have Mike explain and draw exactly what he's envisioning and then that we believe that has less disturbance and then that is up to the board to decide to balance the less disturbance versus your concerns about easements, and maintenance, and neighbors fighting with each other. That's what we want to be able to compare; less disturbance versus your concerns about ownership and maintenance.

Mr. Ralph Mastromonaco stated what I'm saying is that those are exercises because it's not our application.

Mr. Chris Kehoe stated but the Planning Board may require it.

Mr. Ralph Mastromonaco stated I'm asking the Planning Board.

Mr. Chris Kehoe stated so ask the Planning Board.

Mr. Ralph Mastromonaco stated generally we do alternatives. I gave you an alternative. It's what we normally do when we combine driveways. I don't know how you can just combine a driveway and then expect that to work. It just doesn't work. Show me a case where that works.

Mr. Jeff Rothfeder asked did you want us to vote on this application tonight?

Mr. Ralph Mastromonaco responded no. I know that we submitted – we changed the driveway and we submitted it today just so we would have the ability to discuss it and show it here. I think it was helpful because now Mr. Preziosi has said yes **200** feet is okay and now what we're talking about is whether or not this board wants me to go through this exercise beyond the cul-de-sac and just combine driveways and show you that plan when we know that at the outset it's not our application. It's not what we want to get approved.

Ms. Loretta Taylor stated at this point we're telling you what we think we would like you to do. You have a choice.

Mr. Ralph Mastromonaco stated yes, but I don't see everyone on the board telling me to do this.

Mr. Steven Kessler stated Ralph, two meetings ago we wanted to see an alternative of one driveway.

Mr. Ralph Mastromonaco stated and I gave it to you.

Mr. Jeff Rothfeder stated you gave a different kind of alternative.

Mr. Steven Kessler stated we said an alternative with one driveway off of Teatown. That's what we said two meetings ago.

Mr. Ralph Mastromonaco stated that's what I gave you.

Mr. Jeff Rothfeder stated you gave one alternative now we'd like this other alternative as well.

Mr. Ralph Mastromonaco stated like a third alternative.

Mr. Jeff Rothfeder stated it was actually the original alternative.

Mr. Ralph Mastromonaco stated without a turnaround. You're saying you want me to combine – erase the circle. Is that what you want me to do?

Mr. Jeff Rothfeder responded it's not just erasing the circle. It's not that. You know it's not that.

Mr. Ralph Mastromonaco stated that's what it is.

Mr. Jeff Rothfeder asked where is the driveway going to go to the houses then?

Mr. Ralph Mastromonaco responded it's going to continue...

Mr. Jeff Rothfeder stated do it any way you want. The point is you know what we want, right?

Mr. Ralph Mastromonaco stated here's the problem when we do alternatives. Unless it's specified exactly what is wanted by this board, I don't know what to draw.

Mr. Jeff Rothfeder stated he just told you what to draw.

Mr. Michael Preziosi stated we'll meet with you with the other application early next week and we'll discuss the requirements of a single driveway servicing two residential homes.

Mr. Ralph Mastromonaco okay.

Mr. Thomas Bianchi stated and let us decide...

Mr. Steven Kessler stated Ralph, you've been around long enough to know that what an applicant proposes isn't necessarily what ultimately gets approved by the board.

Mr. Ralph Mastromonaco stated but that has to be an agreement.

Mr. Steven Kessler stated right.

Mr. Jeff Rothfeder stated but we've been talking to you about this.

Mr. Steven Kessler stated and we'd want to see some alternatives and maybe you're right and we're wrong. We'll find out.

Mr. Ralph Mastromonaco stated I will do that. I will speak to Mike about exactly what he wants me to show.

Mr. Michael Preziosi stated Mr. Kehoe just put a map on the screen and you can kind of see there's a green wetland or a pond for storm water conveyance between the two driveways. What we're talking about is branching the driveway at that location so **18** feet from that location to the road and then branch to two separate driveways with that **18** foot stretch being a shared common driveway amongst lots **2** and **3**.

Mr. Chris Kehoe stated so this area down here would be totally redesigned to one access point to Teatown Road.

Mr. Michael Preziosi stated one curb cut to Teatown Road which we believe would be less disturbance to the historic characteristics of the roadway, not necessitating as much tree removal and re-grading within the right-of-way in order to accommodate sight lines.

Mr. Jeff Rothfeder stated right.

Ms. Loretta Taylor stated it looks like it might work.

Mr. Michael Preziosi stated and it's common. To Ralph's point it's not ideal amongst neighbors but it is common to have shared driveways.

Mr. Chris Kehoe stated that's what you have to balance, the concerns about the applicant with the shared driveway versus the environmental impact.

Mr. Ralph Mastromonaco asked can you, as an aside, have you done that before here that you can point to me where that's been done before? You've been around. Where's that been done before?

Mr. Chris Kehoe responded we'll find it.

Mr. George Kimmerling stated I think it's down off the end of Brook Road.

Mr. Robert Foley asked where?

Mr. George Kimmerling responded Brook Road, off Furnace Dock, at the end...

Mr. Ralph Mastromonaco stated the reason it's not done it's for exactly the reason I pointed out. It just creates problems between neighbors.

Mr. Thomas Bianchi stated we've made clear what we need and further discussions – I think at we're the point where we're going to adjourn the public hearing. We'll consider the results next month.

Mr. Ralph Mastromonaco stated we would oppose it but we'll draw it.

Mr. Robert Foley asked if I could just ask, I know we want to move on...

Mr. Chris Kehoe stated but along those lines Ralph, you know if you come back – it's not just showing the road. There needs to be an analysis that you're removing 'x' fewer trees. You're creating 'x' fewer amount of impervious surface, that you're doing a variety of things because if you come back and just show it and say "none of that's going to happen." We're probably going to say: You've got to show it to us why you don't think that's happening.

Mr. Steven Kessler asked so I'm clear, so you're opposing something that you're saying is never going to be built?

Mr. Ralph Mastromonaco responded I'm opposing it on the privacy issue.

Mr. Steven Kessler stated but you're saying it's never going to be built.

Mr. Ralph Mastromonaco stated no I never said it would never be built.

Mr. Steven Kessler stated yes you did.

Mr. Ralph Mastromonaco no, no, no, no, I said there's a possibility it would never be built, yes, a possibility but it really depends on what's on here.

Mr. Jeff Rothfeder stated you didn't say possibility. You said never a few times.

Ms. Loretta Taylor stated you're going to meet with staff and we're going to vote on this tonight.

Mr. Robert Foley asked I just have two quick questions and I know we're coming back on this but we can get rid of these. We had one of the residents asked about the storm water, the latest on that is not answered in your October 28th memo Mike, about the storm water management? I thought the gentleman had asked what the latest on that was. And

second, I believe the same gentleman – on your October, page 2.

Mr. Michael Preziosi responded yes I was just summarizing the general requirements of a storm water construction permit under New York State DEC SPDES permit for storm water discharges. In regards to that, there are certain thresholds along with our town code requiring post construction storm water management and that's typically more than five acres of disturbance for residential subdivision, but we still require under our local code modifications to accommodate storm water, water quality controls. First wash volumes etc, not the post construction hundred year storm events but we do still require storm water pollution prevention plan. The applicant did show some storm water ponds and best management practices on site to accommodate that volume associated with the increase in impervious over existing conditions. They have provided a preliminary storm water pollution prevention plan which would be finalized as part of the subdivision process.

Mr. Robert Foley stated thank you. I think that would answer the gentleman's question. Second part, again it was brought up about archeological. I believe the same gentleman submitted something, artifacts, and I believe in the minutes you said you passed it on to the town's, the new Historic Preservation Committee or whatever.

Mr. Michael Preziosi stated yes, and any time they want to provide those artifacts to the town we do have a Historic Advisory Council that's been established.

Mr. Robert Foley stated I thought he did submit them.

Mr. Michael Preziosi stated I don't think he did but we're more than willing to accept any donation.

Mr. Robert Foley stated I can give you a name too but – a Native American who may know. Thank you.

Mr. Thomas Bianchi stated Madame Chair I move that we adjourn the public hearing for this application to December 3rd.

Seconded with all in favor saying "aye".

Mr. Ralph Mastromonaco stated thank you.

PB 2019-1 b. Public Hearing: Application of Gas Land Petroleum, Inc. for the property of MF Point, LLC c/o Frank Righetti, for Site Development Plan approval, Tree Removal and Wetland Permits and a Special Permit for a gas station with a canopy and a convenience store located on an approximately 1 acre parcel of property at 2051 & 2053 E. Main St. (Cortlandt Boulevard) as shown on a 21 page set of drawings entitled "Site Plan-Gasland Cortlandt" prepared by Chazen Engineering and a drawing entitled "Conceptual

Improvement Plan” prepared by Maser Consulting latest revision dated October 17, 2019 (see prior PB’s 16-04, 24-05 & 13-10)

Mr. David Steinmetz stated good evening Madame Chair, members of the board, David Steinmetz from the law firm of Zarin & Steinmetz here this evening representing Gas-Land Petroleum. We’ve been going through various iterations of the plan during the various sessions of the public hearing and I am pleased to say that after our last public hearing session during the month of October, your board as well as members of the public made certain comments and suggestion particularly about the eastbound Bear Mountain’s State Parkway ramp in trying to improve an existing traffic condition that you have in the town currently. We had come forward at that meeting and told you that DOT had already conceptually signed off on the revisions that had been proposed about the double left hand turn, the widening of Route 6 and the analysis that had been done by Dr. Grealy and Maser Consulting. Having said that, we received comments at the last hearing session to explore the possibility of adding a third lane to even further improve the existing condition. Dr. Grealy did work with DOT as well as AKRF during the ensuing month and I’m pleased to say that DOT wrote a letter to Mr. Kehoe two days ago signing off on the third lane, acknowledging the accuracy of the materials prepared by Dr. Grealy and Maser and found that this was an adequate measure to address the situation. We are here this evening. We have nothing additional to present. We’re happy to answer questions. I was handed a document that somehow apparently was just filed with the town here at the last second presumably by a consultant retained by the neighbors. I’m not quite sure why this was provided to us literally as we walked in and why it was provided to the town literally today. Nonetheless, we have very briefly reviewed it. If you would like, Dr. Grealy is...

Mr. George Kimmerling asked is this the F&A...

Mr. David Steinmetz responded yes, Ferrandino and Associates – I certainly don’t need to tell this board, this matter has been pending for months. This public hearing has been open for months. This is essentially administrative ambush. That’s the way the court’s refer to this type of conduct. Having said that, our consultant is prepared to address any of these issues and questions that you may have because we do believe that this report was written without knowledge of what occurred at the last meeting and certainly without knowledge of what the DOT has most recently signed off on. We are prepared, Madame Chair, as we did at the last meeting, we have been asked to patiently allow October to turn to November so that you could complete your review of the materials that Dr. Grealy had submitted that we would also be permitted the opportunity to then work with DOT to achieve the third lane. We have done all of that. So we are here tonight to request that your board close the public hearing and proceed forward with your review. Again, Dr. Grealy’s here if you want to ask him any questions or if you’d like him to briefly address what appears to be the primary comment in this rather late filed memo about how Dr. Grealy and AKRF arrived at the analysis, the empirical analysis that would be done. He’s happy to answer that. It’s quite easy.

Ms. Loretta Taylor asked should we go do this or not?

Mr. Michael Preziosi asked I'm sorry.

Ms. Loretta Taylor asked you want to hear it?

Mr. Thomas Bianchi stated it's a public hearing.

Mr. Chris Kehoe stated I would do the public first because you have barely had time to react to the memo nor the staff.

Mr. Michael Preziosi stated we just quickly reviewed it today.

Ms. Loretta Taylor stated I want to know whether or not we need to, at this particular point, at this juncture, to entertain questions and consideration for the document that was just submitted.

Mr. Michael Preziosi stated we didn't have a full chance to fully review and vet it. We just read through it quickly for the first time. Our consultant just received it as well this afternoon so we'd like to give her an opportunity to review it as well. There was some back-and-forth, some email correspondence late last week and early this week pertaining to some back-and-forth and some technical items that needed to be addressed between Dr. Grealy and our consultant, AKRF, to finalize her review and the level of service analysis which is why she is not here present tonight because she hasn't had an opportunity to close the loop so-to-speak on that review. And we did acknowledge receipt of the DOT correspondence outlining their acceptance of the third turning lane off the Bear Mountain Exchange. We still have a little bit of a review to complete for traffic but I would say it's at this point about **90** to **95%** complete.

Ms. Loretta Taylor asked why don't we just hold that in abeyance?

Mr. David Steinmetz responded understood.

Ms. Loretta Taylor stated this is a public hearing for this application. If there's anyone who needs to speak or wishes to speak regarding this application please come up. Identify yourself and your residence.

Mr. John Sloan stated good evening Madame Chairwoman and board members, John Sloan, Parkway Drive. This is my third appearance on this application. I think you pretty well know which way my mind is with regard to it. First I'd like to say that Mr. Steinmetz took umbrage with whatever consultant report was presented to him tonight but he had no difficulty introducing to the board tonight a DOT letter that was received two days ago, so with a little bit of an even playing field with regard to that. Let's take a step back and see where we've come from. This is, as I said, the third public meeting, third that we've had, that you've had. Prior to that there was certainly a great deal of staff back-and-forth according to Mr. Preziosi there's still that and it's still going to happen. You've had two consultants work with various reports back-and-forth. There's been

numerous, apparently DOT meetings. Of course we were not apprised to them but they happened anyway. An awful, awful lot has gone on and still goes on tonight and it only concerns one fundamental issue, that of traffic. And that alone should tell you, the amount of time that this board and the planning staff has spent on what is a key issue of this application to tell you that it really doesn't work, that this really is something complex and convoluted going on here. I would refer you to the last sentence of the Maser Consulting report, it's page **15**, the last sentence says: "Thus, the Gas-Land Cortlandt facility traffic is not expected to cause any significant impact in the overall traffic operations in the area." Wrong. It will cause significant impact in this operation. Again, as I stated into other occasions and you well know from your experience with these things and with the town, Route 6, particularly Route 6 at those intersections between Conklin and Locust is the most heavily trafficked road in the town, whether you're talking about Saturday peak or you're talking about two in the morning, it is the most heavily trafficked. And what the applicant is trying to do in what is basically the space of three football fields, from Conklin to Locust, is to shoe horn in a high volume application that simply doesn't belong there. At the last meeting member Foley had a commendable suggestion to find a comparable situation where the board could study, do a site review, whatever, of the kind of traffic that goes on there. The idea is a very sound one, however in this case it doesn't apply because our contention is this case is unique because of the volume of the traffic, because of the number of things that are going on in this small stretch of road. There are, in addition to gas stations already there, **18** curb cuts along Conklin to Locust Avenue corridor. That to me says, and it should say to you as well, that there's going to be a lot of problems. Now, the applicant has proposed, what's the term for it? ATCS as kind of a magic bullet to help the traffic and according to the traffic report, it supposedly raises the performance of the road – I kind of studied it because it actually raises the performance load from very poor, meaning an F level to at best a D level. So at best, we're talking about a D level. Now, with these kinds of computer systems two things are paramount importance: one is the input that goes into it. The input is very crucial. If you put in a liberal input, it goes one way. If you put a conservative input it shows you another. Frankly, there's reams, and reams of pages which you are – I don't know if you're privy to it or not, you were presented to it, but certainly more information that you really want to digest and you have to wonder, does the inputs really stand up? Again, you very well know that there's a major application – I think it's a zoned, is it not Madame Chairwoman you discussed it earlier in the evening on a medical district over on 202? That's going to have an extraordinary impact on Conklin and therefore Route 6 as well. I understand Supervisor Puglisi is looking at the old ShopRite site for a skating rink which also would have a very large impact upon the road. How these things were factored in, if these things were factored in I don't know but I do know that inputs are very key and appropriate to any kind of system that's going to work with cars. Second issue with regard to the software system is that it'll respond to traffic conditions. That's the key that's presented to this board is that it's going to work out just fine because it's flexible and knows what's going on. Yet I wonder, and you should too, when it does something like an end of queue look to see how long traffic should line up on the Bear Mountain Parkway, is it also doing the same thing on Locust Avenue, or Conklin, or Burger King, or anywhere else? Our contention, the neighbors and myself, is that Gas-Land causes too much traffic in-and-out, too many left and right

hand turns for this to effectively happen. Lastly, these kinds of systems have to be monitored and they have to be maintained, and if they're not they really fall apart but they don't fall apart like we have a blackout. They fall apart because there's a degradation of service which people have to live with day in and day out. And that we think is going to have a long term and deleterious effect upon the neighborhood. I think the last thing I wish to say is that you can and should deny this application. You can and should for very good reasons. One is the difficulty of the intersections involved. The other is the poor level of service even after so called remediation has happened, assuming you can trust the remediation to happen. And the third thing is the cumulative impacts of which I just mentioned too but there could be others along the way. What we would like to see, what I think is appropriate to see, and I'll also say this is that we're on Parkway Drive, myself and my neighbors and we obviously have a parochial interest in what's going on at our doorstep but I also think too we do stand in for the people in Cortlandt and people elsewhere in Northern Westchester who use Route 6 daily on a weekly basis. We're going to have to suffer the consequences of a poorly chosen site with a high volume application in the works. We would look for you to make a denial, to do a denial and that I would assure you that if you do that some time in the future, in the maybe not too distant future, you're going to get another application from another applicant who's going to provide a low impact application for that site which is what we've seen and it's appropriate to it. Thank you again.

Mr. Lino Sciarretta stated good evening Madame Chair, members of the board, town staff, my name is Lino Sciarretta partner with the law firm of Montalbano, Conklin & Frank here on behalf of Sergio Fornelos and his family who reside at 12 Parkway Drive. Just a couple of things, tonight I do have Mr. Fornelos here who will speak. We also have Mr. Steve Maffia who's here from Ferrandino & Associates regarding the report we submitted. And just to comment about that and to echo what Mr. Sloan said, we take exception to what was said by the applicant. The last month's meeting, just for the record, we look at these plans as well, two days before the meeting in the afternoon of the 8th of October is when they submit their plans on line leaving the public to scramble to look at this stuff and have us prepare for the next meeting. In addition to the letter that was submitted tonight we heard the other day from DOT which again, we don't have a copy of so I take exception to that whole comment about consultant by ambush, whatever the applicant said. Again, we react to what has been submitted and to that end we did retain a consultant to look at the traffic. We retained Ferrandino & Associates for Mr. Fornelos. We looked at this and quite frankly, the last meeting, the traffic report we heard was going to be updated. I believe the applicant stood up here saying: "well we need some empirical data. There's been none presented by the neighbors." We're doing that. We're presenting the data to an ever shifting application. Yes, this application has been here but it changes. We've had different plans, different traffic, different patterns, different lanes. This keeps evolving as it keeps evolving, we need to keep up in order to take a look at this, analyze it and assess it. Now understand AKRF is not here tonight. I understand that they are looking at the revised traffic study that I understand was submitted by the applicant on the 24th of October. We would ask that our consultant be allowed to look at that as well so we can comment on the AKRF study as well in response to the Gas-Land study for the next meeting. This by no means, this whole process should not be closed

this evening. It should be continued because we do have other things to look at, we do have a consultant that needs to look at this project and the traffic because that is the big issue. It's all about the traffic here and I have Mr. Maffia here from Ferrandino & Associates to talk about that in just a couple of minutes. With respect to this DOT plan, again, we got the letter and your staff has been great in getting us letters and correspondence and information whenever we ask of it so I want to say thank you to your staff for getting us the comments as they come in. With respect to SEQRA, I still don't know – I know an EAF has been submitted but I understand parts II and III have not been submitted or have not been prepared yet, still waiting for that. My point is, there have been lots of discussions. You've heard it from the applicant, lots of discussion between DOT, the applicant, all of which the public, my client, are not privy to. So we come here, we hear about all these discussions, yet we're not privy to any of this. We can't comment on it. We have to comment on it here. To that end, what we're doing tonight is completely proper. We retained someone to look at this, to provide some empirical data and opinion with respect to the traffic. I heard a comment from Mr. Sloan about shoe horning this project into this site. That's what is happening here and I will remind your board, just because something is allowed in your code as-of-right, you can deny if it's a poor plan, if it just doesn't work. This case is on that. I know Mr. Steinmetz knows those cases. I was involved in one where a planning board did just that, denied an as-of-right application because it was shoe horning a project into a site and this, with all due respect to the applicant, this is a shoe horn of a project considering the traffic impacts that you have here. Without further ado I just want to bring up Mr. Steve Maffia to speak about his report and again, we think that this public hearing should be continued to the December meeting to give AKRF a chance to review our consultant report, the revised traffic report submitted by Gas-Land and to have the public comment on your consultant's report for the next meeting. So we ask that this matter be continued. We also agree with Mr. Sloan, and I know my client objects to this proposal. It should be denied regardless because it is a poor plan and a shoe horning a project. That being said, I want to bring up Mr. Maffia to talk about his report. Thank you.

Mr. Steve Maffia stated good evening members of the Planning Board, Madame Chairman. My name is Steve Maffia. I'm with Ferrandino & Associates. We're a planning and traffic consulting firm. Mr. Ferrandino would be here tonight but he had some recent surgery so he wasn't able to make it but we're here to talk about traffic basically which is my expertise. I've been involved in traffic and transportation engineering studies for over **35** years now and I'm a licensed professional engineer in New York State. I had an opportunity to look at the recent traffic information that was submitted by the applicant for this project and went through a rather long list of studies as Mr. Sciarretta had mentioned with back-and-forth between the applicant, the town, the state, the town's consultant and so on. Needless to say there's a significant amount of information that we had to kind of catch up on as we came into the process after the end of October. So our, and I believe the latest information from the applicant's traffic consultant was dated October 24th or 28th I'm not sure of the date. In any case, what we were asked to do was take a look at all of that information and to render our opinion and our expertise on what was studied, how it was studied, and how it relates to potential impacts on traffic conditions along Route 6 and at the interchange with the Bear

Mountain Parkway. And that includes access to the site and issues like safety along Route 6 in terms of the crash history and access as far as exiting the site, pedestrian movements near the site and so on. First thing we looked at was the scope of the project. We're not sure because there's an FEAF part I but nothing beyond that in terms of the SEQRA process that laid out what intersections the study should include, what time periods should be looked at, if there's any seasonal issues that should be developed, or whether or not the three intersections that were looked at were sufficient in terms of identifying what the true impacts would be of this project. After looking at that and seeing that there really was no scope of the project, we believe that there should be a scope and that that scope should be something that would be available to the public to review and should not be allowed until the Planning Board has explicit input and approval on what that scope is. We believe that scope could and probably should include additional intersections to the west of the site including Conklin Avenue, the intersection at Conklin Avenue and the intersection at the ShopRite driveway both of which are signalized. And the studies talk about traffic signal coordination from areas east of the site all the way up to the Bear Mountain Parkway and there are additional intersections that are close to this location that could or should be included in that coordinated system instead of abruptly stopping it at the interchange continuing it to the next relatively closely spaced intersections. We believe that's appropriate because if the state truly wants to have an effective adaptive traffic control system, which is what they call it, that may well include the additional intersections to the west of the site. As far as the FEAF is concerned, we believe at this point that there are no part II and part III submissions of the FEAF. We certainly believe that that should be done and made available to the public for our review in the process of the completion of the SEQRA process. We also looked at the traffic volumes and the counts that were done. We understand from looking at the available data as well as the data that was produced in the Maser studies that Route 6 and the Bear Mountain Parkway are among, if not the highest volume arterials in Westchester County. We looked at the numbers and saw that there are nearly **23,000** vehicles per day on Route 6, traveling both directions on Route 6 at the location of the site, and approximately **18,000** vehicles per day in both directions on the Bear Mountain Parkway. So essentially in that interchange on a daily basis we're looking at nearly or just over **40,000** vehicles per day. That significant volume of traffic on two intersecting roadways with an interchange that at best is difficult to navigate. It's been our experience over the past **30** some odd years that I've been doing this that when arterials get congested, there are two unwanted consequences. First, is that people driving on the arterials, when they get overcrowded, decide that they're just going to avoid it and find an alternate route. And if the difficulties with traveling on Route 6 continue to grow as traffic from developments like Gas-Land is proposing, continue to push up the volume and decrease the effectiveness of the roadway to handle that volume, drivers are going to seek alternate bypass routes. Some of the time that's going to happen on local streets through adjacent residential neighborhoods. The second unwanted consequence of this is that drivers tend to get more aggressive as they try to deal with additional delays. And what's going to happen is they're going to accept shorter gaps to turn onto traffic from side roads that are controlled by a stop sign, like Parkway Drive. And like, in particular, the westbound off ramp from the Bear Mountain Parkway opposite the Sinclair driveway station, which is a gas station which is controlled by stop signs. That location is shown in the Maser report and in all of the studies that

we've looked at operates on those side streets at a level of service F with significant delay times. It's also an intersection that has exhibited the highest of the three intersections that they looked at, the highest safety or the poorest safety record over the last three years exhibiting more than twice the accident rate or the crash history rate at similar intersections throughout the state. The state keeps records of accidents on the statewide system throughout the state. They know that the rate, number of accidents per million vehicles entering an intersection, there's a certain number based on the record throughout the state. This location, Bear Mountain Parkway West, across from the Sinclair station and Route 6 is more than twice, more than double the accident rate at similar intersections across the state. We think that that's a significant problem not only from a capacity standpoint or a level of service standpoint but from the safety standpoint as well. The Maser study indicates that signalizing that location would be an effective way to address the capacity situation, level of service situation, and also be effective in addressing the types of accidents that occur there which when we looked at it more closely noted that yes a traffic signal would address some of the accident or types of accidents that have occurred there. Those types of accidents are right angle accidents and left turn accidents and you can see how that would happen when somebody, out of frustration, darts out of the ramp from the stop sign because there's just so much traffic on Route 6 and ends up being t-boned or caught in, a what we call a right angle accident. I'm probably not telling you anything you don't already know about. The fact that there was a fatality at one of the intersections we're not sure but within that Bear Mountain Parkway interchange last year. We urge that these additional intersections, and particularly the Route 6 at the Bear Mountain Parkway westbound ramp, be further analyzed in terms of the addition of that intersection in the state's coordinated signal system but beyond that, to get a commitment and a time table as to when that improvement would be done. That was left, I think, up in the air in the applicant's studies saying that they believe that maybe that intersection would be addressed in terms of improvements under the improvement schedule for Cortlandt Crossing development farther east on Route 6, but there's no commitment and there's no time table as to when that would happen. So we believe that with the uncertainty at that intersection that it would be – and we urge the board to not move ahead with consideration of this application without knowing who is going to install that traffic signal and when it's going to get installed relative to when other things are happening in the area. In terms of future traffic additions, we note that the applicant did include other developments in the area in the background growth but that the levels of service, certainly at the intersection of the westbound off ramp from the parkway continues to degrade with additional traffic. This, we see as further evidence that the unacceptable delays and safety conditions at that location, should be a priority with the Planning Board with a solution in place before any new development is considered. As far as access is concerned, closing the access to Parkway Drive made sense but we believe that the access itself, the driveway to Route 6 which has a rather short throat or area from the island where the pumps are out to Route 6 is potentially problematic in that as cars leave the site, they're going to stack up back into the site. As they stack up, that's going to have an impact on the circulation within the site and eventually traffic's not going to be able to move around the site too well. Some of it may end up backing out onto Route 6 and that's a situation that we certainly would want to avoid. Again, we just became aware tonight, actually five minutes ago, that the state

has issued an additional comment letter regarding this. We would certainly request that we have time to look at that, and to review it, and respond to it as well. Our recommendation is basically that if any consideration is given for this proposed development it must be preceded by the following actions. Again, there must be a commitment and a timeline for the installation of a coordinated signal at Route 6 and the westbound parkway off ramp. That was first, second, additional intersections to the west of Parkway Drive should be added to the analysis and possibly in review of that added to the coordinated signal system. Third, they should address the potential for internal queuing within the site and impacts on circulation on the site and how that may affect negatively affect traffic on Route 6. And last, they did mention a pedestrian crossing but there wasn't much in terms of pedestrian numbers as far as how many pedestrians are out there on Route 6, how many may be crossing Route 6 at the site. We note that there's only one sidewalk in that area, it's on the north side of Route 6 so anybody coming from the west would have to cross Route 6 at the traffic light at the eastbound ramp and although it's shown on the Chazen drawing, we're not sure if the hardware that would be necessary, pedestrian signals, push buttons and so on are included in the design. I have additional copies of our memo if the board would like them or if they already have them, I believe maybe they've been passed out, but would be happy to answer any questions or give any other information that you think I could help you with. And I thank you for your time.

Mr. Robert Foley asked may I ask the gentleman while he's there one quick question?

Ms. Loretta Taylor responded okay, please.

Mr. Robert Foley asked sir, when you said the highest on an arterial road in the county, you mean in the whole Westchester County?

Mr. Steve Maffia responded I looked at the New York State DOT's traffic data viewer and looked at a sample of arterial roadways like Route 6 and the parkway throughout the county, roadways like Boston Post Road and U.S. 1, Route 202/35 up in the northern part of the county. Route 6 in this section and the Bear Mountain Parkway is right up there at the top of the list in terms of total daily traffic volume on average.

Mr. Robert Foley asked second part, you also said, in reference to the Sinclair, the old Getty gas station on the other side, on the eastbound side of the overpass, that's a level 8, and that is also way up there in the whole state? Is that what you meant?

Mr. Steve Maffia responded not the off ramp, the parkway itself...

Mr. Robert Foley asked no, the intersection – 6 and the end of Bear Mountain Parkway?

Mr. Steve Maffia responded basically what I'm saying is if you add the volume on Route 6 and the volume on the Bear Mountain Parkway, that interchange area, those two arterials combined give you about over **40,000** vehicles per day. So that's just the traffic in the area that's passing by either on the parkway or on Route 6. And of course

obviously some of it is exiting and entering the parkway from the ramps to and from Route 6 and the parkway.

Mr. Robert Foley stated you answered my other question in your recommendations about the queuing internally. I wondered about that too when you look at the shortness where the pumps are to the road. So I thank you.

Ms. Loretta Taylor asked would you come on up please? State your name and your residence, your address.

Mr. Sergio Fornelos responded good evening. My name is Sergio Fornelos and I reside at 12 Parkway Drive, behind the new proposed gas station location. I want to go on record by saying that I oppose the gas station. I oppose anything operating **24** hours a day, **7** days a week. I bought my house over **10** years ago because of the school district and the quiet setting. We chose to invest to raise a family there. We have a six-year-old son and a ten-year-old daughter who constantly play with other kids on Parkway Drive. They ride their bikes on the street like many of us did when growing up. They run across the street to play with others where the neighbors are keeping a watchful eye. Putting a gas station beyond my house devastates the quality of the life of my children as well as others that play together on Parkway Drive. We have to deal with strangers and traffic regardless of Parkway Drive use or not, people will still turn on our road. Please keep our children in your thoughts as I continue. I can't believe the Town of Cortlandt would even entertain the thought on so many different levels. It would diminish property value. I bought my house as an investment. On the report put out by hously.com, a gas station comes in at the second industry to diminish property value. Gentleman's clubs come in at number four. I mean it's true. It's a horrible stretch of road regarding traffic, accidents and deaths, adding a busy gas station will not help improve the flow of traffic no matter what modifications are done. No matter what anyone does, gas is always spilled, hence contamination. Long term impacts on health and seeing repeated exposures is cancer-causing. Escaped vapors impact indoor air quality in neighboring homes. The Mobile on the corner of Route 6 has someone picking through garbage and living behind in a tent. The BP up the road has a homeless guy that bothers people that enter and leave convenience stores. There's rodents. There's garbage. Gas stations nearby have had plenty of criminal activity and robberies. Research suggests that housing should be placed at a minimum of **50** meters from a gas station. This gas station's a lot closer. Tankers, as per Gas-Land's plans, crosses onto oncoming traffic to maneuver into the gas station. There are also a lot of rumors going around about neighbors and town officials being paid off and lack of resident interest. I just want to be the first to say that I don't believe any of this is true. Just the fact of June 2nd Town had a public meeting on site where all of us had the opportunity and the right to attend. Not only did the town officials deny all **25** of us from attending, Gas-Land trespasses from the property on the same day. I now stand here before the town and ask: Was that right? How many of you live behind a gas station? How many of you have a gas station in your neighborhood and how many of you have children? On the off chance that this gas station is approved, I would like to go on record that there's no fence tall enough that will buffer light, noise, sight from my property. I strongly advise that they include the residents that live behind the property

and make the provisions to eliminate light pollution at all hours, sound pollution at all hours, eliminate smells and gas garbage, crime, and foremost eliminate the use of a **24** hour convenience store and gas station. I would like to ask that spotlights installed behind the building facing the gas station not my residence. I would also like to see a fence that is pleasing in sight but blocks sight of any of the gas station along with the shrubs and blocks sound. I propose the fence is only sectional and does not connect to the left or right side of the fence along the property allowing access from the gas station to my residence. I had the belief when I moved here from Ossining to a beautiful and quaint town of Cortlandt Manor that it would never turn into a place like Yonkers or the City of Peekskill. I would hope that the elected town officials would help preserve the quality of life that we all have invested here for our children. I appreciate your time. Thank you.

Mr. Robert Foley asked are you directly behind the property that's there now on the flat part of Parkway?

Mr. Sergio Fornelos responded yes I am sir. I am the red house directly behind what is now called Quality Towing.

Mr. Robert Foley stated it's not shown on there but I think I know where you're talking about.

Mr. Sergio Fornelos stated thank you.

Ms. Loretta Taylor asked is there anyone else who wishes to speak? Come up.

Mr. Robert Foley stated I live near a gas station within a block and I experience in the winter when there's no tree cover, the light refractions even though it's like half a mile away.

Mr. Michael Galasso stated hi good evening. My name is Michael Galasso. I reside at **27** years at **28** Parkway Drive with my wife and our two sons. When my wife and I decided to buy our house we had a few concerns. Was there too much noise from the Bear Mountain Parkway? Was Route 6 too commercialized, which was under construction at the time? What we did like was that we had two home centers and three grocery stores within walking distance. As first-time home owners with no children our concerns was how safe is our block and how good are our schools? Our neighbor assured us that it was fine and that we purchased the home. Not thrilled with having an oil company at the entrance of our block. It was never an issue. Here are my concerns and objections about having another gas station. On February 15th, 2017 at a Mobile station on Route 6 and Locust – excuse me, I had an operation on my nose and it's hard to talk, there was attempted robbery. On, I believe was Mother's Day, years back, a convenience store gas station now another Mobile station at the beginning of Bear Mountain Parkway in the middle of the night, a clerk was shot, injured and a man I said "good morning" to every morning was shot and killed execution style. A couple of months ago there was another armed robbery at the old BP station across from Mobile on Route 6 and Locust. In an article I read dated January 24th, 2019 there was over **32,000** robberies a year in gas

stations and nearly **11,000** of those were robbed multiple times. Is this what we need on our block, a killing waiting to happen? Only this one has an easy getaway; the parkway or hiding behind our house in the woods. In closing, I would like to add, although the town tends to ask businesses to prior to building to present environmental and traffic studies they never seem to matter. Try going up the hill on Route 6 to Lexington Avenue in the morning. The corner between exit off the Bear Mountain Parkway westbound and the entrance to eastbound has been a site to many accidents including one last week, one my wife and kids were rear ended a few years ago and I was rear ended a month ago on the entrance ramp to the Bear Mountain Parkway. There's just proof that there is accidents and a fatal accident on Route 6 a few months back. Gas-Land will spin the traffic studies to make them look like they're improving the road, but to tell the residents that are dealing with the delays and accidents almost every week. I realize that you can't stop the gas station from fair competition but if there is safety issues, and most of all traffic – I do remember a long term proposal to redo the Bear Mountain entrance and exit ramps but many other projects that the state is supposed to do always funding seems to be re-appropriated and the project gets postponed indefinitely. Maybe if they completed the project, the traffic for the gas station would not be an issue but until then, the narrow overpass bridge and how close the bridge is to the site is a major issue. Please consider our concerns before you make any decisions. Thank you.

Ms. Loretta Taylor asked is there anyone else?

Mr. David Steinmetz stated just very briefly Madame Chair, just responding to a couple of things we heard. The neighbors asked us to eliminate the use of Parkway Drive and our client explored it, investigated it, conferred with AKRF, and did it. The neighbors, at the last meeting asked us to explore a third lane off of the Bear Mountain Parkway. Our team explored it, analyzed it with the DOT, AKRF reviewed it. We did it. As far as the scope of study that Mr. Ferandino's office has raised, the scope of the study is Dr. Grealy is about to explain was devised by the town's traffic consultant. As you all know, Cortlandt does things a little differently than many of the municipalities. You have your traffic consultant very actively involved in the analysis and not just simply conducting peer review of others. And it's interesting, Steve knows better, Steve knows that everything that he talked about tonight are pre-existing conditions. So the **40,000** some odd vehicles in that vicinity of that area, that's pre-existing condition. The two times the area average for accidents, it's a pre-existing condition. This site, whether it has the oil company, the auto body or anything else that's currently lawfully permitted to operate on this site is coming into a community that has a pre-existing condition. The good news for someone like Steve, is that he now gets to review what AKRF, the DOT and Maser Consulting have all done together to try to help your community. We come forward with this application to expand Route 6, to improve Route 6, to add a third lane, to improve the Bear Mountain Parkway and to have a double left coming off of the Bear Mountain Parkway not for Gas-Land but for the existing condition. I'm delighted that Steve came this evening and reminded us of the difficulties that exist along the Route 6 corridor that we have to deal with for anything that's going to come into the site. Finally, in terms of our neighbor, for those of you who were out at the site inspection with us on that day, June 1st, June 2nd, it is, Mr. Foley as you indicated, the property immediately behind us

and we're pleased to hear the discussion about the possibility of some kind of fence. There are a number of things that you will recall, some of you pointed out when we did the site inspection. A quick review of a Google Earth image, there are three trailers, one boat and five vehicles on that property at least in the image that I have from Google Earth as well as when I conducted the site inspection with the board. There's no question we would like that fence to provide adequate screening between the two properties and if our neighbor would like the lighting, which they had specifically requested from our team, to focus on the building as opposed to out, there's no question that that would be appropriate and we're happy to do that. Lastly, in terms of nailing down a timing or a commitment on that additional traffic signal, as we've said all along, we're happy to discuss that with the board as well as with your professional staff and get further into that as the project proceeds. We had made that offer to proceed with that additional mitigation, again, a mitigation measure to address an existing condition. Dr. Grealy you want to just address a few things quickly?

Dr. Philip Grealy stated good evening, Philip Grealy. Just a couple of items. I won't take a lot of time. The signalization of the westbound off ramp and the Sinclair intersection, that was discussed at a meeting with DOT, with members of your staff, your traffic consultant and it was indicated to us that it was the responsibility of Cortlandt Crossing. But as Mr. Steinmetz said we're willing to offer that if the board wants us to take on an added responsibility or commitment, we will take care of that. The reason why it's not signalized now is because of the question of satisfying warrants and we were told at the meeting with DOT in the end of September, I think it was September 30th, if I'm not mistaken, that that was a requirement of the Cortlandt Crossing continuing monitoring. We will deal with that intersection just as we've dealt with every other question that's been raised. There's been, in the Ferandino letter which I just received tonight, it does a nice summary of all the different submissions and the back-and-forth but that is part of the process. And part of the process is we were trying to be responsive to the questions that were raised. There was an initial scope early on in the project. We were given a list of other developments not only in Cortlandt but in Yorktown, in Peekskill to include with the traffic study and that list was provided through discussions with your Planning Department and your traffic consultant. The Medical Oriented District, we included that in our study. Projects in Yorktown; there's a list of about a dozen projects that were included from Yorktown. There's several projects from Peekskill that the City of Peekskill gave us as projects that we needed to include, and of course several projects, including the re-occupancy of the former ShopRite store which is included in our traffic projections. And we included it at a full loading which nowadays a lot of the spaces that are going to be reoccupied actually have generators that are less traffic generating than they were before. We assume that it could be re-occupied by another supermarket, another retail use that's a high generating use. So those were all included in the traffic study. They're all spelled out in the discussion under the no-build conditions in the report. One thing relative to Mr. Maffia's comment about the **40,000** vehicles per day. It's nice to group all those numbers and make it sound really, really high but **18,000** of those vehicles are on the Bear Mountain Parkway. They're not getting off this roadway. I live near the Taconic State Parkway in Yorktown. That would mean that I would have to count the almost **60,000** vehicles a day on the Taconic. They're not getting off on my

street. They're not getting off on Route 132. They're not getting off on 202. In terms of some of the other comments, at the last meeting there were concerns about the improvements that we were making and at the eastbound off ramp it was brought up that now people that would be getting off of the ramp making a right turn heading towards Peekskill or going to Parkway Drive would be impeded. So we looked at that further and the applicant has agreed to add in a third lane widening to reduce the queue off the ramp and to accommodate those vehicles. Added cost to the applicant but he's willing to make those improvements. And that's what the last correspondence from New York State DOT was referencing. There were no other meetings. There was an initial meeting with DOT when this applicant first looked at the property and what things that they would have to deal with in terms of traffic and access. There was a meeting that your consultants attended. Other than that, there haven't been any other meetings because we've told the town that we've agreed that if there would be any other meetings, town representatives would be there at the meetings. I just wanted to make that clear there's no other meetings that have gone on. There's been correspondence because we were responding to questions and/or comments and to make sure that if we agreed to do the third lane coming off the parkway that the DOT would be in agreement with them because since it's their road and it's their permits. In terms of the accidents, we looked at the accidents in full detail, including the fatality. We made recommendations in the interim at the westbound off ramp to help that situation but again, if there is a determination that the signal will participate in that or pick up the cost if Cortlandt Crossing doesn't finish what they're doing. I think those were kind of the main items that I just wanted to clarify, but the reason for some of the back-and-forth, because we've been trying to be responsive to the concerns. That's why we eliminated the Parkway Drive access. That's why we're doing the widening along Route 6. That's why we added the extra lane coming off the parkway. That's why we're adding – there's not a lot of pedestrian traffic there today based on current conditions, but any project that's now done with New York State DOT has to provide pedestrian access, ADA ramps which are all part of our proposal, including pedestrian push buttons, etc. So even if the demand isn't there constantly, where it might be in some other more developed areas, it's being provided to accommodate both pedestrians and vehicles. I think that's pretty much the synopsis. We've tried to be responsive to the comments that have come up from the public. Thank you.

Mr. Robert Foley asked while you're still up there, if I may? I appreciate Dr. Grealy what you have done, your efforts, Mr. Steinmetz too, especially about the turn lane, the long turn lane, possible long turn lane coming off the Bear Mountain Parkway to make a right. So I appreciate it. I still have two questions while you're standing there, and one I've had all along. The backup queuing in the left turn lane on Route 6 heading westbound, the ones that would be turning into the gas station. Your report, I think says, that the length of cars, I think you said vehicles queued up is four to five. Is that just individual cars or would it include – and is four to five a low number?

Dr. Philip Grealy responded that's the maximum queue, and again, that's assuming all this other traffic that's been added onto the network is all new traffic. And the other thing that – just to point out, on a facility like this, the majority of these trips are being attracted from the traffic stream. It's not like it's a totally new destination where people are

coming from far reaches to come here. It's feeding off the existing traffic volumes and that's part of the reason why the area that we're studying is not all the way over to, let's say Lexington Avenue, which you might if it was more of a regional draw in terms of traffic flow. The answer to your question is, I think it's very conservative in terms of being overly conservative, but that's the projected queue.

Mr. Robert Foley asked second question which is easier. It's technical and since you first brought it up the last few meetings and I think our consultant, who's not here, addressed it. I'm curious. The ATSCs, I understand about the ones that are on the ground level by coming off the Bear Mountain Parkway, the ones on Route 6. Are they those little square white things that mounted on the arms next to the traffic light?

Dr. Philip Grealy responded there's multiple parts of the adaptive traffic control system. One is the communications between other signals. What you have on the mast arms that you're seeing are communicators and the actual, what we refer to as hockey pucks nowadays, are placed in each lane of the intersection. That's what records the vehicles and the queues. I forget how many pucks we were up to on this intersection but it's about three per lane, every lane that's at the intersection.

Mr. Robert Foley asked but is anything to do with the adaptive traffic controls, is any of that stuff mounted where the traffic light is, up in the air?

Dr. Philip Grealy responded yes, some of the communications equipment is tied into it.

Mr. Robert Foley asked when those little white squares are blowing in the wind, like they were a few days ago on Route 6 and Westbrook, flapping, does that disrupt...

Dr. Philip Grealy responded it doesn't affect it, no.

Mr. Robert Foley stated just curious. Thank you.

Dr. Philip Grealy stated thank you.

Mr. George Kimmerling asked just one other question. Some of the folks raised the question of the queuing on site as people try to go in and out, if you have any views on that topic.

Dr. Philip Grealy responded in terms of the positioning of the pumps and the maneuvering area, we looked at the turning areas, the stacking areas. We do have also queuing on the site in terms picking up vehicle queues. So that's part of what will be the adaptive system, but we can provide some more information on it. But we've looked at the queues on every approach and the design here is to accommodate so that we don't have backups onto Route 6, because that's the last thing that we want and it's the last thing that the state wants, and it's the last thing that the town wants.

Mr. George Kimmerling stated thanks.

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

Mr. Thomas Bianchi stated just a comment. I know there's going to be a lot more discussion between staff and the applicant on this but I just want to make sure that the memo that was issued by Mr. Maffia be, although Dr. Grealy addressed the comments, I'd like to see it in paper in terms of a response on the four items that were itemized as recommendations.

Mr. David Steinmetz responded we're happy to do that.

Mr. Thomas Bianchi asked and then have that of course reviewed by our own traffic consultant.

Mr. Michael Preziosi stated I just want to also state, as with any other application that the town approves vis-à-vis the Planning Board, the Town Board or just staff as part of administrative permits, any improvements that are required necessary for a project to get approvals would be required to be constructed prior to the issuance of a certificate of occupancy. So if this gas station were to get approvals, all the off-site improvements related to the traffic improvements would need to be done before the gas station opens.

Mr. Thomas Bianchi asked done and CO'ed before the gas station opens.

Mr. David Steinmetz stated Madame Chair, although we're quite well aware that AKRF is not here and Marissa could not be here, we see, the applicant sees no reason why your board could not close the oral portion of the public hearing, allowing the public and anyone else to provide any further written comment and clearly there'll be continued review as there will undoubtedly be in any application with your professional staff as well as your outside consultants. My client has requested that your board consider closing simply the verbal portion of the public hearing. We would be back next month to publicly discuss with your board as well as with Marissa and any other consultants, any other open issues that need to be discussed and deliberated by your board.

Mr. Chris Kehoe stated I think we recommend keeping it open.

Members responded I would agree.

Mr. Thomas Bianchi stated there's still some discussion, especially since this report just came out today.

Mr. Chris Kehoe stated but with respect to that, I'm already anticipating what's going to happen next month, is Marissa has to respond back to Maser which we're waiting for. Maser's going to respond to the Ferrandino letter. Ferrandino's going to respond to Maser. A lot of stuff happened tonight. I was giving a lot of stuff in. it's really the board's prerogative but we really have to set a deadline that everyone adheres to because to get information from anybody, residents, applicants, anybody the night of the meeting

just pretty much requires you to adjourn the hearing another month and it'll never end. We need -- the deadline for the December 3rd meeting is November 20th. That's the deadline for me to accept new applications. We can go a little later than that with additional information on pending applications but if we could get everything -- but when I say everything, that means I get it early enough so I can send it around so if anyone wants to comment, maybe by November 23rd or 24th, whatever that Tuesday is before Thanksgiving.

Mr. David Steinmetz stated we appreciate that. I think that's a terrific idea Chris and we appreciate the fact that if people are going to be actively engaged in the process, like the applicant, they should have some submission deadlines.

Ms. Loretta Taylor asked are we all in agreement with -- you said the 20th?

Mr. Chris Kehoe stated I just want to get some direction. If I receive information on December 2nd, I'm not providing it to the board. It'll be too late.

Mr. Michael Preziosi stated I would recommend you hold the 20th, which is the standard submission deadline. So November 20th would be the latest any document can be received.

Mr. David Steinmetz asked when is the work session?

Mr. Chris Kehoe responded the same night as the meeting. December 3rd.

Mr. David Steinmetz stated we will abide by the 20th, or whatever other date you ask us.

Mr. Chris Kehoe stated but what I'm saying is if I get something from you on the 20th, I'm going to be sending it around and then there's going to be people commenting on it on December 1st or December 2nd. So I need it earlier than that if at all possible.

Ms. Loretta Taylor stated I see what you're saying.

Mr. David Steinmetz that the applicant will have what Mr. Bianchi requested in terms of a written response on the 15th. To the best of our knowledge, we have provided the town and AKRF with everything else that Maser was asked to provide in writing. The applicant's submission piece is done...

Mr. Chris Kehoe stated but we expect a comment memo from Marissa and she's been talking with Dr. Grealy. I don't know how complicated that will be but that's another thing.

Mr. David Steinmetz stated in a worst case scenario, we'll address for comments on December 2nd at the meeting and your board will make a determination at that point. At some point, the issue becomes not whether your consultant and our consultant have a continued opportunity to go back-and-forth, which happens on every application, the

question becomes: at what point need the public no longer have a due process right to comment. They've had three months and now it's going to be four and we understand what your board is doing and why but we're simply asking that we try to set up a paradigm that allows us to close the public hearing. What Chris is suggesting is a great idea.

Mr. Robert Foley asked and the December 3rd meeting, the work session's at six and the regular meeting at seven or whenever the work session ends. Just so the public knows.

Mr. David Steinmetz asked do we know when, Chris or Michael, when Marissa's comments will be ready...

Mr. Michael Preziosi responded they're almost wrapped up. She just needs a couple of days. I would say by the end of next week, her comments will be submitted and distributed.

Ms. Loretta Taylor stated I'm wondering though. Is this sufficient time? Even if she gets them in early for her...

Mr. Michael Preziosi stated we'll press Marissa to have her comments and I believe she'll have them before the end of this week but before next Friday which will give the applicant and the consultant, traffic expert, a week's time before the 20th to review the documents and to respond.

Ms. Loretta Taylor asked what about the residents in the area? All of this really does have to come together because ultimately there's an expectations and we are going to be reading all of this material just for this one application and this is not the only application that we have materials that have to be dealt with. It's important that we set enough time so that people can get all the stuff in, we can read it and then any commenting that has to be done will be done but I have a feeling that this is not going to work out between say I guess – from the 20th of this month to the 3rd of next month. Somehow it doesn't seem as though there's enough time for...

Mr. Chris Kehoe stated your packets are going to get delivered on the 22nd of November. My idea is that every piece of correspondence from our consultant, from the applicant, and from the neighborhood's consultant would be in that packet and then – but the only thing I'm concerned about is, when I get these things in I send them out and then that's going to cause another memo to be written about what I sent out. I don't know how you address it. It's just that we need everything by the 20th.

Mr. Michael Preziosi stated if I can make a recommendation or suggestion. We'll have our traffic consultant's memo by the 13th. We'll circulate it via email for the Planning Board and we will have no objection, if the board's okay with this, to forward to both the applicant and the resident's traffic expert so that they have a week between the 13th and the 20th to review everyone's memo. And then, as Chris said, all final comments from all parties involved will need to be submitted in writing to Chris by the 20th for distribution

to the Town Board and for posting on the town's website for public dissemination.

Mr. David Steinmetz stated appreciate that.

Mr. Jeff Rothfeder stated the goal is to close the public hearing at the next meeting.

Mr. Chris Kehoe stated well, you don't have to close the public hearing but what I'm trying to say is the goal is to avoid documents being handed to you the evening – including from our own consultants.

Mr. Jeff Rothfeder stated I understand we don't have to but I just think we're going around in circles, as you're describing it. We've heard from the public for three months. We sort of see where people stand. We've got to wrap up the traffic. That's the main thing. And when that's done, we've got to begin to move on.

Mr. Michael Preziosi stated but I think I would lay out a plan that would provide at least seven days of...

Mr. Jeff Rothfeder stated I think your plan is perfect. And then we've got everything by the next meeting and that becomes the goal.

Mr. David Steinmetz stated we will look forward to receipt of the materials on the 13th and looks like Mr. Sciarretta wants to keep it going so here we go.

Ms. Loretta Taylor stated before you begin...

Mr. Sciarretta stated I just had a quick question about the dates. Just so I understand and I'm clear, so the residents can understand. On the 13th we expect AKRF to do their report. You'll circulate that, and then both our consultant and their consultant Gas-Land, everything submitted on the 20th correct?

Mr. Michael Preziosi responded correct.

Mr. Chris Kehoe responded yes.

Mr. Sciarretta asked my last question, if Gas-Land's traffic consultant submits something on the 20th then now we need...

Mr. Chris Kehoe stated that's been my whole point that – what Michael is saying is we're going to have everything by the 13th which we will then send to everybody. You're going to have a chance to respond to Maser's report between the 13th and the 20th. So the deadline is actually the 13th and then the deadline for rebuttals and resubmissions it's the 20th.

Mr. Sciarretta stated so my date's the 20th but the applicant, they have to get it in by the 13th.

Mr. Chris Kehoe stated if they get something to me on the 13th and I send it to you on the 13th, the expectation, which I will, as soon as I get it I'll send it, the expectation is you will comment on that and have it to me by the 20th.

Mr. Sciarretta stated I'm hearing updates because I guess if AKRF is getting their report on the 13th.

Mr. David Steinmetz stated what Dr. Grealy is reminding us is if we're going to get Marissa's material, finally that we've been waiting for, on the 13th, we'd ask for two days subject to some ungodly expectation which she might be sending us if it's what we expect which is a reasonable report of a reasonable length – give us 48 hours to put our response in. That means our response would come in on the 15th and they would still have five days, including a full weekend to review it and respond in writing.

Mr. Michael Preziosi stated we're using the 13th as an example date. We anticipate Marissa's comment letter a lot sooner.

Mr. Sciarretta stated thank you. That was all.

Ms. Loretta Taylor stated Mr. Sloan.

Mr. Sloan stated I have the notion that somebody out here is waiting to do a lot line adjustment and I have to listen to this torture. From the neighbor's point-of-view, from our point-of-view, as a comment was mentioned before, the traffic study analysis has been a moving target. Over the last **10** minute discussion, as Mr. Kehoe well pointed out, it continues to be so and he's quite correct to say it would be nice to have all the comments done but as that is happening, it is still very much a moving target and we, the neighbors, really won't be apprised of what that insignificant back office cosmetics or something that would particularly affect us. Mr. Rothfeder was quite correct in his comment as well where he said "you're going around in circles". Yes, this is the third meeting. You may very well go to a fourth meeting on it. You have staff concerned about how to orchestrate three traffic consultants and an occasional DOT letter. That's because this project doesn't work where it is. There's too much traffic. Not one of the **40,000** or **20,000** daily rides is going to be reduced. Not one car is going to be reduced by any remediation that they do on Route 6. And if they have congestion within their site because they just drew up the site and said "we'll take a cursory look at the traffic management, the people coming in and out it blocks Route 6" then you're going to have a disaster. You're going to have a fiasco and that's what good planning is all about. You want to do good planning at this site. You don't want to see this go forward because of the traffic that it will generate and because of the particular unique property. So therefore, again, we regrettably but necessarily ask that the public hearing be adjourned so that we could lay to rest, finally, all of these reports are done and hope they are done in a very timely fashion this month. Thank you.

Mr. Jeff Rothfeder stated Madame Chair I move that we adjourn the public hearing to

next month and everybody knows the schedule. We adhere to that schedule.

Seconded with all in favor saying "aye".

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PUBLIC HEARING (NEW)

PB 2019-7 a. Application of Nabil Khoury for Amended Site Development Plan approval and a Wetland Permit for a proposed 35 ft. by 75 ft. 4 bay garage, a 480 sq. ft. building addition and additional parking for an approximately 1.835 acre of property located at 2311 Crompond Road as shown on a 4 page set of drawings entitled “Westchester Auto Exchange” prepared by Architectural Visions, PLLC latest revision dated September 25, 2019 (see prior PB 10-07)

Mr. Joel Greenberg stated good evening Madame Chair and members of the board. This is on, again, for a public hearing tonight. Just to very quickly review for the public that may not have been here at the last couple of meetings. As the Chairwoman presented, we’re proposing a four bay garage in addition to the existing office section of the property. Also, in addition to that, we’re going to be taking down the big canopy that’s there now when it was previously a gas station so that’s going to be gone. This project has evolved over the months and the most important thing is that we did have a site inspection several months ago and in response to that site inspection and the concerns of some of the board members, we have made tremendous addition to our landscaping. That whole area – originally we probably doubled the size of that landscaped area on that part and also down on the westerly side. We’ve also done that by changing the parking layout, changing the area for the customer parking, the staff parking, and for display parking. We’ve condensed that all so that we can have much more landscaping as – Chris, if you could just show the edge of the wetlands. That’s the edge of the wetlands so that the buffer between the landscape, excuse me, the edge of the wetlands and our parking lot has increased tremendously. I understand from Chris that Steve Coleman has been hired to look at the proposal and the plantings, and make recommendations. I don’t know if you have heard anything.

Mr. Chris Kehoe stated we don’t have his report back yet.

Mr. Joel Greenberg stated but that was the major thing. Again, this is a father and son business. They have one employee right now and they don’t anticipate any additional employees. But they do have expanded their business to provide more services for the customers who purchase cars from them so they can be properly serviced. Also, in addition to that, along Buttonwood Road, there’s additional landscape that we’ve added there that’s not there at the present time. Of course, all of the landscaping that is along Route 202 will remain and be maintained properly and the display cars, if you could just

show Chris along 202, that's where the display cars will be displayed or parked. Basically, we've tried to accommodate the comments from the site inspection, and from the consultants, and from the board members. We'll answer any questions from the board if they have any.

Ms. Loretta Taylor stated this is a public hearing. If there are any persons here who wish to comment regarding this application pro or con. Get up and identify yourself, and state your residence.

Mr. Paul Edwards stated hello Madame Chairwoman and Planning Board. My name is Paul Edwards. I'm at 62 Buttonwood Road. I'm directly behind the proposed building. First off, I want to say this is only because it's my home. They've been awesome neighbors. When we came in they took over the vacant spot. I am a business owner. I have no problem with somebody trying to make a living, make a business. I just want to make sure they know that because we've been back-and-forth for like **10, 15** years. The only issue I had, this one is a different than we saw previously. It looks better so I'm really going on what you, the board, comes up with about the wetland area because, like I said, my property is directly behind and we are full of water. So we're right below the aqueduct. I did, personally, did work on my home that I had to go through the Planning Board to get done which took a lot; made me move my hot tub three feet, but we got through, and I had to put in a drain. So that's literally filled with water all the time that comes through there. It never stops. It's always gurgling water through and it comes off of my property into that area that split us. I've had, on occasion, when we've had big storms, the water has come up from there up to my driveway where my children were like: "daddy is our house going to go under." That is my main concern, that if anything is taking away any of my wetlands that now the water has nowhere to go. My neighbor is right next to me where we literally have the same – and the area back there is wet all the time. There is a water run – it's always wet. The idea of it being an eyesore, I'm really not worried about because I believe they would do it esthetically pleasing. And I do have woods between the two of us so it's not somebody doing it in the fall that I would have direct lighting into it. I'm not really worried about traffic that much except for the more cars that come, it's a private road that comes down to my road. There's a circle that there tends to be a lot of cars. I don't know. It's not – if you look so where it is, that's Buttonwood Road, that road right there, I don't know if it goes back but my house is there. So that road is used a lot for deliveries and cars park that don't belong to the neighborhood. There's a circle that they circle around it to test out cars and it may not even be there. If you see that driveway, that's my house right there. That's my house right there. So the water has literally come from there up into that driveway, to the edge of that driveway. So I believe the only thing that protects it is the wetland area. This pulled back a lot more. Before, it was way over there so this is – yes, this is better. We haven't seen this plan I believe. Those are my main concerns and I think my neighbors had concerns. Where would all the water go that didn't go into the wetlands? That, the traffic, those are my big concerns.

Mr. Jeff Rothfeder stated the goal is to protect the wetlands for us too and it's a law as well.

Mr. Paul Edwards stated the property that's there, my property's there and I would love to put something there or take down a tree a couple of times or put up – and I've been told no.

Mr. Jeff Rothfeder stated we've made clear, as a board, that the buffer in the wetland is really important as well and that's part of the issue of this project which is why we are having the biodiversity consultant look at it and make certain recommendations as well.

Mr. Chris Kehoe stated there are two components of water. There's the wetland component which is the water sitting there which has wildlife and biodiversity and has importance because of that. And then there's also drainage issues which are better addressed by the engineer.

Mr. Michael Preziosi stated we are requiring the applicant to prepare what's called a storm water pollution prevention plan. So they will be accommodating increasing runoff associated with the addition in an extra impervious area. The applicant has also agreed to work cooperatively with the town and the East of Hudson Watershed Corporation to grant an easement for potential project to be funded by the East of Hudson to help with phosphorous reduction and also improve the water quality of the wetland and the stream that bypasses and flows under Buttonwood. That's a future project but they are looking at providing that easement and have agreed to work cooperatively with the town and the East of Hudson Corporation. The goal is no increase in runoff from this site. It will be contained on site and treated.

Ms. asked you have drainage plans, pipes?

Mr. Michael Preziosi responded yes, the applicant, their design professionals are working on that as part of the review and approval process.

Mr. Paul Edwards stated as a neighbor, I'm putting into your hands the idea of my property being safe because we just did a lot of property increasing our value. We put on a deck. We did a lot of work to it so I love my property value not to go down and I would love it not to flood.

Mr. Chris Kehoe stated the Planning Board is I think a little more concerned with respect to the impact of this project on the biodiversity and habitat of the wetland. I believe the improvements and what the applicant is proposing should do a pretty good job with respect to the drainage. I think that's been designed or is it in the process of being designed?

Mr. Michael Preziosi responded we have a preliminary plan that was submitted with these documents, with this application. It has to be refined but it's progressing to the point where the ultimate end game is that there is not going to be an increase in runoff leaving that site that would impact adjacent properties or downstream residences where the water drains to the east of Buttonwood.

Mr. Paul Edwards asked and so no removal of the wetland? So not going onto the wetlands?

Mr. Michael Preziosi responded right, restoration of the wetlands, buffer, what you see with all the trees and shrubs that are indicated on the plan within the wetland buffer. It's a mitigation to help keep water on site and infiltrate into the ground on site.

Mr. Robert Foley asked so if they continue to get, after, if this project is finalized, they continue to get flooding, would that be the cause of – does the so-called Crompond Creek go through there or is that further back? Parallel to 202?

Mr. Michael Preziosi responded no, there's a couple of different streams that converge on that property. One that drains from the north across 202 and then one that runs from the west heading along parallel with 202. It's a fairly large watershed.

Mr. Robert Foley asked does that affect what this gentleman's talking about?

Mr. Michael Preziosi responded it offloads through there and then it continues east and then drains ultimately to the Croton Reservoir.

Mr. Paul Edwards stated our property right there has the streams that he's talking about from the aqueduct that goes right into that but then flows all the way across the [indiscernible].

Mr. Robert Foley asked will this work from – the work you're talking about, is it the East Hudson, whatever, group mitigate this?

Mr. Michael Preziosi responded the East of Hudson Watershed Corporation programs is a water quality improvements to help the drinking water supply, to infiltrate and to protect that water supply. But it would also help with detention issues. The applicant's architect is working on site detention and water quality volume treatment as well.

Ms. Jo-Ellen Gorman stated I'm number 56 Buttonwood Road. My property also touches the back of their property. I just want to say, I really wish that the new rendering had been sent to us in advance so we could have studied it. I got the letter saying – because my property is adjacent to the work site about this meeting.

Mr. Chris Kehoe stated I know this doesn't help you now but the letter did say that you're more than welcome to contact the office and come in and look at the drawings, plus the drawings are on our website. So I apologize but all you had to do was send me an email or call me but we don't send the drawings out to everybody when we send the public hearing notice. That's to alert you that they're available.

Ms. Jo-Ellen Gorman stated I'm not just anybody. My property is next to theirs. We are the most affected by this.

Mr. Chris Kehoe stated we send a notice to everybody.

Ms. Jo-Ellen Gorman stated I spent thousands of dollars on French curtain drains, and all kinds of piping and everything else and I'm constantly with water in my yard. It's clay-based. The drainage is lousy and believe me, I maintain the stream that goes along, that feeds into that. I have it all mucked out every year with the leaves that are in it. I just don't want more water. And I thought wetlands is wetlands. Wetlands, you can't remove the tree. Wetlands you can't build on it.

Mr. Chris Kehoe stated you need a permit to build on it or to remove a tree and the applicant is requesting that the Planning Board grant a permit for that. It's not permitted as-of-right. You need a permit.

Ms. Jo-Ellen Gorman stated and with four bays, are they going to be spray painting cars and further polluting the water? What are they going to be doing with four bays?

Mr. Chris Kehoe responded the applicant has to answer that question.

Ms. Jo-Ellen Gorman stated it's a good question.

Ms. Loretta Taylor asked do you have an answer right now or do we have to wait?

Mr. Frederick Saks responded members of the board, how are you? I want to congratulate for the nice way the opposition behaved in front of the opposition. There's a lot of – my name is Frederick Saks. I live on Bryan Lane and Crompond. I've met the Khoury's five years ago when I went to buy a car and ever since that day we became friends. I've recommended people to buy cars from them. The Khoury family has a terrific reputation of being – selling good product, cars, at a reasonable price which is quite amazing today. They want to expand their business to be able to service and serve a more -- extend services to their clientele. They're hardworking people and they've built that business from scratch. I'm so proud of Cortlandt and the amount of industry that comes in, for instance: ShopRite, in Yorktown Heights we have Lowe's. We should give the little person, the father-and-son business the same opportunity to expand. Over the years, they've earned a good reputation as shown by their neighbors and I'm told that their engineer and your town engineer are going to mitigate the issue of the wetness. I appear here for the first time as a citizen of Cortlandt to make an appeal for their plan be approved. Thank you.

Ms. Loretta Taylor stated the question I believe was...

Mr. Chris Kehoe stated he's a neighbor. He can't answer that question. Joel has to answer that question.

Mr. Michael Preziosi stated Joel let him speak ahead of his response.

Ms. Loretta Taylor asked my question before you got up there, do you have an answer now? Thank you.

Mr. Joel Greenberg stated the old saying, who's on first. I appreciate the comments from the neighbors but I think both Mike and Chris mentioned their proposal will not increase the amount of water. The East Hudson project will actually divert the water to the drains that go into Buttonwood Road. As Chris can show, we have provided whatever easement the town wants so that they can come on the property to do their work and basically channel the water away. As Mike mentioned, there's a pipe under Route 202 that comes from the other side where a tremendous amount of water comes through. We're obviously not touching the wetlands. We're not doing anything to the wetlands. But as Mike also mentioned, we're also doing storm water pollution prevention plan which will keep all of our drainage within our site. It's not going off our site. It's not going onto the wetlands. The other concern was, as far as the bays were concerned, we're not providing a painting booth or anything like that to provide any chemicals or anything that would be harmful to the environment. It's just simply when a car comes in and somebody buys it, they may change the oil, and just do some minor checkup on the car but nothing major of any major consequences as far as auto body shop or anything like that. The most important thing is that East Hudson Authority will grant the easements that they want to provide the program that they want which will also enhance it and hopefully reduce the amount of water that would be going to the rear of Buttonwood Lane which is where you two folks live. Actually, I think in the final analysis, after all of this is done and we get the report from Mr. Coleman as far as the type of plantings and what we should be doing in that large planted area which is outside the wetlands, I think in the long run this property will be enhanced, will improve a business, and as this gentleman from Bryan Lane said, encourage small businesses to expand as much as they can but to provide as an environmentally safe project. I think that's what we're doing.

Mr. Thomas Bianchi stated the answer to the question.

Mr. Joel Greenberg responded what was the question?

Mr. Thomas Bianchi asked what are the sheds being used for? What is the building being used for, the four bays?

Mr. Joel Greenberg responded as I said, well obviously I think I had given you the Geomat specifications. I think I gave it to Mike. That will be an area where they can wash the cars inside. Right now they're doing it outside. Again, just minor preparation. If somebody buys a car, they check it out just to make sure everything is okay. There's no body work. There's no painting or anything of that nature.

Mr. Robert Foley asked no painting, no body work?

Mr. Joel Greenberg responded correct.

Mr. Michael Preziosi stated I believe your narrative indicated it was oil changes, and detailing of vehicles.

Mr. Joel Greenberg responded yes, just minor stuff like that, nothing that you would go into a major, let's say a car dealership where they do just about everything to a car. This is not the purpose of this.

Mr. George Kimmerling asked can you just clarify the status of this East of Hudson project? It may happen. It may not happen.

Mr. Michael Preziosi responded I'll clarify because the town is part of a conglomerate with most of the Northern Westchester communities to reduce pollutants of concern within the East of Hudson Watershed which in this area is phosphorous. This parcel, along with about **20%** of the town drains to the Croton Reservoir which is a drinking supply for New York City. We've met with their representatives. We've identified and they've concurred with this site potentially being a viable location for a storm water retrofit project. It has to be funded and it has to be designed and constructed but the applicant, at our request, and they've been working cooperatively with us, has agreed to provide an easement so in the event that the project is funded and progressed it would be able to be constructed onto the site. They do not have to do that. They volunteered at our request. They agreed and made the recommendation and the volunteering of the land to construct that. It's nothing set in stone but I think they've been working as a good neighbor, so-to-speak, in order to accommodate the town's request for a future project.

Mr. Chris Kehoe stated it's more of a regional solution. It's generalized phosphorous throughout the whole watershed and they're just looking for a parcel in the watershed to build this. I don't think it really impacts this site.

Mr. Michael Preziosi stated and the applicant's architect, Joel, has been working to accommodate and address on site runoff that's being created with the additional impervious as proposed as part of this project. They're going above and beyond by offering to grant the town and the East of Hudson an easement to construct any additional phosphorous reduction program project.

Mr. George Kimmerling asked right, but the merits or demerits of this proposal have really nothing to do with the East of Hudson project happening or not happening. It's just that they've done this nice thing. Thanks.

Mr. Joel Greenberg stated just to reiterate what Mike said, we're keeping all of our storm water within our site so it would not affect any of the neighbors or 202 or anything like that. We've tried to go above and beyond what would normally be done so that we can keep everything within our site.

Mr. Chris Kehoe stated I do think we probably should adjourn it because Coleman's report may suggest substantial landscape changes. I'm not saying he will but...

Mr. Steven Kessler stated Madame Chair I move that we adjourn this public hearing to our December 3rd meeting.

Seconded with all in favor saying "aye".

Mr. Joel Greenberg stated thank you very much. Happy turkey day!

Mr. Steven Kessler asked what about Veteran's Day? You forgot Veteran's Day.

Mr. Joel Greenberg stated oh, and happy Veteran's Day!. I got so mixed up with the election yesterday.

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OLD BUSINESS

PB 2019-5 a. Application of New York SMSA Limited Partnership, for the property of Bezo Enterprises, LLC for Site Development Plan approval and a Special Permit for a proposed public utility personal wireless facility (telecommunications tower) on a portion of a 6 acre parcel of property located at 52 Montrose Station Road as shown on an 11 page set of drawings entitled "Preliminary and Final Site Plans" prepared by Colleen Connolly, P.E. latest revision dated July 15, 2019.

Mr. Robert Foley stated I make a motion we refer this back.

Seconded with all in favor saying "aye".

PB 2017-25 b. Application of Lu-Lu Properties, NY for Site Development Plan approval for an office and parking lot for a livery cab service on an approximately 41,376 sq. ft. parcel of property located on the north side of Travis Avenue, west of Albany Post Road (Route 9A), as shown on a 4 page set of drawings entitled "Proposed Site Plan" prepared by John A. Lentini, R.A. latest revision dated October 23, 2019.

Mr. John Lentini stated good evening Madame Chairwoman and members of the board. Chris put a picture up that pretty much tells the story of where we're at. We came in with initially 30 spaces and one building that was a two-story colonial with a false cellar. We are now at 20 spaces with a raised ranch which is just two stories. We have put the septic system in the back. We've discussed the legality of that and the suitability of it. We did field testing. Fortunately, it would leave the back pretty much untouched, that the neighbors that all touch the back of this property that wasn't shown on the map but

shown on this drawing. It's north of the CC. We'll have a minor grading to be able to get the septic system in but otherwise it will be grassed and planted to the extent we're permitted to so that would have little impact on the neighbors. Below that, the surface we're creating obviously is a storm water runoff concern and we're aware of a storm water problem in this area. There's been flooding at the corner. We discovered we have a high water table. The back of the lot is a few feet higher than the front but the front of the lot we have water that is close to two feet to the surface. We're going to dig a pit for examination closer to the street that we hadn't done before. But, I've been involved with other houses there and I've heard testimony, people talking and that there's been a couple of floods that take over Kings Ferry Road up to the site. I don't believe our site had caused it and obviously we don't want to contribute to it. We haven't completed all of these details and one of the things we discussed, and I didn't include, is an entry from Albany Post Road so pedestrians could walk right up to the building. Say somebody wants to grab a cab, they could walk right up to the building and the dispatcher would then allow them to call a cab and chances are there wouldn't be a cab sitting there waiting for them, but they would get a cab over. Between some of those trees, there would be a gate and an entrance, and a walkway, a protected walkway to the building. What isn't shown on this I did after, I believe it's on my plans though, in very particular corners, the front right corner and the rear left and the front left we're going to try to incorporate water quality basins which are these sumps that have a drain high up in the basin. The water wouldn't necessarily go into the drain until the water reached that height. Most storms won't fill these things up and under an average rainfall we wouldn't have any of our water leave our site. We're also going to put infiltrators – assuming we can get over the water table because that was a concern, that we have to separate our storm water from the water table as the storm water pollution prevention plan. But, we have flexibility that we could raise the parking lot a little bit and we would retain water, I won't stain detain but retain water throughout the parking lot. I don't believe we can count on the storm drain there for a storm incident because if we had a storm incident where our system would be inundated or up to capacity, chances are the storm drain will also be. So we can't count on that going into the storm drain. But I believe we have enough area where we can accommodate around a large storm, larger than what we've talked about two or three inches. I had already designed for a six inch storm which is, by some areas, a hundred years. The septic system, incidentally, we're designing for a four bedroom house. It's been brought up about what would happen with this property, even the owner had suggested if he had to move, got bigger even or had to go somewhere else that at least we'd have a septic approval that would be a four bedroom house which would handle **40** employees or more. A four bedroom house is, I think we're still using **200** gallons a bedroom so it's **800** gallons. And by the county's rules, every employee would be **15** gallons per employee and I'm counting all the people out on the road. A lot of them come to the shop in the morning and flush the toilet but there's no bathing facilities. There's no real other water usage except for several full time employees. Under the worst conditions I'm certain we can get a septic system in. It was already deemed acceptable by another engineer who's report encouraged Mr. Toohey to buy the property. We've always believed that we could get a septic system in. Otherwise, we're ready to plant to the town's satisfaction and we know that they've already put a sidewalk. We moved our fence back away from the sidewalk to the south of the site on Travis. We're giving up

about three to six feet of property but when we get to the other end, we're giving up considerably more. We're giving up **10 or 12** feet of green just so that we can plant beyond the sidewalk. Any other issues that come up – with lighting I – right now I'm only proposing lighting on the building that would be faced into the parking lot. It would be motion activated. It wouldn't be necessarily – I don't think we need a post. It's up to the town if they think we need lamp posts. Not looking to put lamp posts in. If you want lamp posts on the sidewalk, we'll add lamp posts on sidewalks. I saw the lamp post on the corner of Westbrook Drive and Route 6, those are the ones you want to emulate?

Mr. Michael Preziosi responded those are the ones. I owe you the standard detail for the town. I apologize for not getting you that to you already.

Mr. John Lentini stated I took pictures. I went out there. They're not so good because it was dark.

Mr. Michael Preziosi stated what Mr. Lentini is referring to is a decorative streetscape luminaries that we're going to be installing along Route 9A from Kings Ferry to Travis Avenue. They'll be extending with a couple along the frontage of this proposed project.

Mr. John Lentini stated we'd like to be able to schedule a public hearing to get all the other – we know that there's certain concerns. The public has written letters before. It's been a while. We filed this a couple of years ago. We'd like to get everybody back involved who has anything to say.

Mr. George Kimmerling stated Madame Chair I move that we schedule a public hearing for the December 3rd meeting.

Seconded with all in favor saying "aye".

Mr. John Lentini stated thank you very much.

Ms. Loretta Taylor stated you're welcome.

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ADJOURNMENT

Mr. George Kimmerling stated it's 9:23 we are adjourned.

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Next Meeting: WEDNESDAY, DECEMBER 3, 2019

